

ITEM NO.1 Court 6 (Video Conferencing) SECTION IV-A

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 (C) No(s).2641/2020

(Arising out of impugned final judgment and order dated 27-09-2019 in MFA No. 5021/2018 passed by the High Court of Karnataka at Bengaluru)

M. RAMANATH SHENOY & ORS. Petitioner(s)

VERSUS

H. SWAMY & ORS. Respondent(s)

(WITH IA No. 30482/2020 - AMENDMENT OF THE PETITION, IA No. 30473/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

Diary No(s). 1778/2020 (IV-A)

(WITH I.R. and IA No.25663/2020-CONDONATION OF DELAY IN FILING and IA No.25665/2020-EXEMPTION FROM FILING O.T.)

Date : 20-04-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Shekhar Naphade Sr. Adv.
Mr. R.S.Hegde Adv.
Farhat Jahan Rehmani AOR
Mr. Shanti Prakash, Adv.

Mr. H. Chandra Sekhar, AOR

For Respondent(s)

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

1 Delay condoned.

2 Having heard Mr Shekhar Naphade, learned Senior Counsel and Mr H Chandra Sekhar, learned counsel appearing on behalf of the petitioners, we hold that

there is no error in the judgment of the High Court dated 27 September 2019, warranting interference under Article 136 of the Constitution. All that needs to be clarified, at this stage, is that the observations in the judgment of the High Court are confined to the issue as to whether leave should have been granted within the ambit of the provisions of sub-section (1) of Section 92 of the Code of Civil Procedure 1908. These observations of the High Court shall not be construed as final or conclusive findings on the issue of title. All rights and contentions are kept open.

- 3 Subject to the aforesaid, the Special Leave Petitions are dismissed.
- 4 Pending applications stand disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(CHETAN KUMAR)
AR-CUM-PS