

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4891 OF 2017

(Arising out SLP (C) Nos. 17095 of 2013)

BOWRING INSTITUTE

Appellant(s)

VERSUS

K. JAYANNA & ORS.

Respondent(s)

O R D E R

1) Leave granted.

2) We have heard Mr. K.V. Vishwanathan, learned Senior Counsel appearing for the appellant and Mr. Balaji Srinivasan, learned Counsel appearing for the respondents at considerable length.

3) Having regard to the facts of the case on hand, it appears that the High Court, without considering the materials on record, dismissed the writ petition preferred by the appellant-herein.

4) In view of this, we find that the reasoning given by the High Court cannot be accepted or held sustainable in the eye of law and hence the order passed by the High Court is set aside and matter is remitted to the Trial Court.

5) The Trial Court is directed to dispose of the suit pending before it within a period of six months from the date of communication of this order, after affording an opportunity of hearing to both the parties.

6) Accordingly, the appeal is disposed of and the matter is remitted to the Trial Court.

7) As prayed, liberty is granted to the respondents to approach the Trial Court for modification of the order passed by it.

8) As prayed, the interim order passed by this Court on 10.05.2013 shall continue until the suit is decided by the Trial Court.

..... J.
(PINAKI CHANDRA GHOSE)

..... J.
(ROHINTON FALI NARIMAN)

New Delhi;
March 31, 2017.

ITEM NO.38

COURT NO.6

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(s). 17095/2013

(Arising out of impugned final judgment and order dated 24/04/2013 in WP No. 2205/2013 passed by the High Court Of Karnataka At Bangalore)

BOWRING INSTITUTE

Petitioner(s)

VERSUS

K. JAYANNA & ORS.

Respondent(s)

(with appln. (s) for permission to file additional documents and interim relief and office report)

Date : 31/03/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. K.V. Viswanathan, Sr. Adv.
Mr. Gautam Narayan, AOR
Mr. K.B.S. Manian, Adv.
Ms. Shruthi Parasa, Adv.

For Respondent(s) Mr. Balaji Srinivasan, AOR
Ms. Vaishnavi Subrahmanyamm, Adv.
Mr. Abhishek Bharti, Adv.
Ms. Pratiksha Mishra, Adv.
Ms. Srishti Govil, Adv.

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

Leave granted.

The appeal is disposed of and the matter is remitted to the Trial Court in terms of the signed order.

Pending application stands disposed of.

(R. NATARAJAN)
Court Master

(SNEH LATA SHARMA)
Court Master

(Signed order is placed on the file)