HC-KAR

NC: 2026:KHC:9483
WP No. 32474 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.32474 OF 2025 (GM-CPC)

BETWEEN:

SRI BASAVARAJU T N
S/O NATARAJU
AGE ABOUT 43 YEARS
BUSINESS AT R/O 31 ACRES AREA,
DEVEGOWDA BADAVANE
KADUR TOWN, KADUR TALUK
CHIKKAMAGALURU DISTRICT - 577 548.

…PETITIONER

(BY SRI. T S VENKATESH, ADVOCATE)

AND:

SRI. SWAMINATHA
S/O SRI ALAGIRIYAPPA
AGED ABOUT 57 YEARS
STONE BUSINESS
R/O BENKI COLONY
KADUR TOWN, KADUR TALUK
CHIKKAMAGALURU DISTRICT - 577 548.

…RESPONDENT

Digitally signed by CHANDANA B M
Location: High Court of Karnataka

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE ENTIRE RECORDS IN R.A.5/2024 PENDING BEFORE HON'BLE SENIOR CIVIL JUDGE AND JMFC, KADUR.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

Learned counsel for the petitioner files a memo seeking permission to withdraw the petition. The same reads as under:

> *"The undersigned Counsel for the petitioner most humbly submits that this Hon'ble Court be pleased to permit the petitioner to withdraw the above petition with liberty to prefer Regular Second Appeal (RSA) in addition to exclude the time of proceeding pending before this Hon'ble Court, by considering protection under Section 14 of the Limitation Act, 1963 in the interest of justice and equity."*

2. Accordingly, petition is ***dismissed as withdrawn,*** reserving liberty in favour of the petitioner to file Regular Second Appeal.

3. If such an appeal is filed by the petitioner, within a period of six weeks from today, the petitioner would be entitled to the benefit of Section 14 of the Limitation Act.

4. Registry is directed to return back the papers / documents to the learned counsel for the petitioner immediately without any delay.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

SV