

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 26<sup>TH</sup> DAY OF NOVEMBER 2001

BEFORE

THE HON'BLE MR. JUSTICE N.S.Veerabhadraiah

M.F.A. No.6250/2001

**BETWEEN**

Vijaya Bank,  
Residency Road Branch,  
No.134/1, Residency Road,  
Bangalore-560 023.  
Represented by its  
Chief Manager Sri.K.J.Hegde,  
S/o K. Bhujanga Hegde  
Aged 51 years

...APPELLANT

(By Sri. Urval.N.Ramanand & Co.,Adv.)

**AND :**


M/s Dynasty Holdings (P) Ltd.,  
A Company incorporated under  
The Companies Act, 1956 and  
Having its Registered Office  
At I floor, Embassy Point,150,  
Infantry Road,Bangalore-560 001.  
Represented herein  
by its Partner  
Mr. Jitendra Virwani.

...RESPONDENT

(By Sri. Ashok Patil, Adv.)

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This M.F.A. is filed U/O 43 R 1, @ of CPC  
against the Order Dated 9.11.2001 passed on IA  
No.V in O.S.NO.4727/2000 on the file of the XIV  
Addl. City Civil Judge, Bangalore City and etc.,



This Appeal coming on for admission, this Day, the Court delivered the following:

J U D G M E N T

Heard.

2. The main grievance of the learned Counsel for the Appellant is that the impugned order came to be passed without hearing his party. On going through the impugned order, it shows that the appellant has not been heard in the matter.

3. Therefore, the appeal is allowed and the impugned order is set-aside. The Trial Court is directed to consider the matter afresh, after hearing both sides Counsel and pass appropriate order.

4. In the guise of this order, the Bank shall not put up any new construction and they are permitted to go on with the banking proceedings.

Sd/-JUDGE

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