

SLP(C)No. 22919 OF 2003
ITEM No.205

Court No.10

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.22919/2003

(From the judgement and order dated 06/03/2003 in RSA 554/98 of The HIGH COURT OF KARNATAKA AT BANGALORE)

RUDRAPPA CHANAMALLAPPA KADIWAL

Petitioner (s)

VERSUS

KALLAMMA (D) BY LRS.

Respondent (s)

(With Appln(s). for c/delay in filing rejoinder and with prayer for interim relief)
(For Final Disposal)

Date : 24/09/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN
HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner (s)Mr. Basava Prabhu S. Patil, Adv.
Mr. A.S. Bhasme,Adv.

Mr. B. Subrahmanya Prasad, Adv.
Mr. Jay Kishor Singh, Adv.

For Respondent (s)Mr. Chandrashekhar, Adv.
Mr. P.P. Singh,Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned in filing rejoinder.
Leave granted.
The appeal is allowed in terms of the signed order.

(J.S. Rawat)
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. 6280 OF 2004
(Arising out of SLP(C) No. 22919 of 2003)

Rudrappa Chanamallappa Kadiwal

Appellant (s)

Versus

Kallamma (D) By L.Rs.

Respondent (s)

O R D E R

Delay condoned in refiling the rejoinder.

Leave granted.

Counsel for the respondents concedes that the High Court has dismissed the appeal on a point on which no question of law was framed and proceeded to decide the case on points other than the substantial questions of law which had been framed in the Second Appeal.

In view of the statement made by the counsel for the respondents, the impugned judgment of the High Court is set aside and the appeal allowed.

The case is remitted back to the High Court for a fresh decision in accordance with law. Statu quo granted by this Court on 28.11.2003 shall remain in operation till the disposal of the appeal.

.....J.
(ASHOK BHAN)

New Delhi;.....J.
September 24, 2004. (S.H. KAPADIA)