NC: 2024:KHC-D:11856
RFA No. 100245 of 2024

IN THE HIGH COURT OF KARNATAKA,

DHARWAD BENCH

DATED THIS THE 21ST DAY OF AUGUST, 2024

BEFORE

THE HON'BLE MS. JUSTICE JYOTI MULIMANI

REGULAR FIRST APPEAL NO. 100245 OF 2024(PAR/POS)

BETWEEN:

SHRI NAGOUDA BABURAO PATIL
AGE ABOUT 45 YEARS,
OCC RETIRED MILITARY, R/O NAGANUR.K.S.,
TALUK: HUKKERI, DISTRICT: BELAGAVI.

…APPELLANT

(BY SRI. SANTOSH.B.MALLIGAWAD &
SRI. SHRIDHAR HIREMATH., ADVOCATES [ABSENT])

AND:

1. SMT SHOBHTAI @ SHWETA
W/O SADANAND PATIL,
AGE: 38 YEARS, OCC: HOUSEHOLD/AGRICULTURE,
R/O NAGANUR.K.S., TALUK: HUKKERI,
DISTRICT: BELAGAVI,
NOW RESIDING AT SULAKUF, TALUK: KAGAL,
DISTRICT: KOLHAPUR, STATE: MAHARASHTRA.

2. SHRI. BHIMAGOUNDA BABURAO PATIL
AGE: 44 YEARS, OCC: AGRICULTURE,
OCC: RETIRED MILITARY, R/O: NAGANUR, K.S.,
TALUK: HUKKERI, DISTRICT: BELAGAVI.

…RESPONDENTS

Digitally signed by
PREMCHANDRA M R
Location: HIGH
COURT OF
KARNATAKA

THIS REGULAR FIRST APPEAL IS FILED UNDER SECTION 96 OF CODE OF CIVIL PROCEDURE, 1908.

THIS REGULAR FIRST APPEAL IS LISTED FOR DISMISSAL, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

When the matter is called, there is no representation on behalf of the appellant, either personally or through video conferencing. When the matter is listed before the Court, and is called out, the advocate must be present in the Court. His or her absence may effect the case.

As could be seen from the daily order sheet, the appeal was listed on 01.08.2024, on that day, when the matter was called, there was no representation on behalf of the appellant, either personally or through video conferencing. However, in the interest of justice and as a last chance, finally two weeks time was granted to comply office objections, failing which, the office was directed to list this matter under the caption 'for dismissal of appeal for non compliance of office objections' on 21.08.2024.

The appeal is listed today under the caption 'for dismissal'. Despite granting time, the office objections are not complied. The appellant has not respected the Court order. As already noted above, when the matter is called, today also there is no representation on behalf of the appellant, either

personally or through video conferencing. It appears that the appellant is not interested in prosecuting the appeal. Hence, the Regular First Appeal is ***dismissed*** for non-prosecution and also for non-compliance of office objections.

Sd/-
(JYOTI MULIMANI)
JUDGE

MRP
List No.: 1 Sl No.: 29