

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2012

[ Arising out of SLP (CIVIL) NO. 24668 OF 2010]

CHANDRASHEKHARAYYA RUDRAPPA HOSMATH &ORS

Appellants

VERSUS

REVEENDRA RUDRAYYA HOSMATH & ORS.

Respondents

O R D E R

Leave granted.

This appeal is directed against an interim order dated 09.06.2010 passed by the High Court of Karnataka at Bangalore, whereby the High Court has declined to stay the final decree proceedings in respect of agricultural lands qua which the Trial Court has passed a preliminary decree in favour of the plaintiffs-respondents herein.

When the matter came up before us on 29.10.2010, we directed that the final decree may not be signed till the next date of hearing. Learned counsel for the appellants submits that the said order could be made absolute pending disposal of the appeal by the High Court leaving the Trial Court free to proceed with final decree proceedings.

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Learned counsel for the respondents argued that since the respondents - decree holders cannot be put in exclusive possession of their share of the property, their right to claim mesne profits needs to be protected. He sought liberty to move the High Court for appropriate directions in this regard.

In the circumstances, therefore, we direct that the Trial Court can go on with the final decree proceedings but



Mr. S.N. Bhat, Adv.

For Respondent(s)

Mr. Shankar Divate, Adv.

UPON hearing counsel the Court made the following

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O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

(N.K. Goel)  
Court Master

(Veena Khera)  
Court Master

(Signed order is placed on the file)