

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE/INHERENT JURISDICTION
SPECIAL LEAVE PETITION (C) NOS. 22602-22603 OF 2019

K. SARITHA REDDY Petitioner(s)

VERSUS

N. GOPINATH AND ORS. Respondent(s)

WITH

CONTEMPT PETITION (C) NOS. 473-474/2020
IN
SLP (C) NOS. 22602-22603 OF 2019

O R D E R

Feeling aggrieved and dissatisfied with the impugned common judgment and order dated 23.08.2019 passed by the High Court of Karnataka at Bengaluru in Writ Petition No. 33222 of 2019 with Writ Petition No. 34016 of 2019, by which the High Court has allowed the said Writ Petitions preferred by Respondent No.1-herein and has directed that the interim injunction granted earlier shall not be continued, original Respondent No.4 has preferred the present Special Leave Petitions.

By order dated 27.09.2019, while issuing notice, this Court has directed to maintain status *quo* with regard to the property in question.

It is the case on behalf of Respondent No.1-herein that under the guise of and/or under the shelter of the order of status *quo*, the petitioner has put up the construction and has completed the

construction of the bungalow. The same is disputed by Mr. S.N. Bhat, learned Senior Advocate, appearing on behalf of the petitioner. Whether any construction is put up after the order of status *quo* granted by this Court and/or the petitioner has put up any construction during the pendency of the suit are all disputed question of fact which are required to be considered by the learned trial Court on the basis of the evidence led. Therefore, while disposing of the present Special Leave Petitions and directing all the parties to maintain the status *quo*, we observe and direct that, if ultimately it is found that the petitioner has put up any construction during the pendency of the suit and even after the order of status *quo* granted by this Court, vide order dated 27.09.2019, and if ultimately it is found that the petitioner was not entitled to put any construction and/or that Respondent No.1 would have a better right in the land in question in that case, any construction put up by the petitioner, which might have been put up either during the pendency of the suit or even after the order of status *quo* granted by this Court, vide order dated 27.09.2019, an order may be passed to demolish the same and the petitioner shall not claim any equity on the ground that the construction is already put up.

For the aforesaid purpose, the parties shall be at liberty to lead the evidence before the trial Court, which will be considered in accordance with law and on its own merits and while passing the appropriate order on the aforesaid. No further construction and/or alteration shall be made by the petitioner in the property in

question in any manner whatsoever and/or even no third-party rights shall be created and/or or no third party should be inducted in the suit property as the order of status *quo* binds both the parties.

With the aforesaid observation, the Special Leave Petitions stand disposed of.

In view of the disposal of the Special Leave Petitions, the Contempt Proceedings stand closed.

..... J.
(M.R. SHAH)

..... J.
(C.T. RAVIKUMAR)

New Delhi;
November 28, 2022.

ITEM NO.41

COURT NO.5

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). 22602-22603/2019

(Arising out of impugned final judgment and order dated 23-08-2019 in WP No. 33222/2019 23-08-2019 in WP No. 34016/2019 passed by the High Court Of Karnataka At Bengaluru)

K. SARITHA REDDY

Petitioner(s)

VERSUS

N. GOPINATH & ORS.

Respondent(s)

IA No. 21/2020 - DISPENSING WITH SERVICE OF NOTICE

IA No. 144550/2019 - EXEMPTION FROM FILING O.T.

WITH

CONMT.PET.(C) No. 473-474/2020 in SLP(C) No. 22602-22603/2019 (IV-A)

IA No. 147149/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 108611/2020 - APPROPRIATE ORDERS/DIRECTIONS

Date : 28-11-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Parties:

Mr. S. N. Bhat, Sr. Adv.
Mr. D. P. Chaturvedi, Adv.
Mr. Tarun Kumar Thakur, Adv.
Ms. Parvati Bhat, Adv.
Ms. Anuradha Mutatkar, AOR

Mr. K. V. Muthu Kumar, AOR

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

The Special Leave Petitions stand disposed of and the Contempt Proceedings stand closed in terms of the signed order.

Pending applications stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(MATHEW ABRAHAM)
COURT MASTER (NSH)

(Signed order is placed on the file)