HC-KAR

NC: 2026:KHC:63140
WP No. 32350 of 2026

CNR: KAHC010704312026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE JAYANT BANERJI

WRIT PETITION NO. 32350 OF 2026 (GM-CPC)

BETWEEN:

SRI.D.MAHESWARAPPA
S/O LATE DODDAPPA,
(DIED ON 09.01.2026)

1. H.M.RUDRAKUMAR
S/O LATE D.MAHESWARAPPA,
AGED ABOUT 54 YEARS,
T.N.SOMANNA COMPLEX,
GANDHINAGAR, BANGALORE-560 009.

2. M.KALPANA
W/O MAHENDRA,
AGED ABOUT 52 YEARS,
KENGUTE VILLAGE,
HOLALKERE TALUK,
CHITRADURGA DISTRICT-577 531.

3. D.M.LATHA
W/O G.S.RAJU,
AGED ABOUT 50 YEARS,
R/AT: NO.9, BASAWESHWARA NILAYA,
RAJESHWARI NAGAR,
1ST CROSS, LAGGERE,
BANGALORE-560 058.

4. SMT. MAMATHA
W/O SIDDALINGAIAH,
AGED ABOUT 48 YEARS,
#110, 18TH A CROSS,
NEW RAGAVENDRA LAYOUT,
THIGALARAPALYA,
BANGALORE NORTH,
BANGALORE-560 058.

Digitally signed by K S RENUKAMBA
Location: High Court of Karnataka

5. SMT D.M.USHA DEVI
W/O A.C.THIPPESWAMY,
AGED ABOUT 46 YEARS,
HEBBALLY VILLAGE,
HOSADURGA TALUK,
CHITRADURGA DISTRICT-577 554.

…PETITIONERS

(BY SRI.CHANDRA MOHAN.G., ADVOCATE)

AND:

1. SRI.S.E.GANGADARA
S/O LATE ESHWARAPPA,
AGED ABOUT 59 YEARS,

2. SRI.H.E.VEERABADRAPPA
S/O ESHWARAPPA,
AGED ABOUT 55 YEARS,

3. THE PANCHYATH
DEVELOPMENT OFFICER,

ALL ARE R/AT:
HEBBALLI VILLAGE,
HOSADURGA TALUK,
CHITRADURGA DISTRICT-577 554.

…RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO RECALL THE ORDER PASSED IN W.P.NO.16112/2021 (GM-CPC) DATED 26.04.2025 (ANNEXURE-A).

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI

ORAL ORDER

This petition is filed seeking recall of the order dated 26.04.2025 passed in W.P.No.16112/2021. The copy of the

order of 26.04.2025 is enclosed as Annexure-A. The order is passed by the Lok Adalat and is a conciliation order. The operative part of the order reads as follows:

> ***"CONCILIATION ORDER***
>
> *Sri N Praveen Kumar, learned counsel for respondent no.3 has filed a memo along with copy of screen shot of 'daily status' report stating that O.S.no.33/2021 fled by plaintiff is dismissed as not maintainable on 08.11.2024, hence this writ petition has been rendered infructuous.*
>
> *2. Memo is taken on record.*
>
> *Writ petition is dismissed as having become infructuous."*

2. The submission is that the petitioners are the legal representatives of the deceased-plaintiff and therefore they had a right to be heard before the Lok Adalat and therefore the order of the Lok Adalat deserves to be set aside.

3. It is noted from the record that the conciliation order of the Lok Adalat was passed on 26.04.2025 whereas the predecessor of the plaintiff admittedly died on 09.01.2026 as mentioned in the cause title. Moreover, from perusal of the petition it appears that challenging the order dated 26.02.2021

in O.S.No.33/2021 on I.A.No.1 by the Principal Civil Judge and J.M.F.C, Hosadurga, whereby the application for temporary injunction was rejected, a miscellaneous appeal in M.A.No.4/2021 was filed. The order of the trial Court was confirmed in the Appeal by the order dated 09.03.2021. Against that, the petition W.P.No.16112/2021 was filed before this Court.

4. Therefore, when, as recorded by the Lok Adalat, the O.S.No.33/2021 filed by the plaintiff was dismissed as not maintainable on 08.11.2024, rendering the writ petition infructuous, this petition also deserves rejection.

5. It has not been demonstrated by the learned Counsel for the petitioners that there is any error in the conciliation order that the original suit filed by the plaintiff was dismissed as not maintainable during the lifetime of the original plaintiff on 08.11.2024. Moreover, the petitioners, being the legal representatives, step into the shoes of the deceased and cannot improve upon the claim set-up by their predecessor. Though there would arise the aspect of maintainability of this petition, however, that aspect is not gone into. No cause for

interference is made out and this petition is therefore dismissed.

Sd/-
(JAYANT BANERJI)
JUDGE

KSR
List No.: 1 Sl No.: 9