ITEM NO.110 Court 13 (Video Conferencing) SECTION IV-A

SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

Civil Appeal No(s). 3728-3729/2018

SREE SRIMANNIRANJANA PRANAVASWARUPI SREE SHIVANANDA SHIVAYOGIRAJENDRA MAHASWAMIGALU

Appellant(s)

VERSUS

C.R.SHIVANANDA (DEAD) BY LR. & ORS.

Respondent(s)

Date: 11-08-2021 These appeals were called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE HEMANT GUPTA HON'BLE MR. JUSTICE A.S. BOPANNA

For Appellant(s) Mr. G.V. Chandrashekar, Adv.

Ms. Apeksha D., Adv. Mr. N.K. Verma, Adv.

Ms. Anjana Chandrashekar, AOR

For Respondent(s) Mr. D.P. Chaturvedi, Adv.

Mr. S. N. Bhat, AOR

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

Learned counsel for the appellants has raised a preliminary objection that the High Court has delivered the judgment after one and a half year of the judgment being reserved. Therefore, the judgment is liable to be set aside on this ground alone. We have asked learned counsel for the appellant time and again, as to whether the judgment can be set aside only on the ground that it is delivered after reserving the order after some delay but learned counsel was insistent on the fact that the judgment cannot be sustained on this ground.

Learned counsel for the appellant relies upon the judgment of this Court in 'Santosh Hazari vs Purushottam Tiwari

(Dead) By Lrs' reported in (2001) 3 SCC 179. However, a perusal of the judgment is not even remotely suggesting that the delay in pronouncing the judgment by itself will be a ground of setting aside the same.

We find that the objection raised is frivolous and waste of time of the Court. Consequently, we impose cost of Rs.50,000/-(Rupees Fifty Thousand) on the appellant. The cost to be deposited with the Supreme Court Bar Association Advocates Welfare Fund within two weeks from today.

Learned counsel for the appellant seeks time to deposit the cost within two weeks.

List the matters after depositing of the cost.

In the meantime, the parties are directed to submit short written submissions for the consideration of the Court.

(SWETA BALODI)
COURT MASTER

(ANITA RANI AHUJA) ASSTT. REGISTRAR