

19.06.2026

ORDERS ON MEMO

The present Miscellaneous Petition is filed by the petitioner seeking to set aside the ex parte award/judgment passed in M.V.C. No.569/2022.

When the matter was posted for orders, the petitioner filed a memo stating that he has already preferred MFA No.110575/2026 before the Hon'ble High Court of Karnataka, Dharwad Bench, challenging the award, therefore, he is not interested in prosecuting the present petition. Accordingly, he sought permission to withdraw the petition as not pressed.

The learned counsel for respondent Nos.1 to 3 filed objections to the memo. It is contended that the respondents had initiated execution proceedings in Execution Case No.1/2024 and that the petitioner has been prosecuting the present proceedings simultaneously, thereby delaying the execution of the award. It is further contended that the respondents have been deprived of the

fruits of the award for a considerable period and have been unnecessarily dragged into litigation. Hence, they prayed for dismissal of the petition with exemplary/compensatory costs.

Perused the memo and objections.

The petitioner, being the dominus litis, is entitled to withdraw the present petition and has chosen not to prosecute the same in view of the appeal stated to have been filed before the Hon'ble High Court. Therefore, no purpose would be served by keeping the present miscellaneous petition pending.

At the same time, the records disclose that the respondents have been compelled to contest the present proceedings for a considerable period. The petitioner has sought withdrawal only after filing an appeal before the Hon'ble High Court. Hence, the respondents are entitled to reasonable costs towards the inconvenience and expenses incurred in defending the present proceedings. Hence, I proceed to pass the following:

ORDER

The memo filed by the petitioner is accepted subject to payment of cost.

The Miscellaneous Petition is dismissed as not pressed.

The petitioner shall pay costs of ₹1,000/- to respondent Nos.1 to 3 jointly within 30 days from the date of this order.

The dismissal of this petition shall not affect the rights and contentions of the parties in MFA No.110575/2026 or in the pending execution proceedings, which shall be considered on their own merits and in accordance with law.

Draw order accordingly.

sd/-

*I Addl. Senior Civil Judge and JMFC.,
Hubballi.*