

ITEM NO.31

COURT NO.7

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 (Civil) No(s).26609/2011

(From the judgement and order dated 15/12/2010 in
of The HIGH COURT OF KARNATAKA AT BANGALORE)

RFA No.351/2010

UMASHASHI HEGDE & ORS.

Petitioner(s)

VERSUS

SOUTH CANARA HOTEL COMPLEX PVT. LTD.

Respondent(s)

(With prayer for interim relief and office report)

Date: 10/10/2011

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr. P.Vishwanatha Shetty, Sr. Adv.
Mr. Vijaykunmar Paradesi, Adv.for
Mr. G.N.Reddy, Adv.

For Respondent(s)

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

This petition is directed against the judgment of
the Division Bench of the Karnataka High Court, whereby the
regular first appeal filed by the petitioners against
dismissal of the suit filed by them for declaration of title
and setting aside of sale deed dated 29.04.1983 was
dismissed.

We have heard learned senior counsel for the
2

petitioners and perused the record.

In our view, the finding recorded by the High Court
on the issue of limitation is based on correct analysis of
the factual matrix of the case. It is not in dispute that
the suit was filed after 23 years of the execution of sale
deed dated 29.04.1983. Therefore, the High Court did not
commit any error by recording a finding that the suit was

barred by time. The other reasons assigned by the High Court for not entertaining the appeal, i.e., non-impleadment of co-sharers is also legally correct.

The special leave petition is accordingly dismissed.

(Parveen Kr. Chawla)
Court Master

(Phoolan Wati Arora)
Court Master