

46

IN THE SUPREME COURT OF INDIA  
[CIVIL ORIGINAL JURISDICTION]

I.A. NO. **47346** OF 2020  
IN

CIVIL APPEAL NO. 13301 OF 2015

IN THE MATTER OF :-

Subrata Bhattacharya ... PETITIONERS

:: VERSUS ::

Securities and Exchange Board of India. ... RESPONDENTS

AND IN THE MATTER OF:

1. Mrs. M Mamatha  
W/o Manjunath P  
R/at No.27, 19<sup>th</sup> cross,  
7<sup>th</sup> main , Near Kovai Farm Fresh,  
BTM Layout, 2<sup>nd</sup> stage,  
N S Palya, B.G.Road  
BANGALORE -560 079  
KARNATAKA STATE

2. Mrs.Gayathri. K  
D/o Late Krishna Reddy,  
R/at No 305,2<sup>nd</sup> floor, 5<sup>th</sup> Cross,  
Kanapura Road, BCMC Layout,  
Raghuvanahalli, Thalaghattapura  
BANGALORE -560 062  
KARNATAKA STATE

...IMPLEADINGAPPLICANTS/  
RESPONDENTS

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FILED BY:

[MS. HETU ARORA SETHI]  
Advocate for Applicant  
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New Delhi – 110 013  
AOR .1419.

FILED ON : 18.03.2020

IN THE SUPREME COURT OF INDIA  
[CIVIL ORIGINAL JURISDICTION]

I.A. NO. OF 2015

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Kanapura Road, BCMC Layout,  
Raghuvanahalli, Thalaghattapura  
BANGALORE -560 062  
KARNATAKA  
STATE

... IMPEADING APPLICANTS/RESPONDENTS

AN APPLICATION FOR IMPEADMENT

AS PARTY RESPONDENTS

To,

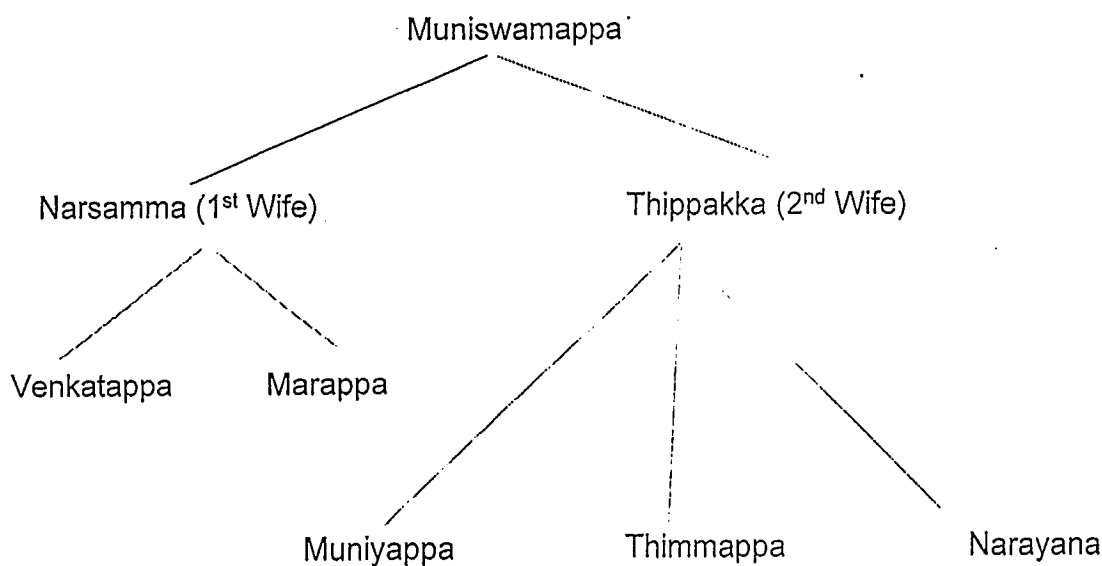
The Hon'ble Chief Justice of India and

His Companion Justices of Supreme Court.

