

ITEM NO.7+61

COURT NO.7

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 26244/2022

(Arising out of impugned final judgment and order dated 11-04-2022 in RSA No. 743/2011 passed by the High Court Of Karnataka At Bengaluru)

BYLAPPA SINCE DEAD BY LRS & ANR.

Petitioner(s)

VERSUS

**CHENNAIAH @ DODDACHENNAIAH SINCE
DECEASED BY HIS LRS & ORS.**

Respondent(s)

(IA No.144920/2022-CONDONATION OF DELAY IN FILING and IA No.144921/2022-EXEMPTION FROM FILING O.T.)

WITH

Diary No(s). 32061/2022 (IV-A)

(FOR ADMISSION and I.R. and IA No.153620/2022-CONDONATION OF DELAY IN FILING and IA No.153624/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.153623/2022-EXEMPTION FROM FILING O.T. and IA No.153621/2022-PERMISSION TO FILE PETITION (SLP/TP/WP/..))

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 29192/2022

([TO BE TAKEN UP ALONG WITH ITEM NO. 7 I.E. D. NO. 26244/2022.].....FOR ADMISSION and I.R. and IA No.160460/2022-CONDONATION OF DELAY IN FILING and IA No.160464/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.160462/2022-EXEMPTION FROM FILING O.T. and IA No.160461/2022-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)

Date : 31-10-2022 These petitions were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE C.T. RAVIKUMAR**

For Petitioner(s)

Mr. Anand, Adv.

Mr. Sriram P., AOR

Ms. V. Mohana, Sr. Adv.

Mr. B. Ragunath, Adv.

Ms. N.C. Kavitha, Adv.

Mr. Vijay Kumar, AOR

Mr. Gurudas S. Kannur, Sr. Adv.

Mr. Chinmay Deshpande, Adv.

Mr. P. Anand, Adv.

Mr. Anirudh Sanganageria, AOR

For Respondent(s)

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

Permission to file special leave petition(s) is granted.

Delay condoned.

Learned counsel for the petitioners submits that although substantial question no. 3 has been discussed by the High Court in Paragraph No. 17 of the impugned judgment(s) still the finding if taken at the face value in regard to the document Exhibit P-24 still there was material available on record which could have supported the case of the present petitioners/defendants and once there was a finding returned by the trial court and confirmed in the first appeal preferred by the plaintiff(s) there was no reasonable justification available before the High Court in exercising its power under Section 100 of the Code which permits to examine if there is a substantial question of law is involved still the High Court has reappraised the evidence on record and set aside the findings returned by the courts below and that atleast to be examined by this Court.

Issue notice, returnable on 05.12.2022.

Dasti, in addition, is permitted.

In the meanwhile, there shall be stay of operation of the impugned judgment dated 11.04.2022 passed in RSA No. 743/2011.

(MONIKA DEY)
COURT MASTER (NSH)

(ASHWANI KUMAR)
ASTT. REGISTRAR-cum-PS