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SLP(C)No. 18727 OF 1999

ITEM No.32

Court No. 2

SECTION IVA  
A/N MATTER

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.18727/1999

(From the judgement and order dated 01/04/1999 in RFA 50/94  
of The HIGH COURT OF KARNATAKA AT BANGALORE)

SHEENAPPA RAI

Petitioner (s)

VERSUS

RATHNAVATHI & ORS.

Respondent (s)

( With Appln(s). for bringing on record the LR's. of deceased  
R.No.6 and with prayer for interim relief)

Date : 19/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA  
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Petitioner (s) Mr. G.V.Chandrasekhar, Adv.  
Mr. P.P. Singh,Adv.

For Respondent (s)  
Mr. S.N. Bhat,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J

.SP2

Application for substitution is allowed.  
Leave granted.  
The appeal is allowed. No order as to costs.

.SP1

(N. Annapurna)  
Court Master

(Shelly Sengupta)  
Court Master

(Signed order is placed on the file.)

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IN THE SUPREME COURT OF INDIA@@  
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CIVIL APPELLATE JURISDICTION@@  
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CIVIL APPEAL NO. 1346 OF 2001@@

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(Arising out of S.L.P.(C) No.18727/1999)

Sheenappa Rai .....Appellant(s)

versus

Rathnavathi & Ors. ....Respondent(s)

O R D E R@@  
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L.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J  
.SP2

Application for substitution is allowed.  
Leave granted.

We have heard learned counsel and read the order under challenge. The order was passed on a first appeal and it reversed the decree passed in the trial court. It is, regrettably, too sketchy an order for an order which reverses the trial court's order. We, therefore, are of the view that it must be set aside and the first appeal restored to the file of the High Court to be heard and disposed of afresh, after consideration in greater detail of the evidence and the contentions. The order passed thereon should reflect such consideration.

Accordingly, the appeal is allowed. The order under appeal is set aside. The First Appeal (R.F.A.No.50/1994) is restored to the file of the High Court of Karnataka to be heard and disposed of afresh, expeditiously.

No order as to costs.

.SP1

.....J.  
(S.P. Bharucha)

.....J.  
(Y.K. Sabharwal)

New Delhi,  
February 19, 2001.