

KADK010019762023



**In the Court of Principal District and Sessions
Judge, D.K., Mangaluru.**

Present:- Sri Basavaraj, B.Com., LL.M.,
Principal District and Sessions Judge,
D.K., Mangaluru.

Dated this the 21st day of July, 2025.

E.A.T./1/2022

Petitioner: Sushanth G. Hegde K.

(Sri M. Chidanand Kedilaya, Advocate)

Versus

Respondents: 1. Sri Mahaveera College Trust,
2. Sri M. Purushothama Bhat.

(Sri Chandrashekara Holla, Advocate)

i	Provision under which the applications are filed	IA-5 U/OXI R.1 of CPC r/w S.96(3)(b) of Karnataka Education Act
ii	Relief sought for	To answer interrogatories
iii	The date on which the application is filed	08.08.2022.
iv	Number of the application	Fifth.
v	The date on which the objections are filed by different opponents	17.09.2022.
vi	The date on which the orders were passed on the said application	21.07.2025.

ORDER ON IA No.V

The learned counsel for respondents has filed IA-V u/o XI Rule 1 of CPC r/w Sec.96(3)(b) of Karnataka Education Act 1963 seeking to direct the appellant to answer the interrogatories by way of an affidavit.

Interrogatories sought to be served to the appellant as follows:

“Do you agree that you are working as Student Welfare Officer at Alvas Education Institution and Boys Hostel at Moodabidri since May 2022?”

2. It is stated in the affidavit that the appellant has challenged the order of dismissal dated 28.12.2021 issued against him by Respondent No.1. He is seeking relief of revocation of the said order of dismissal. The appellant is gainfully employed ever since the date of dismissal from service, in some other Institution. Therefore, he is not entitled for any reliefs as claimed in his impugned application. The respondents have got reliable information about gainful employment of the appellant. For the just and proper disposal of the case, it is necessary to serve the interrogatories as mentioned in the application. Hence, prays to allow the application.

3. The appellant filed objections to IA.V stating that the application is unsustainable at law and on facts. The

interrogatories sought to be served is irrelevant to decide the lis involved in the present case. What is under challenge in the present case is illegal termination of the appellant by the respondent, validity of which has to be decided based on the available records. Assuming that after filing of the present appeal, the appellant has availed temporary job before any other institution, the same will not render the present appeal in-fructuous. In the event of this Court holding that the order of termination is illegal, he is at liberty to re-join before the respondent institution. Hence, the question of answering the interrogatories sought to be served on the appellant does not arise for consideration. The respondent by raising irrelevant issues is attempting to protract the matter and also deviate from the real issue involved in the present appeal. The same should be deprecated. Without prejudice it is submitted that the filing of the interrogatories without seeking leave of this Court to adduce additional evidence as contemplated under the provisions of the C.P.C is impermissible. Hence, prays to reject the application.

4. Heard and perused the records.

5. The points that would arise for consideration are as under:

- 1) Whether the respondents made out the case to direct the appellant to answer the interrogatories?

2) What Order?

6. My finding to the above points are as follows:

Point No.1 : In the Negative,

Point No.2 : As per final order, for the following:

REASONS

7. **Point Nos.1 to 3:** The petitioner has filed this petition for the relief of revocation of dismissal order dated:28.12.2021 issued by the respondent No.1-institution. When the case is posted for issues and hearing on IA No.2, then the respondents have filed this application seeking to direct the appellant to answer the interrogatories mentioned in the application by way of an affidavit.

8. The respondents have filed this application contending that the appellant is gainfully employed ever since the date of dismissal from service, in some other institution. Therefore, he is not entitled for any reliefs claimed in the petition. The petitioner has contended that after filing the present appeal, he has availed temporary job before any other institution, will not render the present appeal in-fructuous.

9. The Order XI Rule 4 of CPC reads thus:

4. Form of interrogatories-Interrogatories shall be in Form No.2 in Appendix C, with

such variations as circumstances may require.

10. The Form No.2 of Appendix C of CPC reads thus:

APPENDIX C
Discovery, Inspection and Admission
No.2

Interrogatories

(Order XI, Rule 4)

(Titles in No.1 supra)

Interrogatories on behalf of the above-named (plaintiff or defendant CD) for the examination of the above-named (defendants E.F. and G.H. or plaintiff)

1. Did not, etc.

2. Has not, etc.

etc. etc. etc.

11. So, the parties have to seek the interrogatories as per the Form No.2 of the Appendix C of CPC. The respondents have not filed the interrogatories accordingly. The interrogatories cannot be sought by way of interim application. Hence, in the circumstances, the consideration of the application does not survive. Hence, the point No.1 is answered in the Negative.

12. **Point No.2:** In view of reasons and finding given on Point No.1, this Court proceeds to pass the following:

ORDER

The IA-V u/o XI R.1 of CPC r/w Sec.96(3) (b) of Karnataka Education Act 983 filed by the respondents is rejected.

No costs.

(Dictated to the Stenographer Grade-III, typed by her directly on computer, corrected and signed by me and then pronounced in the open court on this the 21st day of July, 2025).

(Basavaraj)

Principal District & Sessions Judge,
D.K., Mangaluru.