The humble Application of the Applicants above named :

MOST RESPECTFULLY SHOWETH:

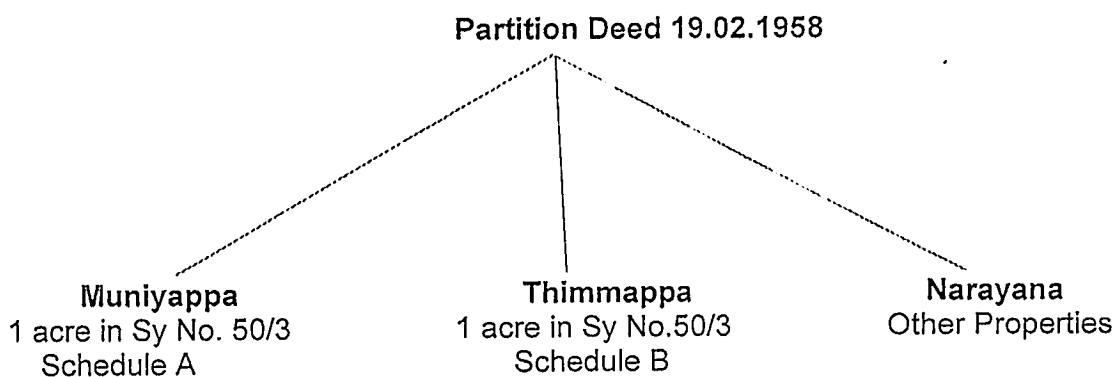
1. The applicants are constrained to approach this Hon'ble Court by way of this instant impleadment application as the property of the Applicants who are the rightful owner, it being their ancestral property has been mandated to be erroneously auctioned along with pool of PACL properties since their objections were dismissed by Shri R.S Wirk, Retd District Judge who was hearing the same.
  
2. It is submitted that the properties in question (MR Nos 26021/16 , 25084/16) measuring 3 acres 12 guntas comprised in Survey No. 50/3A (old No. 50/3) ('**First Property**') and 30 guntas in Sy.No.46/1 ('**Second Property**') situated in village Hulimavu, Begur Hobli, Bangalore South ('**the said Properties**'). It is further submitted that the First Property is part of total land measuring 4 acres 18 guntas which originally belonged to the Applicant's grandfather Muniswamappa S/o Reddiga Honnappa ('**larger property**').
  
3. Muniswamappa had two wives, and 5 sons. The Sons entered into a registered Partition Deed dated 17.05.1948 ('**the First Partition**').  
The First Partition is better explained herein below-



Under Partition Deed 1948, land bearing Sy No.50/3, measuring 4 acres 10 guntas (out of 4 acres 18 guntas) were allotted to their shares which they were enjoying jointly.

In the above scheme of things, the Applicant is the grand daughter of Muniyappa .

4. Subsequently, Muniyappa, Thimmappa and Narayanappa entered into another partition deed dated 19.02.1958 registered as document No. 3966/1957-58 ('**Second Partition Deed**').
5. It is submitted that under the Second partition Deed



The Second Property also fell into the share of the Applicants' grandfather Muniyappa. Interestingly, there was no mention of the balance extent of 2 acres 10 guntas in the Second Partition Deed.

6. It is submitted that subsequently the Bangalore Development Authority notified certain lands in Hulimavu and other villages for the purpose of acquisition which included the said Property. Vide final notification dated 28.07.1990, the Under Secretary, Housing and Urban Development Minister, Government of Karnataka, the said Property was acquired by the Bangalore Development Authority for formation of layout called '*Byrasandra Tavarekere Madivala*'.

However, the said notification for acquisition was withdrawn vide Notification dated 05.06.2010.

