

LISTED ON 2.11.2015

COURT
ITEM NO

SEC. IVA

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 419-420 OF 2015

WITH

INTERLOCUTORY APPLICATION NO. 1-2

(Application for exemption from filing official translation of Annexure P-1 to P-10)

IN

CIVIL APPEAL NO. 5899-5900 OF 2008

Vinayak Parmeshwar, Archak & Ors.

...Petitioner

Versus

K.S.Sunkad & Ors.

...Alleged Contemnors

OFFICE REPORT

The Contempt Petition Nos. 419-420 of 2015 in the appeal above mentioned were listed before the Hon'ble Court on 15.07.2015 with an office report dated 14.07.2015, when the Court was pleased to pass the following Order :

"Issue notice in the contempt petitions, returnable in four weeks.

Personal appearance of the alleged contemnors is dispensed with for the present."

Thereafter, the Contempt Petition Nos. 419-420 of 2015 in the appeal above mentioned was listed before the Hon'ble Court on 17.8.2015 with an office report dated 13.8.2015, when the Court was pleased to pass the following Order :

"In view of the letter circulated by learned counsel for the respondents, the matter is adjourned for ten weeks. "

It is submitted that Ms. Anitha Shenoy, Advocate has filed Vakalatnama on behalf of all the four alleged contemnors Nos. 1, 2, 3 & 4 and has also filed separate replies on behalf of alleged contemnor nos. 1, 2, 3 & 4 to the contempt petition and the same have been included and placed in the contempt petition paper books.

It is further submitted that Contempt Petition Nos. 421-422 of 2015 alongwith appeal above mentioned were listed before the Hon'ble Court on 14.9.2015, when the Court was pleased to pass the following Order :

"We have heard learned counsel for the parties.

The civil appeals are pending since 2008 and as many as 42 applications have been filed. In our opinion, the matters ought to be heard expeditiously and we direct accordingly. The appeals may be listed preferably in the month of November, 2015.

In so far as the present contempt petitions are concerned, we are of the opinion that to resolve the controversies that have generated in these matters from time to time, the appropriate course of action would be to appoint the District Judge , Karwar as a Receiver in respect of Shri Vinayak Temple, Idagunji, Uttar Kannada, Karwar until further orders. The District Judge acting as a Receiver will ensure that our orders are complied with in letter and spirit, particularly orders dated 22.09.2008, 21.11.2008 and 07.10.2013.

The District Judge may take the assistance of the Superintendent of Police for the purposes of implementation of the aforesaid orders.

The District Judge will also look into other ancillary issues that may arise such as payments required to be made etc.

A copy of the said order may immediately be sent to the District Judge along with copy of orders dated 22.09.2008, 21.11.2008 and 07.10.2013.

The contempt petitions stand disposed of."

Thereafter, the contempt petition nos. 421-422/2015 in the appeal above mentioned was mentioned before the Hon'ble Court on 16.9.2015, when the Court was pleased to pass the following Order :

"Upon the matter being mentioned in Court today, learned counsel for the parties are agreed that in the event the District Judge is not available for some reason, the Judicial Officer In-charge will perform the duties of the Receiver."

It is submitted that pursuant to aforesaid order, reports dated 18.9.2015 (Copy enclosed) has been received from Sr. Civil Judge & CJM, Incharge District Judge, Uttara Kannada, Karwar and a further report dated 22.9.2015 (Copy enclosed) has been received from District & Sessions Judge, Uttara Kannada, Karwar.

The Contempt petitions in the appeal above mentioned are listed before the Hon'ble Court with this office report.

Dated this the 30th day of October, 2015.

ASSISTANT REGISTRAR

COPY TO: Mr. Rauf Rahim, Advocate, 22 Old Lawyer Chamber
Mr. S.N. Bhat, Advocate, 217 New Lawyer Chamber
Mr. V.N. Raghupathy, Advocate, 15 Lawyer Chamber
Mr. G. Balaji, Advocate, 82 Lawyer Chamber
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Miss Anitha Shenoy, Advocate. 102 New Lawyer Chamber

ASSISTANT REGISTRAR