

ITEM NO.601

COURT NO.2

SECTION IVA

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

Petition(s) for Special Leave to Appeal (C) No.10916/2017

(Arising out of impugned final judgment and order dated 04/04/2017 in RSA No. 100446/2015 passed by the High Court of Karnataka at Bangalore)

RAGHAVENDRA SWAMY MUTT

Petitioner(s)

VERSUS

UTTARADI MUTT

Respondent(s)

Date : 11/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Mr. R. Venkataramani, Sr. Adv.
Mr. V. Vijayalakshmi, Sr. Adv.
Ms. Shelna K., Adv.
Mr. Yash Raj Bundela, Adv.
Mr. Aljo. K. Joseph, AOR

For Respondent(s) Mr. Harin P. Raval, Sr. Adv.
Mr. B. Adinarayan Rao, Sr. Adv.
Mr. Subromonium Prasad, Sr. Adv.
Mr. Jaya Vittal Rao Kolar, Sr. Adv.
Mr. Dhyan Chinappa, Sr. Adv.
Mr. Anil Kembhavi, Adv.
Mr. Rahul Pratap, AOR
Mr. Hari Shanker Mani, Adv.

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

Heard Mr. Kapil Sibal and Mr. R. Venkataramani,
learned senior counsel for the petitioner and Mr. Harin P.
Raval and Mr. Jaya Vittal Rao Kolar, learned senior counsel
for the respondent.

It is submitted by the learned senior counsel appearing for the petitioner that the impugned order passed by the High Court makes an arrangement in perpetuity and disturbs the earlier arrangement that was prevalent for the last twenty-two years. Learned senior counsel for the respondents would contend that the arrangement is in vogue since 2016, and it is an order which shall remain in force for the present 'Aradhana'.

On a perusal of the impugned order, we find that the High Court has made this arrangement only for 13th, 14th and 15th of April, 2017. If any clarification is required, we direct that the direction issued by the High Court shall stand restricted as an interim arrangement for 13th, 14th and 15th April, 2017.

As the parties are litigating for a considerable length of time, we request the High Court to dispose of R.S.A. No.100446 of 2015, pending before the High Court of Karnataka at Bengaluru, by end of September, 2017. We have made such a request as a Second Appeal has to be addressed on the substantial questions of law.

Needless to say, an interim arrangement is interim in nature and has nothing to do when the appeal is heard on merits. We may further clarify that if any observation has been made during the pendency of the Second Appeal for any purpose, that shall not weigh with the learned Judge who will be deciding the Regular Appeal on merits.

The special leave petition is, accordingly, disposed of.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master