vITEM NO.37 COURT NO.14 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)...../2010
CC 12183/2010

(From the judgment and order dated 18/01/2010 in RFA No. 5015/2009 of The HIGH COURT OF KARNATAKA AT BANGALORE)

AI-JAMAITUL QURAISH TRUST Petitioner(s)

VERSUS

ABDUL JABBAR & ORS. Respondent(s)

(With I.A. 1 Appln(s) for c/delay in filing SLP,c/delay in refiling SLP)

Date: 12/11/2010 This Petition was called on for hearing today.

CORAM :
HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s)
Mr. Shakil Ahmed Syed,Adv.
Mr. Syed Ahmad Saud, Adv.
Mr. Mohd. Moonis Abbasi, Adv.
Mr. Sahuaib Uddin, Adv.
For Respondent(s)

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

Delay condoned.
Heard learned counsel appearing for the petitioner.
The application seeking for substitution of the names of the legal representatives of the deceased respondent No. 22 is placed before us.
There is a delay in filing the said application. For the reasons stated in the application the delay is condoned. Names of the legal representatives as prayed for in the application be also substituted.
Applications stand disposed of in terms of the aforesaid order.
The petition is filed as against the impugned judgment and order dated 18th January, 2010 passed by the Karnataka High Court in RFA No. 5015 of 2009 whereby the High Court has remanded the matter back to the trial court for deciding the dispute between the parties afresh. It is clearly observed in the said impugned judgment and order that the trial court would decide the suit on merits after recording the evidence on all other issues except on issue No. 6. In view of the fact that the matter has been remitted back to the trial court, it shall be open to the petitioner to lead all evidence and to urge all the issues in terms of the order since the matter is on remand and the direction is to hear the suit afresh on other issues.
In terms of the aforesaid order the petition is disposed of.

(NEELAM GULATI)
Sr. P.A.

(RENU DIWAN)
COURT MASTER