

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

Petition(s) for Special Leave to Appeal (Civil) No(s).12590/2009

(From the judgement and order dated 30/04/2009 in WA No. 580/2009
of The HIGH COURT OF KARNATAKA AT BANGALORE)

MALLAMMA Petitioner(s)

VERSUS

RAJAPPA & ORS. Respondent(s)

(With prayer for interim relief)

Date: 04/10/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr. R.S.Hegde, Adv.
Mr. Rahul Taneja,Adv.
Mr. P.P. Singh,Adv.

For Respondent(s) Mr. Karatin Joshi, Adv.
Mr. Abhishek , Adv.
Mr. Sanjay R. Hegde,Adv.

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

Leave granted.
The appeal is disposed of in terms of the signed
order.

(Shashi Sareen) (Shashi Bala Vij)
Court Master Court Master
(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 8600 OF 2010
(Arising out SLP(C) No. 12590 of 2009)

MALLAMMA ... Appellant(s)

Versus

RAJAPPA & ORS. ... Respondent(s)

O R D E R

1. Leave granted.

2. Despite service of notice, no one has entered appearance on behalf of Respondent No. 1.

3. The High Court of Karnataka vide impugned interim order dated 30.04.2009 passed in Writ Appeal No. 580 of 2009 directed dispossession of the appellant and restoration of possession in favour of the respondent No. 1. It is an admitted position that the dispossession of the appellant has already been stayed vide this Court's order dated 18.5.2009. Therefore there could be no dispossession more particularly in view of the fact the appellant has already succeeded before the learned Single Judge.

4. In view of the above, the order of the impugned order dated 30.04.2009 passed by the High Court is set aside. The High Court is requested to dispose of the Writ Appeal as early as possible but not beyond one year from the date of communication of this order.

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5. The appeal is disposed of accordingly. However, status quo, as it exists today, shall be maintained by the parties during the pendency of writ appeal before the High Court.

.....J.
(V.S.SIRPURKAR)

.....J.
(CYRIAC JOSEPH)

New Delhi.
October 04, 2010.