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IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH AT DHARWAD

DATED THIS THE 31ST DAY OF JANUARY, 2012

BEFORE

THE HON'BLE MR.JUSTICE AJIT J.GUNJAL

WRIT PETITION No.64804/2011 (GM-CPC)

BETWEEN:

1. ANASAVVA W/O VADAKAPPA ISARI
AGE: 55 YEARS, OCC: AGRICULTURE,
R/O LAKKUNDI, TQ. & DIST. GADAG
 2. GANGAVVA W/O PAWADAGOUDA GOUDRA
AGE: 50 YEARS, OCC: AGRICULTURE,
R/O LAKKUNDI, TQ. & DIST. GADAG
...PETITIONERS
- (BY SRI.S.S.PATIL, ADV.)

AND:

BASAVVA W/O TIPPANNA YAVAGAL
SINCE DECEASED SUED THROUGH HER LRs

1. TIPPANNA S/O BASAPPA YAVAGAL,
AEG: 77 YEARS, OCC: AGRICULTURE,
R/O LAKKUNDI, TQ. & DIST. GADAG
2. DANAPPA S/O TIPPANNA YAVAGAL,
AEG: 43 YEARS, OCC: AGRICULTURE,
R/O LAKKUNDI, TQ. & DIST. GADAG
3. RENAWVA W/O SHEKAPPA AMBAKKI
AEG: 50 YEARS, OCC: HOUSEHOLD,

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R/O LAKKUNDI, TQ. & DIST. GADAG

4. REVAKKA W/O BASAPPA MADALGERI
AEG: 46 YEARS, OCC: HOUSEHOLD,
R/O TANGAKOOT, TQ. & DIST. GADAG
5. NELAVVA W/O ASHOKAPPA BANAVI
AEG: 45 YEARS, OCC: HOUSEHOLD,
R/O HIREVADDATTI, TQ. MUNDARGI
DIST. GADAG
6. PARAVVA W/O MALLAPPA HADIMANI
AEG: 42 YEARS, OCC: HOUSEHOLD,
R/O KANAGINAHAL
TQ. & DIST. GADAG
7. RAMAPPA S/O TIPPANNA YAVAGAL
CALLS HIMSELF AS RAMAPPA
A/F KALLAPPA AMBAKKI @ BANAVI
AGE: 35 YEARS, OCC: AGRICULTURE,
R/O LAKKUNDI, TQ. & DIST. GADAG
8. SHANKRAPPA
S/O VIRUPAXAPPA LINGASHETTY @ SEERI
AEG: 64 YEARS, OCC: PVT SERVICE,
R/O GANIGER LANE, RON
TQ. RON, DIST. GADAG
9. RAMESH
S/O SHANKRAPPA LINGASHETTY @ SEERI,
AEG: 35 YEARS, OCC: SERVICE
R/O GANIGER LANE, RON
TQ. RON, DIST. GADAG
10. BEEMAVVA
W/O SURESH LINGASHETTY @ SEERI
AEG: 28 YEARS, OCC: HOUSEHOLD,
R/O GANIGER LANE, RON

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TQ. RON, DIST. GADAG

11. SHANTAVVA
D/O SURESH LINGASHETTY @ SEERI
AEG: 8 YEARS,
REP MINOR REP BY HER GUARDIAN
RESP NO.10. ...RESPONDENTS

(BY SRI.MALLIKARJUN C.BASAREDDY, ADV FOR R2 TO R7,
R8 TO 11 SD)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE INITIATION OF PROCEEDINGS ON I.A.NO.13/2010 FILED U/S. 10 AND 12 OF THE CONTEMPT OF COURTS ACT, WHICH IS INITIATED BY THE ADDITIONAL CIVIL JUDGE (SR.DN.) GADAG IN O.S.NO.164/2004 PRODUCED AT ANNEXURE-E.

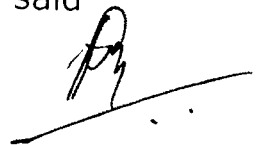
THIS PETITION COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioners are seeking to quash the initiation of proceedings under Sections 10 and 12 of the Contempt of Courts Act, 1971 (for short 'the Act').

2. It is noticed that an application IA-XIII is filed to initiate contempt proceedings as against the petitioners.

In fact, nothing has happened on filing of the said



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application. The trial Judge has neither accepted nor rejected the said application. In the circumstances, I am of the view that the question of issuing a writ of prohibition in the circumstances does not arise.

3. Learned counsel for the petitioners submits that in the given set of circumstances, Section 10 of the Act is not applicable.

4. Apparently, Section 10 of the Act is referable only to the power of the High Court to punish contempts of subordinate courts. Indeed, it is always open for the petitioners to oppose the said application on the ground that Sections 10 and 12 are not at all applicable.

Reserving liberty to the petitioners to do so, petition stands disposed of accordingly.

A handwritten signature in black ink, consisting of stylized initials and a long horizontal stroke extending to the right.

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It is only on recording a finding on the said objection, evidence on the said application IA-XIII shall be recorded.

Sd/-
JUDGE

Jm/-