

S. NARAHARI RAO
v.
SATHYANARAYANA & ORS.
(Civil Appeal No. 1480 of 2010)

FEBRUARY 8, 2010

[Dalveer Bhandari and A.K. Patnaik, JJ.]
2010 (2) SCR 583

The Order of the Court was delivered by

ORDER

A.K. PATNAIK, J. Leave granted.

The background facts in which this Civil Appeal has been filed are that the appellant filed a suit being O.S. NO.1150 of 2009 in the City Civil Court, Bangalore, along with an application for temporary injunction (I.A.No.1 of 2009) for restraining the respondents from putting up any construction on the suit property. On 18.02.2009, the City Civil Court, Bangalore, while issuing summons/notices to the respondents, directed the parties to maintain the status quo in respect of the suit property. In response to the summons/notices, the respondents appeared in the suit and filed I.A. No.2 of 2009 praying to the City Civil Court to vacate the order of status quo on the ground that the entire dispute was pending before this Court in S.L.P. (C) No.10352 of 2007 and other connected SLPs filed against the common judgment dated 22.12.2006 of the Division Bench of the Karnataka High Court. The Trial Court took the view that since the entire dispute is pending before this Court, this Court alone has jurisdiction to consider grant of interim relief and by its order dated 02.04.2009 rejected the application for temporary injunction. The appellant thereafter filed Miscellaneous First Appeal No.2519 of 2009 before the Karnataka High Court against the order dated 02.04.3009 of the City Civil Court, but the Karnataka High Court by its order dated 08.06.2009 also dismissed the Miscellaneous First Appeal on the ground that

the subject-matter of the suit was also the subject-matter of S.L.P. (C) No.10352 of 2007 before this Court.

We have heard learned counsel for the parties. On 12.07.2007, this Court granted leave in S.L.P. (C) No.10352 of 2007 and other connected SLPs. On grant of such leave, the matters were re-numbered as Civil Appeal Nos.3038 of 2007 and other connected Civil Appeals. We have heard these Civil Appeals and delivered a common judgment today setting aside the common judgment dated 22.12.2006 of the Division Bench of the Karnataka High Court and allowing the writ petitions filed in the High Court.

Since we have decided the dispute pending before this Court, we set aside the impugned order dated 08.06.2009 passed by the Karnataka High Court in Miscellaneous First Appeal No.2519 of 2009 and the order dated 02.04.2009 passed by the City Civil Court, Bangalore, in I.A.Nos.1 and 2 of 2009 and remand the matter to the City Civil Court, Bangalore, to hear the parties and decide the application for temporary injunction and the suit in accordance with our judgment delivered today in Civil Appeal Nos.3038 of 2007 and other connected Civil Appeals.

The appeal stands disposed of accordingly. No costs. A copy of the judgment passed today in Civil Appeal Nos.3038 of 2007 and other connected Civil Appeals be sent to the City Civil Court, Bangalore.