

ITEM NO.1501

Court 10 (Video Conferencing)

SECTION IV-A

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

Civil Appeal No(s). 3032/2010

U.A.BASHEER Thr. G.P.A. Holder

Appellant(s)

VERSUS

THE STATE OF KARNATAKA & ANR.

Respondent(s)

Date : 17-02-2021 This appeal was called on for hearing today.

For Appellant(s) Mrs. Vaijyanthi Girish, AOR

For Respondent(s) Mr. Shubhranshu Padhi, AOR
Mr. Ashish Yadav, Adv.
Mr. Rakshit Jain, Adv.
Mr. Vishal Banshal, Adv.

Hon'ble Mr. Justice Mohan M. Shantanagoundar pronounced the judgment of the Bench consisting of His Lordship and Hon'ble Mr. Justice Vineet Saran.

The operative part of the signed reportable judgment reads as under :-

"20. Since the learned Single Judge has already given a definite factual finding as to the question of the Appellant's ownership and possession of the suit property in his judgment dated 21.10.2003 (supra), we do not think it appropriate to remit the matter to the learned Single Judge.

21. Instead, we direct the matter to be remitted to the Division Bench of the Karnataka High Court to consider the case afresh. All questions of fact outlined above are to remain open, and the parties are given liberty to place on record additional evidence not made a part of the proceedings heretofore. Since the other original owners of the joint family property have accepted the orders of the Competent Authority, in so far

as they have not questioned the said orders, the Division Bench will confine its findings only with regard to the issue of possession of the suit property.

22. The appeal stands disposed of accordingly. No order as to costs."

The appeal stands disposed of in terms of the signed reportable judgment.

Pending applications, if any stand disposed of accordingly.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(R.S. NARAYANAN)
COURT MASTER

(Signed reportable judgment is placed on the file)