

ITEM NO.26

COURT NO.6

SECTION IVA

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGSPetition(s) for Special Leave to Appeal (Civil)...../2011  
CC 16401/2011(From the judgement and order dated 18/04/2011 in WP No.2761/2011  
of The HIGH COURT OF KARNATAKA AT BANGALORE)

N.M. NAYEEMULLAH

Petitioner(s)

VERSUS

BANGALORE DEVELOPMENT AUTHORITY AND ANR

Respondent(s)

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

Date: 14/10/2011 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. S.N. Bhat,Adv.

For Respondent(s)

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

Delay condoned.

This petition is directed against order dated 18.4.2011 passed by the Karnataka High Court whereby the revision filed by the petitioner questioning the order of the trial Court which refused to entertain his prayer for partial withdrawal of the suit was dismissed.

We have heard learned counsel for the petitioner and perused the record.

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In our view, the reasons assigned by the trial Court for refusing to entertain the petitioner's prayer for withdrawal of the suit qua respondent No.2 were correct and the learned Single Judge of the High Court rightly dismissed the petition filed under Article 227 of the Constitution because, in an earlier round, the application filed by

respondent No.2 under Order 1 Rule 10 CPC for his  
impleadment was allowed by the trial Court and the order of  
the trial Court was upheld by the High Court and this Court  
by dismissing the petitions filed under Article 227 and  
Article 136 of the Constitution.

The special leave petition is, accordingly,  
dismissed.

(Parveen Kr. Chawla)  
Court Master

(Phoolan Wati Arora)  
Court Master