

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).10374/2006

(From the judgement and order dated 20/04/2006 in IA No.II/2005 in RFA No.21/2005 of The HIGH COURT OF KARNATAKA AT BANGALORE)

K.B. GOVIND

Petitioner(s)

VERSUS

K.G. NAGARAJ & ANR.

Respondent(s)

[With prayer for interim relief and office report][For final disposal]

Date: 03/03/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN  
HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s) Mr. G.V. Chandrashekar, Adv. for  
Ms. Anjana Chandrashekar, Adv.

For Respondent(s) Ms. Pooja Dhar, Adv. for  
M/s. AP & J Chambers, Adv.

UPON hearing counsel the Court made the following  
ORDER

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

(Subhash Chander)  
Court Master

(Kanwal Singh)  
Court Master

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

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1724 OF 2008  
[Arising out of S.L.P.(C)No.10374 of 2006]

K.B. Govind

.....Appellant

Versus

K.G. Nagaraj

.....Respondent

ORDER

Leave granted.

This appeal has been filed against an interim order.

Respondent, who is the son of the appellant, filed a suit for partition and separate possession of the property in question claiming the same to be ancestral. The trial court dismissed the suit holding that the property was not ancestral. Against the order of the trial court, the respondent filed an appeal in the High Court which has been admitted by the High Court. During the pendency of the appeal, the respondent filed an application to provide residential accommodation to him in the suit premises preferably on the ground floor.

By the impugned order, the High Court has directed the appellant to provide accommodation to the respondent on the first floor portion of the suit premises. The High Court has granted a relief which could be given to the respondent only if the appeal was accepted and the suit was decreed in his favour.

Considering the ill health of the appellant and other hardships being faced by him, we are of the opinion that the S.L.P.(C)No.10374/06 .... (contd.)

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High Court was not justified in granting the said relief to the respondent pending disposal of the appeal before it. Accordingly, we set aside the impugned order of the High Court and allow the appeal. The High Court will now proceed to hear the pending appeal in accordance with law without being influenced by any of the observations made hereinabove.

Sd/-

.....J.  
[ASHOK BHAN]

Sd/-

.....J.  
[DALVEER BHANDARI]

New Delhi.  
March 03, 2008.