

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

[SRI.VITHOBA S/O SHANKAR MHALSEKAR VS. THE STATE OF
KARNATAKA AND OTHERS]

03.02.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: ADDL. REGISTRAR JUDICIAL

ORAL ORDER

Case is called out.

The learned Counsel for the Petitioner is present and prays time to file the memo for withdrawal of the petition.

As per Order dated : 16.10.2025, this case was order to be listed on 20.01.2026 for dismissal if the Order dated : 16.10.2025 for payment of the PF was not complied.

As per the said Order the Petitioner was required to pay the PF and postal charges for issue of notice to the Respondent. But, the Respondent had not paid the PF. But the petitioner prayed for one week time to withdraw the Writ Petition.

But, the petitioner is again seeking time to file the memo for the withdrawal of the petition. The conduct of the Petitioner shows that, the Petitioner is not interested in proceeding with the matter. Therefore there are no grounds to grant further time as prayed by the Learned Counsel.

As per Clause No. C IX (5), of SOP dated : 06.01.2026 regarding the process of scrutiny and listing of matters/cases before Courts and Nominated Registrars in the High Court of Karnataka, Bengaluru issued on 06.01.2026, if the compliance for issue of notice is not made, the Nominated Registrar has the power to dismiss the petition for not taking steps subject to restoration of the proceedings on application.

As per Clause No. C VIII (B), of SOP dated : 06.01.2026 regarding the process of scrutiny and listing of matters/cases before Courts and Nominated Registrars in the High Court of Karnataka, Bengaluru issued on 06.01.2026, the application to recall the peremptory order made within a period of four weeks from the date of the Order, can be filed before the Nominated Registrar and the application made after the period of four weeks has to be listed before the Hon'ble Court.

Hence, the following

ORDER

The Writ Petition filed by the Petitioner under Article 226 of the Constitution of India is dismissed for non-compliance of the order dated 16.10.2025 and 20.01.2026 with no order as to costs.

The Petitioner is entitled to make an application setting aside this Order .

The application to recall the order, if filed within a period of four weeks from the date of this Order, is ordered to be listed before the Nominated Registrar as per Clause No. C VIII (B), of **SOP dated : 06.01.2026 regarding the process of scrutiny and listing of matters/cases before Courts and Nominated Registrars in the High Court of Karnataka,**

And if the application is made after the period of four weeks from the date of this Order shall be listed before the Court having assignment of the subject as per Chapter-XII, Rule 14(3) of Karnataka High Court Rules, 1959.

Sd/-

(JERALD RUDOLPH MENDONCA)

ADDL. REGISTRAR (JUDICIAL) & NOMINATED REGISTRAR

List No.: 56 Sl No.: 74