

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 31ST DAY OF DECEMBER, 2013

BEFORE

THE HON'BLE MR.JUSTICE A.S.PACHHAPURE

WRIT PETITION NO.59344/2013 (GM-CPC)

BETWEEN:

1. SMT.TAYAMMA
W/O LATE SHIVAYYA
AGED ABOUT 50 YEARS
OCC: HOUSEHOLD & AGRICULTURE
R/O IDAPNUR VILLAGE
TALUK AND DISTRICT RAICHUR 584 101
2. ANJINEYYA
S/O LATE SHIVAYYA
AGED ABOUT 33 YEARS
OCC: AGRICULTURE
R/O IDAPNUR VILLAGE
TALUK AND DISTRICT RAICHUR 584 101
3. GORALYYA
W/O LATE SHIVAYYA
AGED ABOUT 29 YEARS
OCC: AGRICULTURE
R/O IDAPNUR VILLAGE
TALUK AND DISTRICT RAICHUR 584 101
... PETITIONERS

(BY SRI.VIGHNESHWAR S.SHASTRI, ADVOCATE)

AND:

1. DULAYYA
S/O LATE HANUMAYYA @ HANUMA
AGED ABOUT 65 YEARS
OCC: AGRICULTURE

R/O IDAPNUR VILLAGE
TALUK AND DISTRICT RAICHUR 584 101

2. SHANKARAPPA
S/O LATE HANUMAYYA @ HANUMA
AGED ABOUT 62 YEARS
OCC: AGRICULTURE
R/O IDAPNUR VILLAGE
TALUK AND DISTRICT RAICHUR 584 101
3. KRISHTAYYA
S/O LATE HANUMAYYA @ HANUMA
AGED ABOUT 58 YEARS
OCC: AGRICULTURE
R/O IDAPNUR VILLAGE
TALUK AND DISTRICT RAICHUR 584 101
4. VENKATESH
S/O LATE HANUMAYYA @ HANUMA
AGED ABOUT 50 YEARS
OCC: AGRICULTURE
R/O IDAPNUR VILLAGE
TALUK AND DISTRICT RAICHUR 584 101
5. ANJANAMMA
W/O LATE HANUMAYYA @ HANUMA
AGED ABOUT 40 YEARS
OCC: AGRICULTURE
R/O IDAPNUR VILLAGE
TALUK AND DISTRICT RAICHUR 584 101
6. ANJENEYYA
S/O BASANNA
AGED ABOUT 35 YEARS
OCC: AGRICULTURE
R/O IDAPNUR VILLAGE
TALUK AND DISTRICT RAICHUR 584 101
7. PADDAMMA
W/O BASANNA
AGED ABOUT 30 YEARS

OCC: AGRICULTURE
R/O IDAPNUR VILLAGE
TALUK AND DISTRICT RAICHUR 584 101

8. RADHAMMA
W/O KASHINATH
AGED ABOUT 28 YEARS
OCC: AGRICULTURE
R/O IDAPNUR VILLAGE
TALUK AND DISTRICT RAICHUR 584 101

9. SHAILAJA
W/O SHANKARAPPA
AGED ABOUT 30 YEARS
OCC: AGRICULTURE
R/O IDAPNUR VILLAGE
TALUK AND DISTRICT RAICHUR 584 101

10. HANUMANTHU
S/O LAHMA JUTLA
AGED ABOUT 80 YEARS
OCC: AGRICULTURE
R/O IDAPNUR VILLAGE
TALUK AND DISTRICT RAICHUR 584 101

11. HANUMANTHA
S/O NARASAPPA JUTLA
AGED ABOUT 50 YEARS
OCC: AGRICULTURE
R/O IDAPNUR VILLAGE
TALUK AND DISTRICT RAICHUR 584 101

12. P SHAIK AHMED
S/O HUSSAINSAB
AGED ABOUT 66 YEARS
OCC: AGRICULTURE
R/O IDAPNUR VILLAGE
TALUK AND DISTRICT RAICHUR 584 101

... RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DT.21.12.13, PASSED ON IA.NOS.III IN OS.NO.457/12 ON THE FILE OF THE ADDL. CIVIL JUDGE RAICHUR AS PER ANN-H AND ETC.

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

ORDER

Heard the learned Counsel for the petitioners.

2. This petition is filed challenging the order passed on I.A.No.3 appointing a receiver directing to take possession of the suit property. This is an order appealable under Order 43 Rule 1 sub-Rule (s) of CPC. When there is an alternative remedy of an appeal, this Writ Petition is not maintainable. Petitioners are at liberty to approach the appellate court by filing an appeal under the aforesaid provision.

With these observations, Writ Petition is
dismissed.

Sd/-
JUDGE

Prs*