IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 21ST DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO. 201262 OF 2023 (GM-CPC)

BETWEEN:

1. DR PRAKASH S/O LATE DEVARAJ SHET
   AGE: 67 YEARS, OCC: AGRICULTURE & DOCTOR
   R/O OLD BAZAAR, SINDHANUR,
   TQ: SINDHANUR, DIST: RAICHUR – 584128.

2. PRASHANT S/O LATE DEVARAJ SHET
   AGE: 65 YEARS, OCC: AGRI. AND PVT. JOB
   R/O OLD BAZAAR, SINDHANUR,
   TQ: SINDHANUR, DIST: RAICHUR – 584128.

3. PRADEEP SHET S/O LATE DEVARAJ SHET
   AGE: 62 YEARS, OCC: AGRICULTURE & BUSINESS,
   R/O OLD BAZAAR, SINDHANUR,
   TQ: SINDHANUR, DIST: RAICHUR – 584128.

Digitally signed by RAMESH MATHAPATI
Location: HIGH COURT OF KARNATAKA

4. RAJENDRA KUMAR S/O LATE DEVARAJ SHET
   AGE: 60 YEARS, OCC: AGRICULTURE & BUSINESS
   R/O OLD BAZAAR, SINDHANUR,
   TQ. SINDHANUR, DIST: RAICHUR – 584128.

…PETITIONERS

(BY SRI B.K. HIREMATH, ADVOCATE)

AND:

ROHINIDEVI W/O BABULAL JEERAWALA
AGE: 62 YEARS, OCC: AGRICULTURE & HOUSEHOLD,
R/O BEHIND VALAKOTI,
VEERABHADRESHWAR TEMPLE,
NEAR EX-MLA MALLAPPA HOUSE,
VV NAGAR, WARD NO.7, SINDHANUR,

TQ: SINDHANUR, DIST: RAICHUR – 584128.

…RESPONDENT

(BY SRI RAVI B. PATIL, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED ORDER BY II ADDL CIVIL JUDGE AND JMFC COURT SINDHANUR IN OS NO.416/2020 DATED 13.09.2022 VIDE ANNEXURE- C, IN THE INTEREST OF JUSTICE; ISSUE A WRIT OF MANDAMUS DIRECTING TO II ADDL CIVIL JUDGE AND JMFC COURT SINDHANUR TO PROCEED WITH THE CASE.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

(PER: HON'BLE MR JUSTICE VIJAYKUMAR A. PATIL)

This petition is filed seeking following prayer:

"i) Issue a Writ of certiorari quashing the impugned order passed by II Addl. Civil Judge and JMFC Court, Sindhanur in O.S.No.416/2020 dated 13.09.2022 vide Annexure-C, in the interest of justice.

ii) Issue a Writ of mandamus directing to II Addl. Civil Judge and JMFC Court Sindhanur to proceed with the case, in the interest of justice."

2. Learned counsel for the respondent submits that pursuant to the return of plaint by the II Additional Civil Judge and JMFC, Sindhanur, the petitioners – plaintiffs have presented the plaint before the Senior Civil Judge and JMFC, Sindhanur and same is re-numbered as O.S.No.419/2022 and proceedings are going on.

3. In view of the said submission, the present writ petition is ***dismissed*** as infructuous.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

MCR
List No.: 1 Sl No.: 4
CT: PS