

ITEM NO.1

COURT NO.9

SECTION IV-A

**S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s). 11010/2008
(Arising out of impugned final judgment and order dated 20-12-2007
in RP No. 225/2006 20-12-2007 in RFA No. 539/1996 20-12-2007 in RFA
No. 540/1996 passed by the High Court of Karnataka at Bengaluru)

M.SHIVAPRAKASH

Petitioner(s)

VERSUS

T.S. SADANANDA RAMEGOWDA & ORS.

Respondent(s)

WITH

SLP(C) No. 11011-11012/2008 (IV-A)

(FOR CONDONATION OF DELAY IN FILING ON IA 1/2008

FOR ON IA 49105/2009

FOR ON IA 49108/2009

FOR ON IA 65514/2011

FOR [I/A FOR BRINGING ON RECORD THE LRS OF DECEASED RES. NO. 28]
ON IA 9247/2018

FOR ADDITION / DELETION / MODIFICATION PARTIES ON IA 11899/2020

FOR EXEMPTION FROM FILING O.T. ON IA 11900/2020

FOR DECLARING THE RESPONDENT AS MAJOR ON IA 11963/2020

FOR COMPROMISE R.3 O.23 ON IA 12123/2020

IA No. 11899/2020 - ADDITION / DELETION / MODIFICATION PARTIES

IA No. 12123/2020 - COMPROMISE R.3 O.23

IA No. 1/2008 - CONDONATION OF DELAY IN FILING

IA No. 11963/2020 - DECLARING THE RESPONDENT AS MAJOR

IA No. 11900/2020 - EXEMPTION FROM FILING O.T.

IA No. 9247/2018 - I/A FOR BRINGING ON RECORD THE LRS OF DECEASED
RES. NO. 28)

Date : 05-02-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN

HON'BLE MR. JUSTICE NAVIN SINHA

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

Mr. E. C. Vidya Sagar, AOR

Mr. V. N. Raghupathy, AOR

For Respondent(s) Mr. E. C. Vidya Sagar, AOR

Mr. Shanthkumar V.Mahale, Adv.

Mr. G.D. Ashwathnarayana, Adv.

Mr. Pradeep Sawkar, Adv.
Mr. Syed Faizan Ali, Adv.
Mr. Rajesh Mahale, AOR

Mr. Anand Sanjay M. Nuli, Adv.
Mr. Dharm Singh, Adv.
Mr. Nanda Kumar, Adv.
M/S. Nuli & Nuli, AOR

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

SLP (C) Nos.11011-11012/2008

Delay condoned.

Leave granted.

I.A. Nos. 11899/2020, 11963/2020 and 9247/2018 are
allowed.

The appeals stand disposed of in terms of signed order.

I.A. No. 12123/2020 stands disposed of.

All pending application(s), if any, shall also stand
disposed of.

SLP (C) No. 11010/2008

Delay condoned.

Leave granted.

The appeal is allowed in terms of signed order.

(RAJNI MUKHI)
SENIOR PERSONAL ASSISTANT

(RENU KAPOOR)
BRANCH OFFICER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1041 OF 2020
(Arising out of SLP (C) No. 11010/2008)

M.SHIVAPRAKASH

APPELLANT(S)

VERSUS

T.S. SADANANDA RAMEGOWDA & ORS.

RESPONDENTS(S)

WITH

CIVIL APPEAL NOS. 1039-1040 OF 2020
(Arising out of SLP (C) Nos. 11011-11012/2008)

O R D E R

C.A. Nos.1039-1040/2020

(Arising out of SLP (C) Nos.11011-11012/2008)

Heard learned counsel for the parties.

Delay condoned.

Leave granted.

These appeals have been filed against the common judgment dated 17.03.2006 passed by the High Court of Karnataka at Bangalore in Regular First Appeal No. 539 of 1996 and connected Regular First Appeal No. 540 of 1996. These appeals arose out of a suit filed for declaration by the plaintiff. In Regular First Appeals, the High Court asked for suggestions from both the parties and after considering those suggestions, passed an order for providing Rules approved by the Court to govern the Committee constituted in the scheme framed in these appeals, an Annexure to the judgment. On the basis of said scheme , Regular First Appeals were disposed of.

Aggrieved by the said judgment, these Appeals have been filed in this Court. An application i.e. I.A. No.12123/2020 has been filed under Order XXIII, Rule 3 of the Code of Civil Procedure for recording compromise between the parties. Now Deed of Compromise dated 11.01.2020 has been brought on record as Annexure PA-2 according to which the parties have entered into settlement for management and control of the affairs of the temple including the conduct of religious rites and rituals.

Both the learned counsel for the parties prayed that these appeals may be decided in terms of the Compromise Deed i.e. Annexure PA-2 to I.A. No.12123/2020.

It is submitted that all the concerned parties have signed the Compromise Deed which has been duly verified by the learned counsel.

In above view of the matter, we dispose of the appeals in terms of the Compromise Deed dated 11.01.2020 as brought on record in I.A. No. 12123 of 2020.

I.A. No. 12123/2020 and appeals stand disposed of accordingly.

Decree be drawn up accordingly.

C.A. NO. 1041/2020
(@ SLP (C) No. 11010/2008)

Leave granted.

This appeal has been filed against the judgment dated 20.12.2007 passed by the High Court of Karnataka at Bangalore in Review Petition No. 225/2006 in Regular first appeal No. 539/1996

and Regular First Appeal No. 540 of 1996 for expunction of certain strictures and observations made against the appellant who was heard as a learned counsel for one of the parties.

The judgment in the Regular First Appeals was delivered on 17.03.2006. A Review application was filed to review the Judgment dated 17.3.2006 which was rejected by the High Court on 20.12.2007. While rejecting the review petition certain observations were made against the appellant.

In view of our order passed in C.A. Nos.1039-1040/2020 (SLP (C) Nos.11011-11012/2008) arising out of the main judgment dated 17.03.2006 accepting the Compromise Deed between the parties and disposing the appeals in terms of the said Compromise Deed, we are of the view that the observations made against the appellant in the judgment dated 20.12.2007 needs to be expunged. We do so accordingly.

The appeal is allowed.

..... J.
[ASHOK BHUSHAN]

..... J.
[NAVIN SINHA]

NEW DELHI;
FEBRUARY 05, 2020