

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.922 of 2015

Dt:04.11.2015

Between:

Y.Rachappa.

... Appellant

And

M.Narsamma and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No.922 of 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

Mr.N.Subba Rao, learned counsel for the appellant, does not press the writ appeal and seeks observation that O.S.No.173 of 2009 pending in the Court of Senior Civil Judge, Adoni filed by the appellant be considered and dealt with on merits in accordance with law and uninfluenced by the observations made in the impugned order, dated 10.09.2015, passed in W.P.No.20147 of 2015. Further, he seeks observation that possession, which is directed to be restored by the impugned order, may also be subject to outcome of O.S.No.173 of 2009.

Learned counsel appearing for the respondents have no objection for disposing of the writ appeal with the aforementioned observations.

Hence, we dispose of the writ appeal observing that learned Senior Civil Judge, Adoni shall decide O.S.No.173 of 2009 on merits, in accordance with law, and influenced by the observations made in the impugned order, dated 10.09.2015, passed in W.P.No.20147 of 2015. The possession of respondent Nos.1 and 2 (writ petitioners) as per the impugned order, in particular paragraph 3 of the operative portion, shall be subject to outcome of O.S.No.173 of 2009. All contentions on merits are kept open.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt:04.11.2015

kdl

