

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5533 OF 2011

GURUSIDDAYYA

Appellant(s)

VERSUS

GURUSANTHAYYA GURUBASAYYA HIREMATH & ORS.

Respondent(s)

O R D E R

Having heard the learned counsel for the parties at some length, we are of the opinion that in view of the judgment dated 16.07.1926 in Civil Suit No. 279/1925 titled "*Gurubasayya Gurusanthayya vs. Sangayya Shanmukhayya*", (Exhibit D-6), the predecessors-in-interest of the vendor of the present appellant were not the owners and therefore could not have transferred valid title. In this background, the judgment of the High Court affirming the view taken by the first appellate Court does not require any interference. The original vendor of the appellant had also filed a suit and had subsequently compromised the matter with the respondent.

Recording the aforesaid, the appeal is dismissed with no order as to costs.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJIV KHANNA)

.....J.
(M.M. SUNDRESH)

New Delhi;
March 02, 2023.

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. 5533/2011

GURUSIDDAYYA

Appellant(s)

VERSUS

GURUSANTHAYYA GURUBASAYYA HIREMATH & ORS.

Respondent(s)

Date : 02-03-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s)

Mr. Mithilesh Kumar Singh, AOR
Mrs. Manju Singh, Adv.
Mr. Tarun Verma, Adv.
Mr. Rakesh Kumar Yadav, Adv.

For Respondent(s)

Mr. S.N. Bhat, Sr. Adv.
Ms. Anuradha Mutatkar, AOR
Mr. Tarun Kumar Thakur, Adv.
Mr. D.P. Chaturvedi, Adv.
Ms. Parvati Bhat, Adv.

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

The civil appeal is dismissed, in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)

(signed order is placed on the file)