

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S) 9497 OF 2017

Petition(s) for Special Leave to Appeal (C) No(s).4501 OF 2015

VEERESH KUMAR MAHANTESH ASANGI

Appellant(s)

VERSUS

SIDDARAYAPPA MAHALINGAPPA DADUTI (D) BY LRS.

Respondent(s)

O R D E R

Delay condoned.

Leave granted.

Heard the learned counsel for the parties.

After perusing the impugned order, we are of the opinion that the High Court has not gone into the merits of the case at all and has disposed of the appeal in a cursory manner by dividing the land as to how much to be given to whom. That cannot be said to be a judicial approach of deciding a case. However, the delay had been rightly condoned by the High Court.

After hearing the learned counsel for the parties, we are of the opinion that the matter should be reverted back to the High Court to be heard afresh on merits.

We therefore, request the High Court to decide the matter afresh on merits, in accordance with law, as expeditiously as possible and keeping in mind the judgment passed by the Trial Court.

The impugned judgment and decree passed by the High Court is set aside. The appeal is, accordingly, allowed.

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

.....J
(ARUN MISHRA)

.....J
(MOHAN M. SHANTANAGOUDAR)

NEW DELHI;
JULY 21, 2017

ITEM NO.12

COURT NO.11

SECTION IV-A

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

Petition(s) for Special Leave to Appeal (C) No(s).4501/2015

(Arising out of impugned final judgment and order dated 13-08-2014 in RFA No. 176/2001 passed by the High Court Of Karnataka Circuit Bench At Dharwad)

VEERESH KUMAR MAHANTESH ASANGI

Petitioner(s)

VERSUS

SIDDARAYAPPA MAHALINGAPPA DADUTI (D) BY LRS. & ANR.Respondent(s)

Date : 21-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Ankolekar Gurudatta, AOR
Mr. Tomy Chacko, Adv.
Mr. Rajendra Kaushik, Adv.

For Respondent(s) Mr. Basava Prabhu S. Patil, Sr. Adv.
Mr. Shailesh Madiyal, AOR
Mr. Chinmay Deshpandey, Adv.
Mr. Shreyans Ranka, Adv.

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

Leave granted.

The appeal is allowed, in terms of the signed order.

(B. PARVATHI)
COURT MASTER (SH)

(TAPAN KUMAR CHAKRABORTY)
BRANCH OFFICER

(Signed order is placed on the file)