

ITEM NO.57

COURT NO.9

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). 8922-8924/2016

(Arising out of impugned final judgment and order dated 31/03/2015 in RFA No. 1177/2009 and order dated 24/07/2015 in IA No. 1/2015 IA No. 2/2015 in RFA No. 1177/2009 in passed by the High Court Of Karnataka At Bangalore)

N. RAMASWAMY (DEAD) BY HIS LRS. Petitioner(s)

VERSUS

THE CHIEF SECRETARY, STATE OF KARNATAKA & ANR. Respondent(s)

(with interim relief and office report)

Date : 30/01/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. S. N. Bhat,Adv.

For Respondent(s) Mr. V. N. Raghupathy,Adv.

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

Leave granted.

Substitution allowed.

The appeals are allowed and orders of the High Court are set aside and request the High Court to take up the matter and decide the same on merits in accordance with law.

(NEELAM GULATI)
COURT MASTER

(TAPAN KR. CHAKRABORTY)
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S) . OF 2017
(Arising out of SLP(C) Nos. 8922-8924 of 2016

N. RAMASWAMY (DEAD) BY HIS LRS. Appellant(s)

VERSUS

THE CHIEF SECRETARY, STATE OF KARNATAKA
& ANR. Respondent(s)

O R D E R

Leave granted.

Substitution allowed.

The first appeal was dismissed by the impugned judgment and order dated 31st March, 2015. Restoration application for recalling the said order was filed and the same has been dismissed vide order dated 24th July, 2015. Sri N. Ramaswamy -appellant was dead on the date on which order was passed by the High Court. Due to death of the appellant in the High Court lis had passed into state of suspense, as such no valid order could have been passed by the High Court. In the circumstances absence of counsel was not of much significance.

Therefore, we allow the appeals and set aside the orders of the High Court and request the High Court to take up the matter and decide the same on merits in accordance with law.

.....J
(ARUN MISHRA)

.....J
(AMITAVA ROY)

NEW DELHI
JANUARY 30, 2017