

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). 9049/2020

(Arising out of impugned final judgment and order dated 19-02-2020 in WA No. 293/2020 passed by the High Court of Kerala at Ernakulam)

THE REVENUE DIVISIONAL OFFICER & ANR.

Petitioner(s)

VERSUS

JOSE VARGHESE & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.70527/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 19-11-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE HRISHIKESH ROYFor Petitioner(s) Mr. Nishe Rajen Shonker, AOR
Ms. Anu K.Joy, Adv.
Mr. Alim Anvar, Adv.For Respondent(s) Mr. V.Chitambaresh, Sr. Adv.
Mr. A. Karthik, AOR
Mr. C.Govind Venugopal, Adv.
Mrs. Anushka Pardikar, Adv.UPON hearing the counsel the Court made the following
O R D E R

Learned counsel for the petitioners submits that the impugned order of the Division Bench is predicated on a judgment of the coordinate Bench of the High Court as referred to in para 6 and against the said judgment an SLP has been filed being Special Leave Petition [C] No.9524/2020 in which notice was issued on 21st September, 2020.

Learned counsel for the respondent/caveator, however, points out that the impugned judgment is predicated on two grounds: firstly, on the aforesaid ground and secondly, as set out in para 7 whereby the Court took cognizance of an earlier round of litigation in which specific directions were issued by the learned Single Judge which has not been implemented and that judgment has attained finality.

On the Court query, learned counsel for the petitioner cannot dispute the second aspect.

In view of the aforesaid facts and circumstances, we are not inclined to exercise jurisdiction under Article 136 of the Constitution of India but naturally leave the first aspect open, in view of the notice having been issued by this Court.

The special leave petition is dismissed accordingly.

Pending application shall also stand disposed of.

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR