

ITEM NO.108

COURT NO.6

SECTION IVA

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 5211 OF 2004

BHAGWANDAS(D) BY LRS.& ORS.

Appellant (s)

VERSUS

B. DAMODAR(D) BY LRS. & ANR.

Respondent(s)

(With prayer for interim relief and office report )

Date: 28/09/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr. S.N. Bhat,Adv.

For Respondent(s) Mr. E.C. Vidya Sagar,Adv.

Mr. Sanjay R. Hegde ,Adv(Not present)

UPON hearing counsel the Court made the following  
O R D E R

The Appeal is allowed in terms of the signed order.  
No costs.

(Parveen Kr. Chawla)  
Court Master

(Indu Satiya)  
Court Master

[signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5211 OF 2004

Bhagwandas (D) By Lrs. & Others

..Appellants

versus

B.Damodar (D) By Lrs. & Another

..Respondents

O R D E R

Heard learned counsel for the parties.

This Appeal has been filed against the impugned judgment and order dated 03rd April, 2003 of the High Court of Karnataka at Bangalore in L.R.R.P. No. 2136 of 1990.

The facts have been set out in the impugned judgment

and hence we are not repeating the same here.

Both, the Land Tribunal and the Land Reforms Appellate Tribunal held that the land in question is non-agricultural. This finding is a finding of fact and the High Court has erred in law in reversing the finding of fact.

Accordingly, we allow this appeal, set aside the impugned judgment of the High Court and restore that of the Land Reforms Appellate Tribunal. No costs.

.....J.  
[MARKANDEY KATJU]

New Delhi;  
September 28, 2010

.....J.  
[T.S. THAKUR]