

IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 29TH DAY OF JANUARY, 2021

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

WRIT PETITION NO.11260 OF 2019(GM-CPC)

BETWEEN:

SRI. K L ASHOK,
S/O LAKSHMANACHAR,
AGED 54 YEARS,
NO.425, GAYATHRI NIVAS,
20TH MAIN, AGS LAYOUT,
AREHALLI, BANGALORE-560061.

...PETITIONER

(BY SRI. SRINIVAS B S, PARTY IN PERSON)

AND:

1. SMT. LALITHA BAI
W/O BALAVANTRAO,
AGE 70 YEARS,
AGRICULTURIST,
2. SMT PADMAVATHI
S/O RAGHUNATHRAO,
AGED 58 YEARS,
CHALLAKERE TOWN – 577 522,
CHITRADURGA DISTRICT.
3. SMT JAYALAKSHMI
S/O SUDHIRRAO,
AGED 51 YEARS,
BYLURU VILLAGE,
BELLARY TALUK.
4. SMT VIJAYALAKSHMI
W/O PRASAD KULKARNI,
AGED 50 YEARS,
BANGALORE TOWN – 560 018.
5. SRI VISHWANATH
S/O BALAVANTRAO,
AGED 48 YEARS,

6. SRI JANARDHAN
S/O BALAVANTRAO,
AGED 46 YEARS,

RESPONDENTS NO.1,5 AND 6 ARE
R/OF KUBATUR VILLAGE, ANAVATTI HOBLI,
SORABA TALUK – 577 413.
7. SMT SUDHA,
W/O S K KULKARNI,
MAJOR,
KVG BANK, JAMBOTI VILLAGE,
KANAKAPURA TALUK,
BELAGUM DISTRICT – 580 025.
8. SMT GEETHA
W/O GURURAJ JOSHI,
MAJOR,
SANTHOSH NAGAR, LAST BUSSTOP,
HUBLI – 590 010.
9. SMT MANGALA
W/O MURALIDHAR,
MAJOR,
DOOR NO.42,
NEAR S R KEMPANNA KALYANA MANTAPA,
DEVANGAPETE ROAD,
HUBLI – 590 010.
- 10 . SRI ANANTACHAR
S/O NARAYANACHAR,
MAJOR,
NO.149, 3RD CROSS,
RENUKANAGAR, GOKUL ROAD,
HUBLI – 590 009.
- 11 . SMT ANURADHA
W/O NARASIMHAMURTHY,
MAJOR,
R/AT HOUSE NO.2864
KAMADENU, 15TH CROSS,
3RD MAIN ROAD, BSK 2ND STAGE,
BANGALORE – 560 070.
- 12 . SMT. DEEPALI,
D/O NARASIMHAMURTHY,
MAJOR,
R/AT HOUSE NO.2864
KAMADENU, 15TH CROSS,
3RD MAIN ROAD, BSK 2ND STAGE,
BANGALORE – 560 070.

13 . SRI SRINIVASA MURTHY
S/O NARAYANACHAR,
AGED ABOUT 67 YEARS,
NO.567, IST MAIN, IST BLOCK,
R T NAGAR, BANGALORE-560 032.

14 . SRI BINDU MADHAVACHAR
S/O NARAYANACHAR,
AGED ABOUT 65 YEARS,
R/O KUBATUR VILLAGE,
ANAVATTI HOBLI,
SORABA TALUK – 577 413.

15 . SMT SUSHEELABAI
W/O SHYAMRAO KUKARNI,
AGED ABOUT 68 YEARS,
NAVARANG CLOTH STORE,
HANAGAL – 580 003.

16 . SRI K SRIDHARACHAR
S/O NARAYANACHAR,
AGED ABOUT 65 YEARS,
ADVOCATE,
NO.352, 10TH MAIN ROAD,
BSK IST STAGE, 2ND BLOCK,
BANGALORE – 560 050.

NOTE: RESPONDENTS NO.7 TO 16 ARE ONLY FORMAL PARTIES AGAINST WHOM NO RELIEF IS SOUGHT IN VIEW OF WHICH NOTICE TO THEM MAY KINDLY BE DISPENSED.

... RESPONDENTS

(BY SRI. N KRISHNAMURTHY, ADVOCATE FOR R1-R6;
SRI. R SWAMYNATHAN, ADVOCATE FOR R14;
NOTICE TO R7-R16 IS D/WITH V.C.O DATED 02.04.2019)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS IN O.S.NO.42/2017 ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC, SAROBA PERUSE THE ORDER DATED 23.2.2019 VIDE ANNEXURE-H AND SET ASIDE THE SAME AS ILLEGAL, ARBITRARY AND UNCONSTITUTIONAL BESIDE BEING QUITE CONTRARY TO THE PROVISIONS OF CASE OF YELLAPPA BY HIS LR'S VS. SMT.YASHODABAI ILR 2003 KAR 3881 AND ETC.,.

THIS PETITION COMING ON FOR ORDERS THIS DAY THROUGH PHYSICAL HEARING, THE COURT MADE THE FOLLOWING:-

ORDER

The matter having been argued at length, both the sides are in agreement with the suggestion of this Court that the contesting respondent shall furnish the correct & full address including the Pincode to the Court below and that the Court below shall record the same; this exercise to be done within a period of two weeks.

In view of the above, this writ petition stands disposed off, all contentions of the parties having been kept open for being debated on the floor of the Court below.

No costs.

**Sd/-
JUDGE**

Bsv