7. It is submitted subsequently, Venkatappa's son Honappa was interfering with the peaceful possession of Thimmappa and Muniyappa with regards to the land measuring 4 acres 10 guntas in Sy No. 50/3. Accordingly Thimmappa and Muniyappa filed a suit vide OS No. 1393/1998 before the City Civil Judge at Bangalore ('the said Suit') praying for being declared as joint owners of the land measuring 4 acres 10 guntas.
8. It is submitted that during the pendency of the said Suit, Thimmappa and the other legal heirs of Thimmappa i.e his sons except the applicant and the sons of Muniyappa executed a Sale Deed dated 20.04.2010 registered as document No. 1721/2010-11 in favour of one Prateek Kumar by way of which 3 acres and 12 guntas in Sy No.50/3A (Old Sy No.50/3) i.e the said Property was conveyed. Similarly, another Sale Deed dated 20.04.2010 registered as document No.3200/2010 conveyed 30 guntas in Sy No.46/1. The Applicants however, was not made party to the said Sale Deeds.
9. The Applicants were not made party to the said Sale Deed despite being the coparceners who were entitled to the said Property which originally belonged to their grandfather they got to know of the same subsequently.

10. It is submitted that vide Judgement and Decree dated 08.03.2011, the Hon'ble Civil Judge, Bangalore passed a detailed order declaring Thimmappa and Muniyappa as joint owners of land measuring 4 acres and 10 guntas.
11. That aggrieved by the order dated 08.03.2011, Venkatappa's son Honappa filed a regular first appeal vide RFA No. 556/2011 before the High Court of Karnataka. In the said appeal vide order dated 28.03.2011 the parties were directed to maintain status quo until further orders. The Applicant No.2 is party to the said appeal. Subsequently, the legal heirs of Thimmappa have also filed a cross objections vide RFA CROB 13/2011.
12. It is submitted that due to some inter-se dispute between Thimmappa and other vendors and Prateek Kumar, the latter Prateek Kumar filed an suit vide OS No.26738/2012 for permanent injunction, restraining the Defendants (Thimmappa and other vendors) from interfering with the peaceful possession of the said Property. The matter is at the stage of Plaintiff's evidence but he has not appeared for a while in the matter.
13. The Applicant No.1's father- Muthappa Reddy passed away in the year 2016 and Applicant No.2's father - Krishna Reddy passed away in 2015. Thereafter, only recently they became aware of their entitlement with respect to their ancestral properties.

14. Accordingly, the Applicants along with other legal heirs filed a Suit for partition vide OS No. 26334/18 before the City Civil Judge, Bangalore for several ancestral properties including the said Property. That in the said partition Suit, the Applicants have also prayed for declaration that the Sale Deed executed with Prateek Kumar be declared as non-binding on the Applicants.
15. The Ld City Civil Judge, Bangalore has also granted an interim relief which states that Plaintiff / Applicants and Defendants are restrained by way of temporary injunction from alienating and creating any charge over the suit schedule property till the next date of hearing.
16. Since Mr. Prateek Kumar is associated with PACL, the said Sale deed dated 20.04.2010 is uploaded on their website in their pool of properties to be auctioned.
17. Accordingly, after making further enquiries, the Applicants found out about the instant Civil Appeal No. 13301/2015 pending before the Hon'ble Supreme Court of India and regarding the Hon'ble (Retd) R.M Lodha Committee ('the Hon'ble Committee').
18. It is submitted that, immediately on receiving the above information, the Applicants approached the Hon'ble Committee headed by Retd District Judge, Mr. R.S Wirk which was constituted on the recommendation of the Shri Lodha Committee. The representation

was filed at the first available opportunity on 02.02.2019 *inter alia* praying for exclusion of the Suit Property being MR Nos 26021/16 , 25084/16 and 25083/16 from the list of properties to be auctioned as PACL Property until the matters pending before the Hon'ble High court of Karnataka and the partition Suit pending before the Ld City Civil Judge, Bangalore are disposed off.

