

(2023) 04 KAR CK 0009

In the Karnataka High Court

Case No : Writ Petition No. 8029 Of 2023 (S-KSAT)

M.C. Shivakumar & Others

APPELLANT

Vs

State Of Karnataka & Others

RESPONDENT

Date of Decision : 12-04-2023

Acts Referred:

Citation : (2023) 04 KAR CK 0009

Hon'ble Judges : G. Narendar, J;Shivashankar Amarannavar, J

Bench : Division Bench

Advocate : M.S. Bhagwat, Shilpa S.Gogi

Final Decision : Disposed Of

Judgement

G.Narendar, J

1. Heard the learned Senior counsel Sri. M. S. Bhagwat, along with Sri. K. Satish, learned counsel appearing on behalf of the petitioners and the learned AGA appearing on behalf of respondent Nos.1 and 2.

2. Learned Senior counsel would submit that a memo was filed before the Tribunal, which memo is extracted in the impugned order. In effect under the memo, the applicants/petitioners herein sought for deferment of the hearing on the ground that the issue before the Tribunal is seized of by the Hon'ble Apex court in SLP (C) No.10065/2022 and connected matters and further, a Review Petition in R.P.No.436/2021 seeking review of the order passed in W.P.No.39315/2018 is pending before this Court. The Tribunal has proceeded to dissect the contents of the memo to hold that there is no pleading that the order in W.P.No.39315/2018 is applicable to the facts of the case nor such a submission was made by the learned Senior counsel, who represented the applicants.

3. We are unable to countenance this reasoning. The memo clearly reads that the decision rendered by this Court in W.P.No.39315/2018 squarely covers the instant application. Be that as it may, it is apparent from the tenor of the order

that the Tribunal is eager to hear and dispose of the matter finally. In that view of the matter, it is not for this Court to dictate as to how and when the matter should be heard by the Tribunal.

4. It is open for the petitioners to make an attempt, if they so believe, to convince the Tribunal that deferment would be prudent and equitable to the parties.

With the above observations, the petition stands disposed of.

There shall be no order as to costs.