

Basappa vs Kallappa

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Court : Karnataka Orders

Decided On : Feb-28-2024

Judge : M.I.Arun

Appeal No. : WP/100904/2017

Appellant : Basappa

Respondent : Kallappa

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH DATED THIS THE 28TH DAY OF FEBRUARY, 2024 BEFORE THE HON'BLE MR JUSTICE M.I.ARUN WRIT PETITION NO.100904 OF 2017 (GM-CPC) BETWEEN:

1. BASAPPA S/O SIDDAPPA KURUBAR,

2. BHIMAPPA S/O SIDDAPPA KURUBAR, AGE: 59 YEARS, OCC: AGRICULTURE, PETITIONERS (BY SRI. S S NIRANJAN AND SRI. F.B. PATIL, ADVOCATES) AND:

1. KALLAPPA S/O BASAVANNEPPA RAMANNI, GIRIJA A BYAHATTI TQ: KALGHATGI, DIST: DHARWAD. Digitally signed by GIRIJA A

BYAHATTI Date: 2024.02.29 12:38:30 +0530

2. NAGAPPA S/O BASAVANNEPPA RAMANNI, AGE: 63 YEARS, OCC: AGRICULTURE,

3. MALLAPPA S/O BASAVANNEPPA RAMANNI, -2-

4. SHIVAPUTRAPPA S/O BASAVANNEPPA RAMANNI, AGE: 45 YEARS, OCC: AGRICULTURE,

5. PARASAPPA S/O BASAVANNEPPA RAMANNI, AGE: 43 YEARS, OCC: AGRICULTURE,

6. YALLAPPA S/O CHANNAPPA RAMANNI,

7. MAHADEVAPPA S/O CHANNAPPA RAMANNI,

RESPONDENTS (BY SRI. UDAYASHANKAR SHINDHE, ADVOCATE FOR C/R1 TO R7) THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI OR ORDER OR DIRECTION BY ALLOWING I.A. NO.3 FILED BY THE

PETITIONERS/DEFENDANTS BY SETTING ASIDE THE ORDER

ON I.A.NO.3 PASSED BY THE TRIAL COURT ON 07.01.2017 THEREBY REJECTING I.A.NO.3 IN THE ORIGINAL SUIT NO.83/2016 ON THE FILES OF CIVIL JUDGE AND JMFC COURT AT KALGHATGI VIDE ANNEXURE-E & ETC., THIS PETITION COMING ON FOR PRELIMINARY HEARING IN GROUP B THIS DAY, THE COURT MADE THE FOLLOWING: -3-

ORDER

The writ petition is filed with the prayer to set aside the order passed by the Civil Judge and JMFC, Kalghatgi, on I.A.No.3 in O.S.No.83/2016. Advocates for the petitioners and respondents are absent. The computer generated order sheet of the trial Court reveals that, O.S.No.83/2016 has been dismissed for non-

prosecution on 13.07.2022. Hence the question of setting aside the order passed on I.A. does not arise. For the aforementioned reasons, the writ petition is dismissed as having become infructuous. Sd/- JUDGE gab CT-VP List No.: 1 Sl No.: 2

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