19. However, the Hon'ble Wirk Committee vide order dated 24.05.2019 has dismissed the representation on the ground that he cannot go into the question of title as it is beyond his mandate.
20. It is submitted that since when the order was pronounced, there were vacations in this Hon'ble Court, it took them some time to connect with an advocate here who then drafted the instant application and filed the same. Thus it took them some time in logistically coordinating the filing of the instant application.
21. That it is respectfully submitted that the Applicants have filed an application for directions. This Hon'ble Court is seized of the matter and the Applicants are in the anxiety that the said Property may go in for auction which will cause them irreparable harm. It will further deprive her of enjoying her ancestral property of which she is a coparcener and it was disposed off without any notice to her.
22. Since the Applicants are not party to the above proceedings and in the interests of justice and also for the purpose of addressing submissions on the Application for Directions filed, it has become necessary for filing the present Application.



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PRAYER

In these circumstances, it is respectfully prayed that this Hon'ble Court may be pleased to –

- [a] Pass an order permitting the above Applicants to be impleaded as a Co- Respondents in the above Special Leave Petition;
- [b] Pass any such other order/s as may be deemed fit and proper.

FILED BY:

[ HETU ARORA SETHI]  
Advocate for the Applicant

FILED ON : 19.03.2020

IN THE SUPREME COURT OF INDIA  
[CIVIL ORIGINAL JURISDICTION]  
I.A. NO. OF 2019  
IN  
CIVIL APPEAL NO. 13301 OF 2015

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IN THE MATTER OF :-

Subrata Bhattacharya ... PETITIONERS

:: VERSUS ::

Securities and Exchange Board of India. ... RESPONDENTS

AND IN THE MATTER OF:

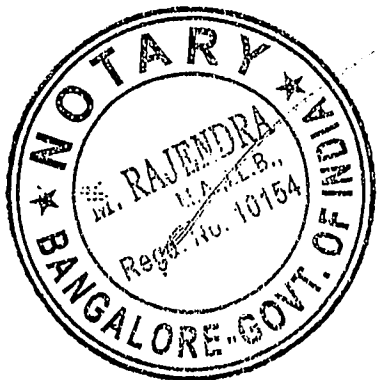
Mrs. M. Mamatha

AFFIDAVIT

I, Mrs. M. Mamatha, W/o Manjunath .P, aged about 39 years, R/at No. 27, 19<sup>th</sup> Cross, 7<sup>th</sup> Main, Near Kovai Farm Fresh, BTM Layout, 2<sup>nd</sup> Stage, N S Palya, B.G. Road, Bangalore, Karnataka-560076, do hereby solemnly affirm and state as under :-

1. That I am the Applicant in the above mentioned Civil Appeal. As such I am fully conversant with the facts and circumstances of the case and am also competent to swear this Affidavit.

2. That I have gone through the accompanying application, which have been drafted on my instructions I say that the contents thereof are true and correct to the best of my knowledge. Annexures are the true copies of their respective originals.



← Mamatha, M.

DEPONENT

VERIFICATION:

10

I, the above-named deponent, do hereby verify that the contents of my above affidavit are true and correct to the best of my knowledge, no part of it is false and that nothing material has been concealed therefrom.

Verified at 10 this the day of October, 2019

← *Stamatha. St.*

DEPONENT



SWORN TO BEFORE ME

*M.*  
M. RAJENDRA, M.A., LL.B.,  
ADVOCATE & NOTARY PUBLIC  
GOVT. OF INDIA  
728, 3rd Block, 14th Cross, HMT Layout  
Nagasandra (P), Bangalore - 560 073

10 OCT 2019

Govt. Of Karnataka Notary  
Stamp Not Issued  
Hence not Affixed Stamp

NOTARIAL REGISTER  
SI.No. *327* Page: *52*  
Vol. *1* Date: *10/10/19*

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IN THE SUPREME COURT OF INDIA  
[CIVIL ORIGINAL JURISDICTION]  
I.A. NO. OF 2019  
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Subrata Bhattacharya ... PETITIONERS

