CNR: KAHC010190082024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO. 9448 OF 2024 (GM-CPC)

BETWEEN:

SMT. PRAMILA.G.M.
W/O LATE MAHADEVAPPA,
AGED ABOUT 68 YEARS,
R/O F-1, 2286,
L.I.G.QUARTERS, VIDYANAGAR,
DAVANAGERE-577 005.

...PETITIONER

(BY SMT. M.V.AISHWARYA HEGDE., ADVOCATE)

AND:

1. SMT. HEMALATHA.G.M.
   W/O LATE ANIL.M.G.,
   D/O LATE MAHADEVAPPA,
   AGED ABOUT 44 YEARS,
   R/AT 3425/80, 2ND MAIN ROAD,
   2ND CROSS, VINAYAKA EXTENSION,
   VIDYANAGAR, DAVANAGERE-577 005.

2. SMT. PUSHPA C.MEDAVI
   W/O CHANDRASHEKAR MEDAVI,
   D/O LATE MAHADEVAPPA,
   AGED ABOUT 55 YEARS,
   R/O NEAR DATHATREYA TEMPLE,
   VIDYANAGAR, DAVANAGERE-577 005.

3. DR. RAJU.G.M.
   S/O LATE MAHADEVAPPA,
   AGED ABOUT 51 YEARS,

Digitally signed by JAI JYOTHI J
Location: HIGH COURT OF KARNATAKA

R/O 1946/4, 4A, 15TH CROSS,
VIDYANAGAR, DAVANAGERE-577 005.
ANOTHER ADDRESS:
ASST. PRINCIPAL,
GADAG GOVERNMENT MEDICAL COLLEGE,
GAGAD-582 101.

4. SMT. CHANDRAKALA
S/O LATE MAHADEVAPPA,
AGED ABOUT 38 YEARS,
R/O F-1, 2286, L.I.G. QUARTERS,
VIDYANAGAR, DAVANAGERE-577 005.

5. SMT. CHETHANA
W/O KIRAN,
D/O MAHADEVAPPA,
AGED ABOUT 35 YEARS,
R/AT 1962/38,
'ASHIRWADA NILAYA,
1ST FLOOR, VINAYAKA EXTENSION,
VIDYANAGAR, DAVANAGERE-577 005.

…RESPONDENTS

(BY SRI. PAVAN KUMAR.G., ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DATED 04/03/2024 PASSED ON IA NO.3 FILED UNDER ORDER 7 RULE 3 R/W SECTION 151 OF CPC SEEKING TO INSERT PROPOSED IA SCHEDULE PROPERTY AND SUBJECT IT TO PARTITION IN OS NO. 189/2021 ON THE FILE OF II ADDL. SENIOR CIVIL JUDGE AND JMFC, DAVANAGERE AS PER ANNEXURE-E, AND CONSEQUENTLY TO ALLOW IA NO.3 IN OS NO. 189/2021, THEREBY PERMITTING THE PETITIONER TO INSERT THE PROPOSED PROPERTY AND SUBJECT IT TO PARTITION.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: **HON'BLE MS. JUSTICE TARA VITASTA GANJU**

ORAL ORDER

1. The present petition has been filed seeking to challenge an order dated 04.03.2024, passed on I.A.No.3, by the II Additional Senior Civil Judge and JMFC, Davanagere, filed in O.S.No.189/2021 [hereinafter referred to as the "Impugned Order"]. By the Impugned Order, an application I.A.No.1 under Order 7, Rule 3 read with Section 151 [hereinafter referred to as the "CPC"] has been dismissed.

2. After some arguments, learned counsel for the petitioner submits that inadvertently the application that was filed, was filed under a wrong provision of law. She submits that she has filed a memo today, seeking leave to withdraw this petition with liberty to file an appropriate application before the learned Trial Court.

3. The memo is taken on record. The petition is dismissed as withdrawn, with liberty to file an appropriate application in accordance with law for redressal of the petitioner's

grievances before the learned Trial Court. All pending applications stand closed.

4. Learned counsel for both parties submit that they will not take any unnecessary adjournments before the learned Trial Court. The parties are bound down by the statement made by the counsel before this Court.

Digitally signed by
TARA VITASTA GANJU
Location: HIGH COURT
OF KARNATAKA

(TARA VITASTA GANJU)
JUDGE

JJ
List No.: 1 Sl No.: 37