

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No. 17664/2021

(Arising out of impugned final judgment and order dated 05-10-2012 in RSA No. 3505/2006 passed by the High Court of Karnataka at Bengaluru)

SRI PARMESHWARAPPA (SINCE DEAD BY HIS LRS)

Petitioner(s)

VERSUS

G. KRISHANMURTHY (DEAD)

Respondent(s)

(FOR ADMISSION and I.R. and IA No.124591/2021-CONDONATION OF DELAY IN FILING and IA No.124605/2021-APPLICATION FOR SUBSTITUTION and IA No.124593/2021-EXEMPTION FROM FILING O.T. and IA No.124606/2021-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.)

Date : 01-10-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH

HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Sampat Anand Shetty, Adv.
Ms. Madhusmita Bora, AOR

For Respondent(s)

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

Mr. Sampat Anand Shetty, learned counsel appearing for the petitioners has vehemently submitted that the substantial question of law framed by the High Court on the limitation as well as the sale deed is null and void without seeking consequential leave of possession are raised for the first time before the High Court and as such no such issues were framed by the learned Trial Court and despite the same the High Court has passed the impugned judgment and order. Delay condoned.

Issue notice returnable on 03.12.2021.

contd..

Delay in filing substitution application is condoned and application for substitution is allowed.

Counter affidavit to be filed within a period of four weeks from the date of receipt of the order.

Rejoinder affidavit, if any, to be filed within a period of two weeks thereafter.

(NEETU SACHDEVA)
COURT MASTER (SH)

(NISHA TRIPATHI)
BRANCH OFFICER