:: VERSUS ::

Securities and Exchange Board of India. ... RESPONDENTS

AND IN THE MATTER OF:

Mrs. K.Gayathri

AFFIDAVIT

I, Mrs. K.Gayathri, D/o Late. Krishna Reddy, aged about 44 years, R/at No. 305, 2<sup>nd</sup> Floor, 5<sup>th</sup> Cross, Kanakapura Road, BCMC layout, Raghuvanahalli, Thalaghattapura, Bangalore, Karnataka-560062, do hereby solemnly affirm and state as under :-

1. That I am the Applicant in the above mentioned Civil Appeal. As such I am fully conversant with the facts and circumstances of the case and am also competent to swear this Affidavit.

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*K. Gayathri*

DEPONENT



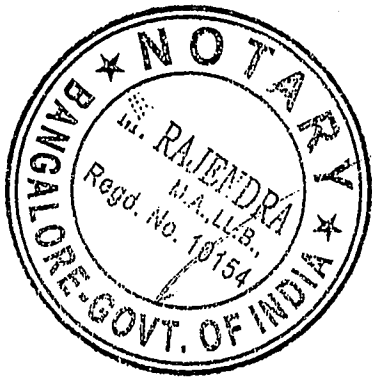
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Verified at 10 this the day of October, 2019

K. Gayathri  
DEPONENT



SWORN TO BEFORE ME

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ADVOCATE & NOTARY PUBLIC  
GOVT. OF INDIA  
728, 3rd Block, 14th Cross, HMT Layout  
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## IN THE SUPREME COURT OF INDIA NEW DELHI

DIARY NO. Of 20  
 1A No of 2020.

SLP/WP/TP/APPEAL (CIVIL / CRIMINAL) NO. (330) OF 2015

Subrata Battacharya ..... PETITIONER

VETRUS.

Securities and Exchange Board of India ..... RESPONDENT

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Note :-Spare Copies are Correct.

Date 18/3/2020

Filed by.

New Delhi

A K JHA

Ms. HETU ARORA SETHI

I.C. No. 3425

AOR ,Code No. 1419

Mob. 9968638862

Advocate for Petitioner

14

IN THE SUPREME COURT OF INDIA  
[CIVIL/CRIMINAL ORIGINAL/APPELLATE JURISDICTION]

S.L.P./W.P./T.P. (Civil/CrI.) No.(s) ...../2020

.....Petitioner(s)/  
Appellant(s)

VERSUS

.....Respondent(s)

**V A K A L A T N A M A**

I, .....Appellan  
t(s)Petitioner(s)Respondent(s)Opposite party in the above  
Suit/Appeal/Petition/Reference do hereby appoint and  
retain....., Advocate of the Supreme Court of India to  
act and appeal for me/us in the above Suit/Appeal/Petition/Reference and on  
my/our behalf to conduct and prosecute (or defend) the same and all proceedings  
that may be taken in respect of any application connected with the same or any  
decree or order passed therein, including proceedings in , taxation and  
applications for Review, to file and obtain return of documents and to deposit and  
receive money on my/our behalf in the said Suit/Appeal/Petition/Reference and in  
application of Review, and to represent me/us and take all necessary steps on  
my/our behalf in the above matter. I/We agree to ratify all acts done by the  
aforesaid Advocate in pursuance of this authority.

Dated this the .....day of.....2020

Accepted :

Advocate, Supreme Court [M. mamtha  
Gaya thrik] Flameetha. M.  
K. Geyathri  
APPELLANT(S)/PETITIONER(S)

**MEMO OF APPEARANCE**

To

The Registrar  
Supreme Court of India,  
New Delhi

Sir,

Please enter my appearance on behalf of the Petitioner(s)/Appellant(s)/  
Respondent(s) Opposite Parties/Intervener No. 1 in the matter above.

Yours faithfully,

NEW DELHI :

FILED ON :

Advocate for Petitioner