ITEM NO.802 COURT NO.2 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

IA 28261/2017 in Civil Appeal No(s). 2635-2638/2017

STATE OF KARNATAKA & ORS. Appellant(s)

VERSUS

JAGADEV BIRADAR ETC ETC Respondent(s)

Date : 08-09-2017 This application was mentioned today.

CORAM :
HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Appellant(s) Mr. Devadatt Kamat,AAG (Mentioned by)
Mr. V. N. Raghupathy, AOR
Mr. Prikshit P. Angdi,Adv.
Mr. Rajesh Inamdar,Adv.

For Respondent(s) Mr. Vadivelu Deenadayalan, AOR

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

This Court made the following order on 04-09-2017"

"We do not see any reason to suspend the operation of the judgment under appeal. However, we are of the opinion that the ends of justice will be met in this case by directing that the appellants would refund the amount of tax already collected, as and when a demand from the owner of the vehicle which is registered in the State is made before them and make two endorsements (i) regarding the pendency of the instant appeals and (ii) that the amount of money refunded would be a charge on the vehicle during the pendency of these appeals and would be subject to the result of these appeals. Apart from that, the appellant-State is also entitled to take appropriate undertaking from the owner of the vehicle at the time of the payment of tax in the event of State succeeds in the instant appeals.

IA 28261/2017 stands disposed of accordingly."

The order dated 04-09-2017 be read as under:

We do not see any reason to suspend the operation of the judgment under appeal. However, we are of the opinion that the ends of justice will be met in this case by directing that the appellants would refund the amount of tax already collected, as and when a demand from the owner of the vehicle which is registered in the State is made before them and make two endorsements (i) regarding the pendency of the instant appeals and (ii) that the amount of money refunded would be a charge on the vehicle during the pendency of these appeals and would be subject to the result of these appeals. Apart from that, the appellant-State is also entitled to take appropriate undertaking from the owner of the vehicle at the time of refund of the tax. Such refund shall be subject to the result of the appeals.

IA 28261/2017 stands disposed of accordingly.

(OM PARKASH SHARMA)
AR CUM PS

(RAJINDER KAUR)
BRANCH OFFICER