ITEM NO.2 COURT NO.12 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).30747/2008
(From the judgement and order dated 18/09/2008 in RFA No. 1954/2007
of The HIGH COURT OF KARNATAKA AT BANGALORE)

BANGALORE DEVELOPMENT AUTHORITY Petitioner(s)
VERSUS
S.PREMA Respondent(s)

(With appln(s) for substituted service and
prayer for interim relief and office report)

Date: 15/02/2010 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. S.K. Kulkarni, Adv.
Mr. M. Gireesh Kumar, Adv.
Mr. A.S. Kulkarni, Adv.
Mr. A. Lakshminarayanan, Adv.
For Mr. Vijay Kumar,A.O.R.

For Respondent(s)

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

Heard learned counsel for the petitioner and perused the record.

In our opinion, the impugned order by which the High Court remanded the case to the lower court for reconsideration of the evidence adduced by the parties and also to consider the exhibits proposed to be filed by the plaintiff with a stipulation that the plaintiff shall be free to adduce the evidence with regard to development, does not suffer from any legal infirmity warranting interference under Article 136 of the Constitution.

Contd...2/-

The special leave petition is accordingly dismissed. However, it is made clear that the petitioner herein shall also be entitled to adduce evidence in support of its cause.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master