

IN THE HIGH COURT OF KARNATAKA DHARWAD BENCH

DATED THIS THE 30TH DAY OF SEPTEMBER 2013

BEFORE

THE HON'BLE MR.JUSTICE H.N.NAGAMOHAN DAS

WRIT PETITION No. 81076/2013 (GM-CPC)

BETWEEN :

INTERNATIONAL SOCIETY FOR
KRISHNA CONSCIOUSNESS
(ISCON), REP. BY ITS PRESIDENT
Sri. MADHAVADAS
AGE 40 YEARS
R/O. RADHA GOKULANAND MANDIR
211, PRABHUPADA MARG
SHUKRAWAR PETH
BELGAUM.

... PETITIONER

(BY Sri. J S SHETTY, ADV.)

AND :

1. SHAKTINIVAS BUILDERS
PVT LTD., HAVING ITS OFFICE
AT 394, SUKRAVAR PETH
TILAKWADI, BELGAUM
REP. BY ITS MANAGING
DIRECTOR, RAMNATH
SANTU ANGOLKAR
AGE 69 YEARS, OCC. BUSINESS
R/O. No. 394, TILAKWADI
BELGAUM.

2. Sri. HUVAPPA VENKAPPA
DHANUCHE
SINCE DECEASED BY HIS LR
Sri. MAHESH
S/O. HUVAPPA DHANUCHE
AGE MAJOR, OCC. AGRICULTURE
R/O. II CROSS, VIDYANAGAR
ANGOL, BELGAUM.
3. Sri. RAMACHANDRA JOTIBA
DHANUCHE, AGE MAJOR
OCC. AGRICULTURE
NEAR SWAROOP PLAZA
SHUKRAVARPET
TILAKWADI, BELGAUM.
4. Sri. MARUTI JYOTIBA
DHANUCHE, AGE MAJOR
OCC. AGRICULTURE
R/O. SWAROOP PLAZA
SHUKRAVARPET
TILAKWADI, BELGAUM.

PLAINTIFFS 1 TO 4 AND THE DECEASED
PLAINTIFF No. 5 IS STATED TO HAVE
BEEN REP. BY THEIR POWER OF
ATTORNEY HOLDER
Sri. RAMANATH SANTU ANGOLKAR
AGED 59 YEARS, OCC. BUSINESS
R/O. 394, SHUKRAVARPET
TILAKWADI, BELGAUM.

... RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA WITH A
PRAYER TO QUASH THE ORDER DATED 14.06.2013 PASSED

ON THE APPLICATION FILED BY THE PETITIONER UNDER SECTION 151 CPC AND ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY THE COURT MADE THE FOLLOWING:

ORDER

In this writ petition the petitioner has prayed for a writ in the nature of certiorari to quash the order dated 14.06.2013 in O.S. No. 359/2013 dismissing I.A. No. 13 filed under Section 151 CPC invoking Section 340 and 195 of Cr.P.C.

2. The respondents filed O.S. No. 359/2003 against the petitioner for a decree of permanent injunction restraining him from putting up illegal and unauthorised construction on Z schedule property and not to encroach upon Y schedule property and for mandatory injunction to remove the encroachment on X and Y schedule properties. During the pendency of the proceedings petitioner filed an application I.A. No. 13 under Section 151 CPC to lodge a complaint against plaintiffs under Section 340 and 195 Cr.P.C. for having forged the document in the form of power of

attorney and produced the same before the Hon'ble Court. Under the impugned order the Trial Court dismissed the application filed by the petitioner. Hence, this writ petition.

3. In view of the law declared by this Court in the case of Prabhakar Reddy K.C. Vs. State by Ashok Nagara Police Station and another, ILR 2012 Kar. 5129, the application filed by the petitioner is rightly dismissed by the Trial Court. However it is always open for the petitioner to work out his remedy in accordance with law before appropriate forum. Accordingly, the writ petition is hereby dismissed.

**SD/-
JUDGE**

Lrs.