

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.218 OF 2016  
(ARISING OUT OF SLP(C) NO.17264 OF 2010)

VANAJAKSHI . . . . .APPELLANT (S)

VERSUS

BASAVALINGAMMA & ORS. . . . .RESPONDENT (S)

WITH

CONMT.PET. (C) No.141/2013 in SLP(C) No.17264/2010

O R D E R

Leave granted.

2. We have heard Mr. Guru Krishna Kumar, learned Senior Counsel appearing for the appellant and Mr. Shakil Ahmad Syed, learned counsel appearing for the respondents and perused the impugned judgment passed by the High Court.

3. The impugned judgment shows that although the High Court formulated substantial questions of law while admitting the appeal but it has not gone into the entire facts of the case. It is well settled that while reversing the judgment passed by the First Appellate Court, the High Court has to consider each finding and come to an independent conclusion. In the instant case, the trial court decreed the suit but the First Appellate Court allowed the appeal and

reversed the judgment passed by the trial court. The High Court in its turn allowed the second appeal and reversed the judgment passed by the First Appellate Court. In that view of the matter, the High Court should formulate substantial questions of law afresh and to deal with the same on the basis of the evidence brought on record.

4. For the reasons above, we allow this appeal, set aside the impugned judgment and order passed by the High Court and remand the matter back to the High Court for fresh consideration of all aspects of the matter on the questions of law so formulated by it, on its own merits and in accordance with law.

5. During the pendency of the matter before the High Court, status quo, as it exists today, shall be maintained by the parties.

6. Accordingly, the contempt petition stands disposed of.

.....J  
[M. Y. EQBAL]

.....J  
[ARUN MISHRA]

NEW DELHI;  
JANUARY 12, 2016.

ITEM NO.25

COURT NO.9

SECTION IVA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).17264/2010

(Arising out of impugned final judgment and order dated 23/04/2010 in RSA No.7021/2010, passed by the High Court Of Karnataka At Bangalore)

VANA JAKSHI

Petitioner(s)

VERSUS

BASAVALINGAMMA &amp; ORS.

Respondent(s)

(With appln. (s) for permission to file additional documents)

WITH CONMT.PET.(C) No.141/2013 In SLP(C) No.17264/2010

Date : 12/01/2016 These petitions were called on for hearing today.  
CORAM :

HON'BLE MR. JUSTICE M.Y. EQBAL  
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s) Mr. Guru Krishna Kumar, Sr. Adv.  
Mr. Rajesh Mahale, Adv.  
Mr. Krutin R. Joshi, Adv.

For Respondent(s) Mr. Shakil Ahmed Syed, Adv.  
Mr. Ameet Kumar Deshpande, Adv.  
Mohd. Parvez Dabas, Adv.  
Mr. Uzmi Jameel Husain, Adv.  
  
Mr. Aftab Ali Khan, Adv.

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

Leave granted.

The appeal is allowed and the contempt petition stands disposed of in terms of the signed order.

Pending interlocutory applications, if any, stand disposed of.

(Sanjay Kumar-II)  
Court Master

(Indu Pokhriyal)  
Court Master

(Signed Order is placed on the file)