

ITEM NO.49

COURT NO.2

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

IA 28261/2017 in Civil Appeal No(s). 2635-2638/2017

STATE OF KARNATAKA &amp; ORS.

Appellant(s)

VERSUS

JAGADEV BIRADAR ETC ETC

Respondent(s)

(FOR [I/A FOR STAY] ON IA 28261/2017 ONLY TO BE LISTED ON 2808.2017)

Date : 04-09-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR  
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Appellant(s)      Mr. Devdatt Kamat, AAG  
                                 Mr. V. N. Raghupathy, AOR  
                                 Mr. Rajesh Inamdar, Adv.  
                                 Mr. Parikshit P. Angadi, Adv.

For Respondent(s)      Mr. Harish Vaidyanathan, Adv.  
                                 Mr. Vadivelu Deenadayalan, AOR

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

We do not see any reason to suspend the operation of the judgment under appeal. However, we are of the opinion that the ends of justice will be met in this case by directing that the appellants would refund the amount of tax already collected, as and when a demand from the owner of the vehicle which is registered in the State is made before them and make two endorsements (i) regarding the pendency of the instant appeals and (ii) that the amount of money refunded would be a charge on the vehicle during the pendency of these appeals and would be subject to the result of these appeals. Apart from that, the appellant-State is also

entitled to take appropriate undertaking from the owner of the vehicle at the time of the payment of tax in the event of State succeeds in the instant appeals.

IA 28261/2017 stands disposed of accordingly.

(OM PARKASH SHARMA)  
AR CUM PS

(RAJINDER KAUR)  
BRANCH OFFICER