

ITEM NO.33

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). 6071/2014
(Arising out of impugned final judgment and order dated
23/10/2013 in RFA No. 893/2013 passed by the High Court Of
Karnataka At Bangalore)

BRIJET & ORS

Petitioner(s)

VERSUS

STATE OF KARNATAKA & ANR

Respondent(s)

(with interim relief and office report)

Date : 27/01/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. R.S. Hegde, Adv.
Mrs. Farhat Jehan Rehmani, Adv.
Mr. Chandra Prakash, Adv.
Mr. Rajeev Singh, Adv.

For Respondent(s) Mr. Devdatt Kamat, AAG
Mr. V. N. Raghupathy, Adv.
Mr. Rajesh Inamdar, Adv.
Mr. Javedur Rahaman, Adv.
Mr. Parikshit P. Angadi, Adv.

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

Leave granted.

The Civil Appeal is allowed in terms of the signed order.

(HEMALATHA MOHAN)
SR.P.A.

(TAPAN KR. CHAKRABORTY)
COURT MASTER

(Signed order is placed on file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO...../2017
(ARISING OUT OF SLP(C) NO. 6071 OF 2014)

BRIJET & ORS

PETITIONER(S)

VERSUS

STATE OF KARNATAKA & ANR.

RESPONDENT(S)

O R D E R

Leave granted.

After hearing learned counsel for the parties, we are of the opinion that the High Court has simply decided the matter on the basis of valuation made before the trial court and court fees paid thereon. The High Court has not gone into the question raised before it as to what was the actual court fee payable in accordance with law. We are of the opinion that the High Court ought to have examined the court fee payable as per law . The submissions raised by the appellants ought to have been examined on merits. Hence, we set aside the order of the High Court and direct the High Court to examine the aforesaid question of court fee and valuation. The Court as prayed may also consider the provisions of Sections 7, 11 and 49 of the Karnataka Court Fees and Suits Valuation Act, 1958, and any other submission raised.

The appeal is allowed to the aforesaid extent.
Pending applications, if any, shall stand disposed of.

.....J.
(ARUN MISHRA)

.....J.
(AMITAVA ROY)

NEW DELHI
JANUARY 27, 2017