HC-KAR
CNR: KAHC010026222025

NC: 2026:KHC:61119
CRP No. 42 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 42 OF 2025

BETWEEN:

SMT.MAHALAKSHMI
W/O SRI. VENKATESH,
AGED ABOUT 48 YEARS,
R/AT NO.87, LAKKAPPA LAYOUT,
HAROHALLI POST,
BANGALORE- 560 099

...PETITIONER

(BY SRI. SHRIKANTA SHARMA, ADVOCATE)

AND:

THE SPECIAL LAND ACQUISITION OFFICER
KARNATAKA HOUSING BOARD,
BANGALORE- 560 009

...RESPONDENT

(BY SRI. BOREGOWDA D., ADVOCATE)

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Location: HIGH COURT OF KARNATAKA

THIS CRP FILED UNDER SEC.115 OF CPC., AGAINST THE ORDER DATED 14.10.2024 PASSED ON IA IN LAC NO.256/2019 ON THE FILE OF II ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AND SPL. JUDGE BENGALURU, DISMISSING THE IA FILED UNDER SEC. 151 OF CPC.

THIS PETITION HAVING BEEN HEARD AND RESERVED ON 28.10.2026, COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CNR: KAHC010026222025

CAV ORDER

The present CRP is filed aggrieved by the order dated 14.10.2024 passed in LAC No.256/2019 by the II Additional City Civil & Sessions Judge & Special Judge, Bengaluru.

2. The petitioner, who is the third party in the land acquisition proceedings and claims to be a post-claimant, has filed the present petition challenging the order dismissing the application under Section 151 of the CPC seeking recall of the order dated 05.04.2021 and restoration of the proceedings to the original file.

3. The Registry has raised an objection regarding maintainability under Section 115 of the CPC. The proviso to Section 115 of the CPC restricts the scope of interference with an order passed in the course of proceedings unless an order made in favour of the revision petitioner would have finally disposed of the suit or other proceedings. In the present case, even if the petitioner's application had been allowed, the consequence would have been only the restoration of the land

acquisition proceedings for further consideration, not their final disposal. The proviso's requirement is therefore not satisfied.

4. Learned counsel appearing for the petitioner has relied upon the decision of this Court in the case of ***Syed Abdul Bari Vs. Syed Imran***, arising out of CRP.No.200003/2021, dated 09.12.2021. In that case, the petitioners, who were already plaintiffs in the suit, directly challenged the order dismissing the suit as withdrawn by filing a revision petition. This Court held that the order terminating the suit constituted a case decided and was revisable under Section 115 of the CPC. The present case is distinguishable, as the petitioner was not a party to the original land acquisition proceedings and challenges only the subsequent refusal to recall the earlier order. An order allowing this application would merely revive the proceedings. Therefore, the said judgment does not assist the petitioner. Accordingly, this court is passing the following:

ORDER

i. The office objection is upheld, and the Civil Revision Petition is ***dismissed as not***

maintainable, leaving open any other remedy that may be available under law.

ii. Pending IAs., if any in the petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

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List No.: 1 Sl No.: 2
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