

ITEM NO.22

COURT NO.7

SECTION IV-A

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.1810/2020

(Arising out of impugned final judgment and order dated 11-11-2019 in WP No. 115049/2019 passed by the High Court of Karnataka Circuit Bench at Dharwad)

SMT. UMADEVI

Petitioner(s)

VERSUS

SRI MAHESHAKUMAR

Respondent(s)

(With appln.(s) for exemption from filing O.T. and interim relief)

Date : 27-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Manjunath Meled, Adv.  
Mr. Sandeep Sharma, Adv.  
Mr. Ganesh Kumar R., AOR

For Respondent(s)

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

In pursuance of the interim application filed by the petitioner in a suit for specific performance, the agreement to sell was adjudicated upon by the District Registrar to determine the stamp duty and penalty payable on the document. The learned Trial Judge accepted the adjudication of the District Registrar. The adjudication by the District Registrar resulted in a demand of Rs.1.75 lakhs towards stamp duty and Rs.17.50 lakhs towards penalty.

Aggrieved by the order of the learned Trial Judge, the petitioner has filed a writ petition before the High Court of Karnataka at the Dharwad Bench. The High Court while issuing notice, has declined to grant a stay.

Having regard to the fact that the impugned order is an ad interim order, we do not consider it necessary to entertain the present Special Leave Petition. However, we request the High Court to take Writ Petition Nos 115048-115049 of 2019 for expeditious disposal and to dispose of the petitions preferably within a period of three months from the date on which a certified copy of the present order is placed on the record of the High Court.

In the meantime, in order to obviate the consequence of the trial Court dismissing the suit for want of compliance, we grant liberty to the petitioner to move the trial Court with a certified copy of this order to facilitate the adjournment of the suit, pending the disposal of the writ petitions.

The Special Leave Petition is disposed of accordingly.

(Chetan Kumar)  
A.R. -cum-P.S.

(Saroj Kumari Gaur)  
Court Master