DITEM NO.15 COURT NO.3 SECTION IVA

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).15651/2011

(From the judgement and order dated 07/04/2011 in WP No. 4293/2005 of The HIGH COURT OF KARNATAKA AT BANGALORE)

INDIAN OVERSEAS BANK Petitioner(s)

VERSUS

R.B.I STAFF & OTHER COOP HNG.ST.LD.&ORS Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment,permission to file additional documents and prayer for interim relief)

Date: 22/07/2011 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. K.V. Vishwanathan, Sr. Adv.
Ms. V. Mohana,Adv.
Mr. Abhishek, Adv.

For Respondent(s) Mr. G.V. Chandrashekar, Adv.
Mr. N.K. Verma, Adv.
Ms. Anjana Chandrashekar,Adv.

Mr. L. Nageshwar Rao, Sr. Adv.
Mr. Kunal Verma ,Adv

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

We find no ground to interfere under Article 136 of the Constitution of India particularly as the Writ Petition (WP NO.3906/1996) filed by the alleged owners was dismissed as withdrawn and the suit filed by them (OS NO.7537/2000) was also dismissed. Hence, this special leave petition is dismissed.

.....2.

Learned counsel for the petitioner stated that a restoration application (Misc. Case NO.327/2001) for recalling the order dismissing OS No.7537/2000 was also dismissed and consequently the dismissal in OS No.7537/2000 is proposed to be challenged in appeal and the impugned order of High Court in the PIL should not come in the way such appeal being decided on merits. If an appeal is filed against the decision in OS No.7537/2000, it is open to the appellate Court to deal with the appeal on merits on the question of title as the suit preceded the PIL and the decision of High Court will not come in the way of the appeal being decided provided the PIL petitioners are impleaded as parties to such appeal.

(Ravi P. Verma)
Court Master

(M.S. Negi)
Court Master