

ITEM NO.6

Court 15 (Video Conferencing)

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(s). 15327/2021

(Arising out of impugned final judgment and order dated 12-08-2021 in CCC No. 300/2021 passed by the High Court of Karnataka at Bengaluru)

RAMMURTHY

Petitioner(s)

VERSUS

SRI KARE SHANAIAH & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.122632/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT )

Date : 01-10-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI  
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s) Mr. Anand, Adv.  
Mr. T. R. B. Sivakumar, AOR

For Respondent(s)

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

Having heard counsel for the petitioner and having perused the material placed on record, we do not find any reason to entertain this petition under Article 136 of the Constitution of India.

In the impugned order dated 12.8.2021, the High Court of Karnataka at Bangalore has found a prima face case of breach of interim order dated 09.09.2020 and final order dated 25.02.2021, as passed in Writ Petition

No. 9697 of 2020, for the petitioner continuing with the construction of the building in question.

It is always open for the petitioner to show his bona fide in response to the notice issued by the High Court and show if it were not an act of willful disobedience as also to take the defence, whatever is permissible in law.

It goes without saying that the observations in the impugned order dated 12.08.2021 are only of the tentative expression of the opinion of High Court on existence of prima facie case for the purpose of entertaining the contempt petition. Such observations in the impugned order shall not operate against the petitioner in his defence.

Subject to the observations foregoing, this petition stands dismissed.

Pending application(s), if any, shall stand disposed of.

(SONIA BHASIN)  
COURT MASTER (SH)

(RAM SUBHAG SINGH)  
BRANCH OFFICER