

IN THE HIGH COURT OF KARNATAKA

DHARWAD BENCH

DATED THIS THE 30TH DAY OF APRIL, 2015

BEFORE

THE HON'BLE MR.JUSTICE B.S.PATIL

REVIEW PETITION No.100193/2014

IN

W.P.No.360/2007

BETWEEN:

SRI MAHESH BELERI,
S/O MAHABALESHAPPA BELERI,
AGED: 52 YEARS, OCC: BUSINESS,
R/O: MALLIKARJUNA ROAD,
HOSPET CHOWK, BETGERI,
GADAG- 582 102.

... **PETITIONER**

(BY SRI.G.N.NARASAMMANAVAR, ADV)

AND:

1. SMT.SHANTA BAI S HUNASIMARAD
W/O LATE SHIVAPPA HUNASIMARAD
AGED 69 YEARS,
2. SRI SHASHIDHAR S HUNASIMARAD
S/O LATE SHIVAPPA HUNASIMARAD,
AGED 46 YEARS,
3. SRI SRIKANTH S HUNASIMARAD
S/O LATE SHIVAPPA HUNASIMARAD
AGED 39 YEARS,
4. SRI PRAKASH S HUNASIMARAD
S/O LATE SHIVAPPA HUNASIMARAD
AGED 37 YEARS,

ALL R/O NEAR SHARANABASAVESHWARA
HIGH SCHOOL, BETGERI-GADAG TALUK
AND DISTRICT-582102.

5. SRI TOTAPPA MADIVALAPPA SOMANTRI
S/O MADIVALAPPA SOMANTRI, AGED 68 YEARS,
BASAVESHWARANAGAR, GADAG-582 101
6. SMT.KUSUMA W/O HONNAPPA HADAPAD
AGED 44 YEARS,
7. SMT.MANJULA W/O LATE SURESH HUNASIMARAD
AGED 34 YEARS,

BOTH R/O NEAR SHARANABASAVESHWARA
HIGH SCHOOL, BETGERI-GADAG TALUK
AND DISTRICT-582102.

... **RESPONDENTS**

(BY SRI.F.V.PATIL, ADV FOR R2,
R1 AND R4 SD,
R5 DECEASED,
R6 AND R7 NOT CLAIMED,
R3 ACK NOT YET RECEIVED)

THIS REVIEW PETITION IS FILED UNDER ORDER 47 RULE 1
OF CPC., PRAYING TO REVIEW THE ORDER DTD:27.05.2013
PASSED IN THE WP.NO.360/2007(GM-CPC) ON THE FILE OF HIGH
COURT OF KARNATAKA, CIRCUIT BENCH AT DHARWAD.

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

ORDER

There is a delay of 540 days in filing this review
petition. Indeed, petitioner had filed one application
earlier seeking to recall the order passed. That application

has been dismissed on 01.08.2014. Learned counsel for the respondents makes available a copy of the said order.

2. Be that as it may, the present review petition is belatedly filed after a delay of 540 days. In paragraph 2 of the affidavit, the petitioner has contended that though the order was passed on 27.05.2013 in the writ petition, he could not approach this Court due to financial difficulties. As the petitioner is the auction purchaser and as he was aware of the judgment rendered by this Court, order passed by this Court on 27.05.2013 and as the judgment debtor had come forward to pay interest on the purchase money as a result this Court had directed the judgment debtor to pay interest at 12% p.a. on the amount deposited before the executing court to which the auction purchaser was held entitled, I do not find any justification at this stage to entertain the review petition by condoning such long and inordinate delay. In the affidavit filed, the petitioner has also not stated anything regarding the

rejection of his application earlier filed seeking to recall the order which also makes it clear that petitioner has suppressed passing of an order rejecting his request to recall the earlier order.

Hence, the application is rejected and consequently the review petition is also dismissed.

**Sd/-
JUDGE**

Jm/-