

SUPREME COURT OF INDIA

Bowring Institute

Vs.

B.S.Ashok & Ors.

C.A.No.10947 of 2016

(Kurian Joseph and R.F.Nariman,JJ.,)

18.11.2016

JUDGMENT

Kurian Joseph,J.,

SLP(Civil)No.32100 of 2013

1. Leave granted.

2. The appellant is before this Court aggrieved by the order dated 24th September, 2013 passed by the High Court of Judicature of Karnataka at Bangalore in Civil Revision Petition No.249 of 2013. When the matter came up before this Court on 25.10.2013, this Court passed an interim order staying the operation of the impugned order. The said order is operative even as of now.

3. We are informed that there are three suits, of which one has already been dismissed and in which there is an application for restoration, which is pending. Be that as it may, O.S. No. 3063 of 2013 has been filed before the Court of the 37th Additional City Civil Judge, Bangalore, whereas O.S. Nos. 25936 of 2013 and 25947 of 2013 have been filed before the Court of 28th Additional City Civil Judge, Bangalore.

4. Having regard to the nature of disputes, we are of the view that it is in the interest of all concerned, to have the suits consolidated and tried expeditiously.

5. The appeal is hence disposed of by transferring O.S. No. 25936 of 2013 and 25947 of 2013 to the 37th Additional City Civil Judge, Bangalore, to be consolidated with O.S. No. 3063 of 2013 before the said Court.

6. We make it clear that this Judgment shall not be taken to mean that in case any of the suits has been dismissed on default, the same should be restored, such application, if any, pending before the concerned Court will be decided on its on merit.

7. We direct the 37th Additional City Civil Judge, Bangalore to try and dispose of the Suits expeditiously and in any case before the commencement of Summer Vacation.
8. Interim order passed earlier by this Court shall continue till the disposal of the above suits.