PITEM NO.204 COURT NO.7 SECTION IVA

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).24085/2009

(From the judgement and order dated 26/02/2009 in RFA No.229/1999
of The HIGH COURT OF KARNATAKA AT BANGALORE)

Y.MOHAN RAJU & ORS. Petitioner(s)
VERSUS
A.S.CHINNASWAMY RAJU & ORS. Respondent(s)

(With prayer for interim relief)
(For final disposal)

Date: 16/09/2011 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE P. SATHASIVAM
HON'BLE DR. JUSTICE B.S. CHAUHAN

For Petitioner(s) Mr. Nikhil Nayyar,Adv.
Mr. TVS aghavendra Sreyas, Adv.
Mr. Swapnil Verma, Adv.

For Respondent(s) Mr. M.N. Krishnamani, Sr.Adv.
Mr. Anand, Adv.
Ms. Rajhree N. Reddy, Adv.
Dr. Sushil Balwada,Adv.

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

Heard both sides.

We are not inclined to interfere with the impugned order of the High Court. Inasmuch as the High Court has remanded the matter to the trial court to frame issue with regard to the Property No.9, Cunningham Crescent Road, to the effect that whether it is firms property and whether plaintiffs are entitled to half the share, both parties are directed to put forth their respective claims. The trial court is to decide this issue after affording

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opportunity to both parties. The trial court is also free to decide whether at this stage the parties are entitled to raise their issue. We have not expressed anything on the merits of the claims of the respective parties.

The special leave petition is disposed of.

[Usha Bhardwaj]
Court Master

[Savita Sainani]
Court Master