IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 17TH DAY OF APRIL, 2025

BEFORE

THE HON'BLE MR JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO. 201442 OF 2023 (GM-CPC)

BETWEEN:

ABDUL LATEEF S/O SHAEIKH JAGIRDHAR
AGE: 64 YEARS, OCC: AGRI,
R/O H.NO. 1-137/2, FEROZABAD
KALABURAGI

…PETITIONER

(BY SRI HARSHAVARDHAN R MALIPATIL, ADVOCATE)

AND:

1. EXECUTIVE ENGINEER (P) KPTCL
   DEPARTMENT OF MAJOR WORKS POWER
   TRANSMISSION BHAVAN,
   BUDDHA VIHAR CROSS, SEDAM ROAD,
   KALABURAGI – 585106.

2. MANAGING DIRECTOR KPTC,
   CORPORATE OFFICE, KAVERI BHAVAN,
   BANGALORE – 560009.

3. MANAGING DIRECTOR, PCKL,
   CORPORATE OFFICER, KAVERI BHAVAN,
   BANGALURU – 560009.

…RESPONDENTS

(BY SRI RAVINDRA REDDY, ADVOCATE)

Digitally signed by RAMESH MATHAPATI
Location: HIGH COURT OF KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A WRIT OF CERTIORARI AND SET ASIDE THE DECREE OF LEARNED I ADDL. SENIOR CIVIL JUDGE AT KALABURAGI, DATED 15.02.2023 IN OS NO.36 OF 2022 VIDE ANNEXURE-D

AND CONSEQUENTLY ANSWER THE ISSUE NO.4 IN FAVOUR OF THE PLAINTIFF.

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:

"a. A writ of certiorari and se-aside the decree of learned I Addl. Senior Civil Judge At:Kalaburagi, dated 15-02-2023 in O.S. 36 of 2022 vide ANNEXURE-D and consequently answer the Issue No.4 in favour of the Plaintiff, in the interest of justice and equity.

b. Pass any other order or direction as the Hon'ble Court deems fit in the circumstance of the case."

2. In the aforesaid writ petition, the petitioner is challenging the order dated 15.02.2023 passed in O.S.No.36/2022 by the I Additional Senior Civil Judge, Kalaburagi, wherein the suit of the petitioner came to be dismissed.

3. Learned counsel appearing for the respondents No.1 to 3 submits that the suit having been dismissed, the

appropriate remedy would be to file an appeal under Section 96 of the Code of Civil Procedure, 1908. In support of his contention, he placed reliance on the decision of the Hon'ble Supreme Court in the case of ***Sayyed Ayaz Ali vs. Prakash G. Goyal and others***[1].

4. I have perused the order dated 15.02.2023 impugned in this petition. Admittedly, the suit of the petitioner came to be dismissed and in view of the same, the appropriate remedy is to file an appeal.

5. For the aforementioned reasons, the writ petition is ***dismissed*** with a liberty to avail other remedies available under law.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

MCR
List No.: 1 Sl No.: 16
CT: PS

[1] Civil Appeal No.2401/2021 Dated : 20.07.2021.