HC-KAR

NC: 2025:KHC-K:3818
CRP No. 200062 of 2024

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 11TH DAY OF JULY, 2025

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CIVIL REVISION PETITION NO. 200062 OF 2024 (RES)

BETWEEN:

JANAKSHEMA ENTERPRISES,
THROUGH ITS PROPRIETOR,
R/BY. KALAPPA T. JAMBAGI,
AGE: 45 YEARS,
R/O: BARID BOUDI,
BEHIND KANNADA BOYS SCHOOL NO.5,
NEAR UNION BANK, S.S.ROAD,
VIJAYAPURA – 586 101.

…PETITIONER

(BY SRI MANVENDRA REDDY, ADVOCATE)

AND:

Digitally signed by RAMESH MATHAPATI
Location: HIGH COURT OF KARNATAKA

1. KHATUNBI
   W/O AYUB SHEIKH,
   AGE: 49 YEARS,
   OCC: HOUSEHOLD WORK,
   R/O: JUMMA MASJID ROAD,
   HARIYAL GALLI, VIJAYAPURA – 586 101.

2. SAMEER
   S/O AYUB SHEIKH,
   AGE: 30 YEARS,
   OCC: PRIVATE SERVICE,
   R/O: JUMMA MASJID ROAD,
   HARIYAL GALLI, VIJAYAPURA – 586 101.

3. AMIR
S/O AYUB SHEIKH,
AGE: 27 YEARS,
OCC: STUDENT,
R/O: JUMMA MASJID ROAD,
HARIYAL GALLI,
VIJAYAPURA – 586 101.

4. ASMA
D/O AYUB SHEIKH,
AGE: 30 YEARS,
OCC: H.H. WORK,
R/O: JUMMA MASJID ROAD,
HARIYAL GALLI,
VIJAYAPURA – 586 101.

5. THE COMMISSIONER CITY
CORPORATION VIJAYAPURA,
BAGALKOT ROAD,
CITY CORPORATION,
VIJAYAPURA - 586 101.

…RESPONDENTS

(BY SRI SANGANABASAVA B.PATIL, ADVOCATE R1 TO R4;
R5 IS SERVED)

THIS CRP IS FILED UNDER SECTION 115 OF THE CPC, PRAYING TO ALLOW THE CIVIL REVISION PETITION AND SET ASIDE THE ORDER PASSED BY THE IV ADDITIONAL SENIOR CIVIL JUDGE AND J.M.F.C., VIJAYAPURA ON I.A.NO.V FILED UNDER ORDER VII RULE 11 R/W SECTION 151 OF CPC, DATED 21.02.2024 IS LIABLE TO BE SET ASIDE AND RETURN THE PETITION TO RESPONDENT NO.1 TO 4 TO SEEK REDDRESSAL OF THE THEIR GRIVIOUS BEFORE APPROPRIATE FORUM AS ENUMERATED UNDER THE EMPLOYEES STATE INSURANCE ACT, 1948, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS CRP, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Though revision petition is listed for consideration of IA.no.1/2024 for condonation of delay, matter is taken up for final disposal in view of doubt about maintainability.

2. Sri Manvendra Reddy, learned counsel for petitioner submitted challenging order dated 21.02.2024 passed by Commissioner in ECA no.24/2022 rejecting IA.no.V filed under Order VII Rule 11 CPC, this revision petition is filed.

3. Though various contentions against observations made by Commissioner in course of order on IV.no.V were urged, to a query whether provisions of CPC namely Order VII Rule 11 would apply to petition filed under provisions of Employees Compensation Act, learned counsel for petitioner was unable to answer in affirmative. Consequently, application filed under Order VII Rule 11 of CPC for rejection of petition would not be tenable. Under such circumstances, impugned order rejecting application would not call for interference.

4. Therefore, discharging finding on merits of application and with observation for treating rejection of IA.no.V as not maintainable, this revision petition along with applications are disposed of.

Sd/-
(RAVI V HOSMANI)
JUDGE

MSR
List No.: 1 Sl No.: 23