IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 22ND DAY OF MARCH, 2024

BEFORE

THE HON'BLE MR JUSTICE RAVI V.HOSMANI

WRIT PETITION NO. 108844 OF 2016 (GM-CPC)

BETWEEN:

1. VEERUPAXAPPA
   S/O. GURUPADAPPA KAJAGAR,
   AGE: 79 YEARS,
   OCC: RETD. GOVERNMENT EMPLOYEE,
   R/O: CTS NO.2869, 6TH CROSS,
   ADARSH NAGAR, HINDWADI,
   BELAGAVI, DIST: BELAGAVI-590001.

2. MAHADEVI
   W/O VEERUPAXAPPA KAJAGAR
   AGE: 71 YEARS, OCC: H/W
   R/O: CTS NO.2869, 6TH CROSS,
   ADARSH NAGAR, HINDWADI,
   BELAGAVI, DIST: BELAGAVI-590001.

...PETITIONERS

(BY SRI SHIVARAJ S. BALLOLI AND
SRI RAMESH I.ZIRALI, ADVOCATES)

AND:

1. SHRI MADANKUMAR S.BHAIRAPANNAVAR,
   AGE: 49 YEARS,
   OCC: BUSINESS,
   R/O: ANJANEYA NAGAR,
   NEAR MARUTI TEMPLE,
   MALAMARUTI EXTENSION,
   BELAGAVI, DIST: BELAGAVI-590001.

2. SHANKAR (DECEASED)
   S/O. HANUMANTAPPA MUNAVALLI,
   AGE: 62 YEARS,
   OCC: AGRICULTURE & BUSINESS,
   R/O: 1151 SHARAF GALLI,
   SHAHAPUR, BELAGAVI,
   DIST: BELAGAVI-590003.

3. SHRI MUSTAQ
   S/O. GHOUS TAMBOLI,

VIJAYALAXMI M BHAT
Digitally signed by VIJAYALAXMI M BHAT
Location: HIGH COURT OF KARNATAKA DHARWAD BENCH
Date: 2024.03.26 15:04:44 +0530

AGE: 42 YEARS,
OCC: BUSINESS,
R/O: DIGRAJ, TAL: MIRAJ,
REPRESENTED BY GPA HOLDER,
SRI FIROZ KHAN NISSAR,
AHAMD SANADI,
R/O: 7737/37 KHUSRO NAGAR,
MM EXTENSION, BELAGAVI,
DIST: BELAGAVI-590016.

4. SRI VINAYAK
S/O. SADASHIVGOUDA PATIL,
AGE: 32 YEARS, OCC: BUSINESS,
R/O: ANJANEYA NAGAR,
OPP KMF MILK DAIRY,
BELAGAVI, DIST: BELAGAVI-590001.

5. SRI ASHWIN C. HUBLI,
AGE: 47 YEARS,
OCC: ADVOCATE,
R/O: 1269 "SRISAIL NIVAS"
PIPELINE ROAD, 3RD CROSS,
RAKSHAK COLONY, VIJAYANAGAR,
HINDALGA, BELAGAVI-591108,
DIST: BELAGAVI.

…RESPONDENTS

(BY SRI ASHOK R. KALYANSHETTY, ADVOCATE FOR R1;
R2-DECEASED; R3 TO R5 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 20.09.2016 PASSED ON I.A.NO.2 IN O.S.NO.305/2014 ON THE FILE OF III ADDITIONAL SENIOR CIVIL JUDGE AT BELAGAVI AS PER ANNEXURE-E.

THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This writ petition is filed seeking for following relief:

> "Issue writ of certiorari and quash the order dated 20.09.2016 passed on i.a.no.2 in O.S.no.305/2014 on the file of III Additional Senior Civil Judge at Belagavi as per Annexure-E.

2. It is seen from case status of trial Court that main proceedings out of which present writ petition arises was dismissed. Therefore, writ petition would not survive for consideration.

3. Hence, writ petition is dismissed as having become infructuous.

Sd/-
JUDGE

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List No.: 1 Sl No.: 14