

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 13686 OF 2015
(arising out of S.L.P.(Civil) No.21814 of 2008)

M.NARAYANA & ANR. ... APPELLANT(S)

VS.

RAMAKKA (D) BY LRS.AND ORS. ... RESPONDENT(S)

With

Civil Appeal No. 13687/2015
(@ S.L.P. (Civil) No.18744/2010)

Civil Appeal No.13688/2015
(@ S.L.P. (Civil) No.28471/2011)

Civil Appeal Nos.13689-13690/2015
(@ S.L.P. (Civil) Nos.4217-4218/2012)

Civil Appeal No.13691/2015
(@ S.L.P. (Civil) No.3805/2008)

Civil Appeal Nos.13692-13693/2015
(@ S.L.P. (Civil) Nos.15557-15558/2015)

J U D G M E N T

Anil R. Dave, J.

1. Delay condoned.
2. Leave granted.
3. I.A. for substitution is allowed in civil appeal arising out of S.L.P. (C) No.3805/2008.

4. In view of the judgment of this court dated 16th October, 2015 in Prakash & Ors. vs. Phulavati & Ors., the impugned order is set aside and the appeals are remanded to the High Court for a fresh decision on merits in accordance with law.

5. Parties shall appear before the High Court for further proceedings on 14th December, 2015.

6. The appeals are allowed accordingly. There shall be no order as to costs.

7. Pending applications stand disposed of.

8. Copy of this order be sent to the respondents in civil appeals arising out of S.L.P. (Civil) Nos.15557-15558/2015.

.....J.
[ANIL R. DAVE]

.....J.
[ADARSH KUMAR GOEL]

New Delhi;
24th November, 2015.

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). 21814/2008

(Arising out of impugned final judgment and order dated 21/07/2008 in RFA No. 761/2003 passed by the High Court Of Karnataka At Bangalore)

M.NARAYANA & ANR.

Petitioner(s)

VERSUS

RAMAKKA (D) BY LRS. & ORS.

Respondent(s)

(With appln. For directions and impleadment as party respondent and office report)
(For final disposal)

WITH

SLP(C) No. 18744/2010

SLP(C) No. 28702-28703/2010

(With appln.(s) for c/delay in filing SLP)

SLP(C) No. 28471/2011

(With Interim Relief and Office Report)

SLP(C) No. 4217-4218/2012

(With Office Report)

SLP(C) No. 1299-1300/2013

(With appln.(s) for stay and Office Report)

SLP(C) No. 17577-17578/2013

(With Office Report)

SLP(C) No. 19816/2014

(With Interim Relief and Office Report)

SLP(C) No. 5619/2015

(With Interim Relief and Office Report)

SLP(C) No. 3805/2008

(With appln.(s) for c/delay in filing substitution appln. and appln.(s) for substitution and urging addl. grounds and Interim Relief and Office Report)

SLP(C) No. 9390/2015

(With Office Report)

SLP(C) No. 5680/2015

(With appln.(s) for exemption from filing O.T. and Office Report)

SLP(C) No. 35209/2011

(With interim Relief and Office Report)

SLP(C) No. 15557-15558/2015

(With Office Report)

S.L.P. (C)...CC No. 15560/2015

(With appln.(s) for c/delay in refiling SLP and c/delay in refiling SLP and Office Report)

Date : 24/11/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s) Mr. R.Venkataramani, Sr. Adv.
Mr. Huzefa A.Ahmadi, Sr. Adv.
Mr. Aljo K. Joseph, Adv.
Ms. Neelam Singh, Adv.
Mrs. Sudha Gupta, Adv.

Mr. S. N. Bhat, Adv.

Mr. C.M. Angadi, Adv.
Mrs. S. Usha Reddy, Adv.

Mr. Ashok Kumar Juneja, Adv.
Mr. Chand Qureshi, Adv.
Mr. Vijendra Kasana, Adv.
Mr. Anil Kumar, Adv.

Mr. P.R. Kovilan, Adv.
Mr. V. Vasudevan, Adv.
Dr. Nanda Kishore, Adv.

Mr. Rajesh Mahale, Adv.

Mr. Raghavendra S. Srivatsa, Adv.

Mr. Charudatta Mahindrakar, Adv.
Mr. A. Selvin Raja, Adv.
Mr. Aniruddha P. Mayee, Adv.

Mr. Abdul Azeem Kalebudde,Adv.
Mr. P. R. Ramasesh,Adv.

