



**IN THE COURT OF THE PRINCIPAL SENIOR
CIVIL JUDGE AND CJM, AT. HAVERI**

:PRESENT:

**Sri.Mahammad Anwar Hussain Mogalani
B.Sc., L.L.B. (Spl)**

Prl. Senior Civil Judge & CJM,
Haveri

DATED THIS 01st DAY OF JUNE-2026

Civil Misc.No.14/2024

PETITIONER:

(Plaintiff)

Karnataka Vikas Grameena
Bank, having its Head office, at
Dharwad,
Main branch at H.S road, Haveri
represented by its Branch
Manager,
Sri B.N Udayshankar
S/o B.V Nanjappa, Age: 37 years,

(By Sri V.K.K., Adv.,)

V/s

**RESPONDENTS:**

1. Sri Daneshwari Mahila
Swa-Sahaya Sangha Kurubagond,
Represented by its members
Smt. Kavita W/o Mrutunjaya
Angadi,
Age: about 38 years,
Occ: agriculturist,
R/o: Kurubagond,
Tq: and Dist: Haveri.
2. Smt. Lalita
W/o Kumarswami Salimath,
Age: about 41 years,
Occ: agriculturist,
R/o: Kurubagond,
Tq: and Dist: Haveri.
3. Smt. Gouravva alias Gouramma
W/o Nagappa Angadi,
Age: about 53 years,
Occ: agriculturist,
R/o: Kurubagond,
Tq: and Dist: Haveri.



4. Smt. Kasturevva
W/o Mahadevappa alias
Mahadevappa Angadi,
Age: about 53 years,
Occ: Agriculturist,
R/o: Kurubagond,
Tq: and Dist: Haveri.
5. Smt. Geeta W/o Muttappa Hatti
Age: about 42 years,
Occ: Agriculturist,
R/o: Kurubagond,
Tq: and Dist: Haveri.
6. Smt. Nirmala
W/o Veerabasappa Shiggavi,
Age: about 29 years,
Occ: Agriculturist,
R/o: Kurubagond,
Tq: and Dist: Haveri.
7. Smt. Lalita
W/o Basavantappa Durgannanavar,
Age: about 56 years,
Occ: Agriculturist,
R/o: Kurubagond,
Tq: and Dist: Haveri.



8. Smt. Jairabibibijahar
W/o Davalsab Ganajur,
Age: about 48 years,
Occ: Agriculturist,
R/o: Kurubagond,
Tq: and Dist: Haveri.

9. Smt. Premakka alias Prema
W/o Hanumantapa Kardeppanavar,
Age: about 53 years,
Occ: Agriculturist,
R/o: Kurubagond,
Tq: and Dist: Haveri.

10. Smt. Sumangala
W/o Mrutunjaya Salimath,
Age: about 55 years,
Occ: Agriculturist,
R/o: Kurubagond,
Tq: and Dist: Haveri.

(Exparte)



ORDERS ON MAIN PETITION

The petitioner bank has filed this petition U/o.9 rule 4 R/w Sec.151 of CPC to restore O.S No.18/2024 which was dismissed for non prosecution on dated 15.06.2024.

2. After institution of the petition the petition notices have issued to the respondents, inspite of service of petition notices to the all respondents i.e., respondent No.1 to 10 they remained absent. Hence respondent No.1 to 10 placed exparte.

3. Heard learned advocate for petitioner and following points arises for my consideration.

1. Whether the petitioner bank has made out sufficient grounds to set aside the order dated 15.06.2024 in O.S No.18/2021 for non prosecution and same has to be restored on its original stage as claimed in the petition?



2. What order?

4. My answers to the aforesaid points are as follows;

Point No.1 : In the Affirmative

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

REASONS

5. **POINT NO.1:-** In the petition the Manager of petitioner bank has examined as PW-1 and in his chief examination he has produced two documents which have marked as Ex.P1 and Ex.P.2. Wherein Ex.P.1 is the authority letter given by petitioner bank to the present Manager of the petitioner bank who appear in this petition and Ex.P.2 is the certified copy of order sheet of O.S No.18/2024.



6. Since the respondent No.1 to 10 placed exparte. The cross examination of PW-1 has taken as nil and no respondents evidence. Heard the learned Advocate for petitioner on the main petition wherein the Learned Advocate for petitioner has stated that the Manager of the petitioner of bank was unable to appear before this court due to crop loan season to the agriculturist. Hence due to rush of work in the bank the present Manager of petitioner bank was unable to attend before this court in O.S No.18/2024 which was filed for recovery of money from the respondents of Rs.6,17,177/-, during that course of time the O.S No.18/2024 was fixed for taking steps against defendants in O.S NO.18/2024, by noting long absence of Manager of petitioner bank and the Learned Advocate for petitioner bank the Learned Predecessor in office has dismissed the suit for reason of default due to failure of taking steps against defendants.



7. The O.S No.18/2024 was filed by the petitioner bank for the recovery of money due from the defendants in the said case. If once this case is not restored then it will cause heavy loss to the petitioner bank in the above said original suit, and also it amounts to mis-carriage of justice and also leads to multiplicity of proceedings and by looking in to the nature of suit and also the petitioner bank which has granted the loan to the defendants in the above said original suit then this petition can be allowed by imposing stringent costs on the petitioner side. Hence by looking in to the nature of original proceedings the point No.1 is answered in the **Affirmative.**

8. **POINT NO.2:-** As per the reasons stated in point no.1, I proceed to pass the following.....



ORDER

The petition filed by the petitioner bank U/o 9 rule 4 R/w Sec.151 of CPC is hereby allowed on cost of Rs.3,000/- to the DLSA Haveri and the Manager of petitioner bank is hereby directed to submit the receipt in respect of payment of cost to the DLSA Haveri.

The order dated 15.06.2024 passed by this court is hereby set-aside and the O.S No.18/2024 has been restored for its original stage i.e., for taking steps against defendants.



*Office is hereby directed
to put up the O.S No.18/2024
on dated 18.06.2026.*

(Directly dictated to the Stenographer directly on the
Computer, corrected, signed and then pronounced by me
in the Open Court on this the **01st day of June-2026**)

**(MAHAMMAD ANWAR HUSSAIN MOGALANI)
PRL. SENIOR CIVIL JUDGE & CJM,
HAVERI**

ANNEXURE

List of witnesses examined for the petitioners:-

PW.1 : Sri Raju G

List of documents exhibited for the petitioners:-

Ex.P.1 : Authorization letter

Ex.P.1 : Order sheets of O.S No.18/2024



List of witnesses examined for the respondents:-

-Nil-

List of documents exhibited for the respondents:-

-Nil-

**(MAHAMMAD ANWAR HUSSAIN MOGALANI)
PRL. SENIOR CIVIL JUDGE & CJM,
HAVERI**