

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).24413-24414/2007

(From the judgement and order dated 30/10/2007 in WA No.288/2006,WA
No.289/2006 of The HIGH COURT OF KARNATAKA AT BANGALORE)

S.B.G.SOFTWARE P.LTD.

Petitioner(s)

VERSUS

H.G.SHEELA & ORS.

Respondent(s)

(With appln(s) for and prayer for interim relief and office report)

WITH SLP(C) NO. 21723-21724 of 2008

(With appln(s) for C/delay in filing SLP and impleadment and office report)

SLP(C) NO. 26897-26898 of 2008

(With appln(s) for C/delay in filing SLP and C/delay in filing substitution
appln. and substitution of respondent and office report)

Date: 03/03/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s)

Mr. E.M.S. Anam,Adv.

Dr. (Mrs.) Vipin Gupta, Adv.

Ms. Anitha Shenoy, Adv.

For Respondent(s)

Mrs. S. Usha Reddy,Adv.

Mr. Rajeev Singh ,Adv.

Ms. Anitha Shenoy ,Adv.

Mr. Abhijat P. Medh ,Adv.

Dr. (Mrs.) Vipin Gupta ,Adv.

Mr. S.N. Bhat ,Adv.

Mr. K.K. Mani ,Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned in filing SLPs are condoned.

These special leave petitions have been preferred by
petitioners against the common

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judgment dated 30th October, 2007 passed by the High Court of
Karnataka at Bangalore in W.A. No. 289 and 288 of 2006 (LA-KIADB).
By the impugned judgment the Division Bench affirmed the judgment
passed by learned Single Judge vide order dated 24th January, 2006
and dismissed both the writ appeals.

On 30th August, 2013 this Court having noticed that
different I.As have been filed by the petitioner(s) for disposal of
the special leave petitions along with Joint Memo of Settlement
dated 10th May, 2013 and that similar applications for withdrawal
of the writ petitions have been filed by most of the parties except
Muniswamy Reddy and Narayanamma, passed the following order:

" I.A. Nos.5-6 have been filed by the petitioner
for disposal of the special leave petitions in terms of the
Joint Memo of Settlement dated 10th May, 2013.

Learned counsel for the parties submit that
similar applications have been filed by most of the parties

for withdrawal of the writ petition except respondent Muniswamy Reddy and Narayanamma (Writ Petitioner Nos.8 and 9 in WP No.1393/2005 before the High Court).

A prayer has been made to dispose of the special leave petitions in terms of the Joint Memo of Settlement and allow other parties to allow the writ petitions.

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Learned counsel appearing on behalf of the Muniswamy Reddy and Narayanamma submits that he has not yet been received any instructions. In the circumstances, we allow two weeks' time to respondents Muniswamy Reddy and Narayanamma to file an affidavit stating whether the special leave petition should be disposed of in terms of the Joint Memo of Settlement and others should be allowed to withdraw the writ petitions preferred by them."

Though notice has been issued on Muniswamy Reddy and Narayanamma, learned counsel appearing on their behalf have not received any instructions from them. Learned counsel appearing for the respondents-M/s Gopal Enterprises Private Limited and C. Shreedhara through his LRs., who were petitioners in Writ Petition No. 1058 of 2005 submits that they have amicably settled the dispute and hence requested to dispose of their case in terms of the settlement reached between the parties. Copy of the settlement has been placed on the record.

Learned counsels appearing for H.G. Sheela petitioner in Writ Petition No. 4148 of 2005, M.N. Venugopal through LRs.-petitioner in W.P. No. 1393 of 2005, M.N. Nagaraj through LRs.-petitioner in W.P. No. 1394 of 2005, V.Lokesh-petitioner in W.P.

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No. 1395 of 2005, Shobha-petitioner in W.P. No. 1396 of 2005, Murthy-petitioner in W.P. No. 1397 of 2005, Rajendra-petitioner in W.P. No. 1398 of 2005, Satish-petitioner in W.P. No. 1399 of 2005, N. Nagaraj-petitioner in W.P. No. 1402 of 2005, M. Anantharamaiah-petitioner in W.P. No. 1403 of 2005, P. Ramanjaneya-petitioner in W.P. No. 1404 of 2005 and Muni pillappa through LRs.-petitioner in W.P. No. 1405 of 2005 (who are respondents herein) have filed their respective petitions with prayer for withdrawal of their respective writ petitions. They further contended that Munniswamy Reddy and Narayanamma being petitioners before the High Court and respondents herein, their cases may be disposed of on merit.

I.A. Nos. 3-4 of 2012 has been filed in SLP(C) Nos. 21723-21724 of 2008 for impleading the applicants as party respondent to the original writ petition. However, as the writ petitioners have filed affidavit for withdrawal of their case or for disposal of their case as per compromise entered between one of the party, we are not inclined to entertain the application of impleadment in these special leave petitions. If they have any

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grievance, they may move before an appropriate forum.

Having heard learned counsel for the parties and in absence of any objection raised by the petitioners before this Court, we allow H.G. Sheela-petitioner in Writ Petition No. 4148 of 2005, M.N. Venugopal through LRs.-petitioner in W.P. No. 1393 of 2005, M.N. Nagaraj through LRs.-petitioner in W.P. No. 1394 of 2005, V.Lokesh-petitioner in W.P. No. 1395 of 2005, Shobha-

petitioner in W.P. No. 1396 of 2005, Murthy-petitioner in W.P. No. 1397 of 2005, Rajendra-petitioner in W.P. No. 1398 of 2005, Satish-petitioner in W.P. No. 1399 of 2005, N. Nagaraj-petitioner in W.P. No. 1402 of 2005, M. Anantharamaiah-petitioner in W.P. No. 1403 of 2005, P. Ramanjaneya-petitioner in W.P. No. 1404 of 2005 and Muni pillappa through LRs.-petitioner in W.P. No. 1405 of 2005 to withdraw their respective writ petitions; their writ petitions stand disposed of as withdrawn.

In effect the impugned judgment passed by learned Single Judge in Writ Petition No. 4148 of 2005 (LA-KIADB), in Writ Petitions Nos. 1058 and 1393 to 1405 of 2005; and the impugned judgment

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passed by the Division Bench in W.A. Nos. 288 and 289 of 2006 (LA-KIADB) filed by the petitioners herein are set aside.

So far as M/s Gopal Enterprises Private Limited and C. Shreedhara who were petitioners in W.P. No. 1058 of 2005 are concerned, their writ petition stands disposed of in terms of compromise reached between SBG Software Ltd. and Gopalan Enterprises. Hence, orders passed by the learned Single Judge and the Division Bench stand modified to that extent. Joint memo filed be made part of this order.

So far as writ petitions preferred by Muniswamy Reddy and Narayanamma in W.P. Nos. 1400 and 1401 of 2005 who are respondents in some of the special leave petitions are concerned, the judgment passed by the High Court in their cases stands affirmed. Special Leave Petitions against those respondents are dismissed.

As the parties have settled their dispute and in view of the stand taken by the parties to withdraw their original writ petitions, we make it clear that we have not decided the case on merits and not expressed any opinion with regard to finding given by learned Single Judge as affirmed

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by the Division Bench in the impugned orders. They are set aside in view of withdrawal of writ petitions or settlement reached between the parties and question of law is left open. It will be open to the concerned parties including applicant of I.A. No. 3-4 to move before an appropriate forum which may decide their case without being influenced by the order passed by this Court.

In terms of the above finding, Special Leave Petitions as well as Interlocutory Applications stand disposed of.

[Neeta]
Sr. P.A.

[Suneet Mahajan]
Court Master