Mr. Ankolekar Gurudatta,Adv.

Mr. R.Basant, Sr.Adv.
Mr. Sushil Karanjkar,Adv.
Mr. Dharmendra Kishor,Adv.
Mr. Deepak Khot,Adv.
Mr. K. N. Rai,Adv.

Mr. Girish Ananthamurthy,Adv.
Ms. H.S. Poornima,Adv.
Mrs. Vaijyanthi Girish,Adv.

Mr. G. Balaji,Adv.

For Respondent(s)

Ms. Pramila Nesargi, Sr.Adv.
Mr. Balaji Srinivasan,Adv.
Mr. Mayank Kshirsagar,Adv.
Ms. Vaishnavi Subrahmanyam,Adv.
Ms. Srishti Govil,Adv.

Mr. Kedar Nath Tripathy,Adv.

Mr. Manu Mridul,Adv.
Mr. Surya Kant,Adv.

Mr. Naveen Chawla,Adv.
Mr. Mayank Bughani,Adv.
Mr. T. Mahipal,Adv.

Mr. P.Vishwanatha Shetty, Sr.Adv.
Mr. Deepak S.Shetty,Adv.
Mr. Ajay Govindraaj,Adv.
Mr. G. N. Reddy,Adv.

Mr. Anirudh Sanganeria,Adv.
Mr. Chinmay Despande,Adv.
Mr. Amjid Maqbool,Adv.
Mr. B. Subrahmanya Prasad,Adv.

Mr. Ashok Kumar Juneja,Adv.
Mr. Chand Qureshi,Adv.
Mr. Vijendra Kasana,Adv.
Mr. Anil Kumar,Adv.

Mr. Rauf Rahim,Adv.

Mr. Shanth Kumar V.Mahale,Adv.
Mr. Amith.J.,Adv.
Mr. Rajesh Mahale,Adv.

Mr. Rajinder Mathur,Adv.

Mr. Shankar Divate,Adv.

Mr. Anil V.Katarki,Adv.

Mr. Anil C.Nishani,Adv.

Ms. E.R.Sumathy,Adv.

Mr. C.M. Angadi,Adv.

Mrs.S. Usha Reddy,Adv.

Mrs. K. Sarada Devi,Adv.

Mr. M.Y. Deshmukh,Adv.

Ms. Garima Prashad,Adv.

Ms. Suruchi Mittal,Adv.

Mr. Manjunath Meled,Adv.

Ms. Vijaylaxmi Lidapudi,Adv.

Mr. Anil Kumar,Adv.

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

S.L.P. (Civil) Nos. 21814/2008, 18744/2010, 28471/2011,
4217-4218/2012, 3805/2008 and 15557-15558/2015

Delay condoned.

Leave granted.

I.A. for substitution is allowed in civil appeal arising out of S.L.P. (C) No.3805/2008.

The appeals are allowed in terms of the non-reportable judgment. No order as to costs.

Pending applications stand disposed of.

Copy of this order be sent to the respondents in civil appeals arising out of S.L.P. (Civil) Nos.15557-15558/2015.

S.L.P. (Civil) Nos.28702-28703/2010,1299-1300/2013,
17577-17578/2013,9390/2015, S.L.P. (Civil)...CC No.15560/2015

Delay condoned.

We do not find any merit in these petitions. The special leave petitions are, accordingly, dismissed.

Pending applications, if any, stand disposed of.

S.L.P. (Civil) No.19816/2014

In view of the judgment of this court dated 16th October, 2015 in Prakash & Ors. vs. Phulavati & Ors., any contrary observation on the issue of applicability of the Amendment Act will not survive.

The special leave petition is disposed of accordingly.

S.L.P (Civil) No. 5619/2015

In view of the judgment of this court dated 16th October, 2015 in Prakash & Ors. vs. Phulavati & Ors., the learned counsel appearing for the petitioner seeks permission to withdraw this petition so as to avail any other remedy, if available in law.

Permission granted.

The special leave petition is disposed of as withdrawn.

S.L.P.(Civil) No.5680/2015

The learned counsel appearing for the petitioners has submitted that the matter is settled out of the court. Therefore, they do not wish to press this matter further.

The special leave petition is dismissed as not pressed.

S.L.P.(Civil) No.35209/2011

List the matter on 30th November, 2015.

(Anita Malhotra)

Court Master

(Non-reportable judgment is placed on the file.)

(Sneh Bala Mehra)

Assistant Registrar