

KAKB710009652025



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Misc.No.10/2025

Presented on : 06-12-2025  
Registered on : 06-12-2025  
Decided on : 16-03-2026  
Duration : 00 years 3 months 10 days

IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC,  
SEDAM

**PRESENT:**

Sri SAGAR GURUGOWDA PATIL  
B.A., LL.B(Spl.)  
Senior Civil Judge & JMFC, Sedam

Dated: 16.03.2026.

**Misc No.10/2025**

Petitioner/s :  
Avinash S/o Subhash Chouhan, Age: 27  
years, Occ: Agriculture, R/o Mudhol, Tq:  
Sedam, Dist: Kalaburagi.

(By Smt/Sri.N.Y. Advocate)

VS

Respondent/s :  
Pawar Priyanka W/o Avinash Chouhan,  
Age: 25 years, Occ: Household, R/o  
Mudhol, Tq: Sedam, Now residing at  
H.No.4-3-11/5/A Valmikinagar Tandur, Dist:  
Vikarabad (T.S.)

(By Sri.B.T. Advocate)



**ORDER**

The petitioner has filed this petition under Order 9 Rule 9 of CPC and sought to restore M.C.No.12/2024.

2) The brief facts of the petition averments are as under:

The petitioner filed petition in M.C.No.12/2024 seeking decree of divorce. When the matter was posted for petitioner evidence the petitioner was not feeling well and he was taking Ayurveda treatment and due to it he could not appear before the Court and this Court dismissed the petition for non prosecution. Hence, prays to allow the petition.

3) After service of petition notice the respondent has appeared through his counsel and submitted no objection to allow the petition.

4) On the basis of the above facts the following points arise for my consideration:

- 1) Whether the petitioner has made out ground to restore the M.C.No.12/2024?
- 2) What order?
- 5) Perused the records. Heard the arguments.
- 6) My answers to above points are as under:
  - 1) IN THE AFFIRMATIVE



2) AS PER THE FINAL ORDER

for the following:

**REASONS**

7) **Point No.1:** The petitioner has filed this petition U/O 9 Rule 9 of CPC and sought to restore MC No.12/2024. It is the case of the petitioner that when the petition in MC No.12/2024 was posted for evidence he was not feeling well. Hence, he could not appear before the court to give evidence. The petitioner in order to substantiate his case has produced medical certificate issued one Dr. S.M. Doddamani, wherein it is mentioned that the petitioner was suffering from viral fever from 17.06.2025 to 24.06.2025. The respondent has submitted no objection to allow the petition. Therefore, there is no impediment to allow the petition. Hence, I answer point No.1 in the Affirmative.

8) **Point No.2:** For the foregoing reasons, I proceed to pass the following:

**ORDER**

The petition filed by the petitioner under Order 9 Rule 9 of CPC is hereby allowed.

The petition in M.C.No.12/2024 is hereby restored to its original position.

Office to restore the petition in MC No.12/2024 in its original position and put up the same on 28.03.2026.



The petitioner and respondent are hereby directed to appear in MC No.12/2024 on 28.03.2026 voluntarily without expecting any notice and the petitioner in MC No.12/2024 is hereby directed to appear in MC No.12/2024 and give evidence.

(Dictated to the Stenographer directly and typed by him on Computer, the same revised, corrected and pronounced in the open court on this **16<sup>th</sup> day of March 2026**)

(SAGAR GURUGOUDA PATIL)  
Senior Civil Judge & JMFC, Sedam.

**ANNEXURE**

**LIST OF WITNESSES EXAMINED:**

FOR PETITIONER/S

- Nil -

FOR RESPONDENT/S

- Nil -

**LIST OF DOCUMENTS MARKED:**

FOR PETITIONER/S

- Nil -

FOR RESPONDENT/S

- Nil -

Senior Civil Judge & JMFC, Sedam.