



HC-KAR

NC: 2026:KHC-D:4483
CRP No. 100045 of 2024

**IN THE HIGH COURT OF KARNATAKA,
AT DHARWAD**

DATED THIS THE 23RD DAY OF MARCH, 2026

**BEFORE
THE HON'BLE MR. JUSTICE RAVI V.HOSMANI**

CIVIL REVISION PETITION NO.100045 OF 2024

BETWEEN:

SMT. BASANINGAVVA W/O MURIGEPPA GUNJIGAAV,
AGE. 56 YEARS, OCC. HOUSEHOLD WORK,
R/O GUNDEWADI-591304,
TAL. ATHANI, DIST. BELAGAVI.

...PETITIONER

(BY SRI RAJENDRA R. PATIL, ADVOCATE FOR
SRI SRINAND A. PACHHAPURE, ADVOCATE)

AND:

1. SMT. NINGAVVA W/O APPANNA KULLOLLI,
AGE. 58 YEARS, OCC. HOUSEHOLD & AGRICULTURE,
R/O MALABAD 591304,
TAL. ATHANI, DIST. BELAGAVI.
2. SRI PAVADEPPA S/O SHIVAPPA GUNJIGAAV,
AGE. 51 YEARS, OCC. AGRICULTURE,
R/O GUNDEWADI 591304,
TAL. ATHANI, DIST. BELAGAVI.
3. SMT. YALLAWVA W/O SHIVAPPA GUNJIGAAV,
AGE. 54 YEARS, OCC. HOUSEHOLD,
R/O GUNDEWADI 591304,
TAL. ATHANI, DIST. BELAGAVI.

...RESPONDENTS

(BY SRI VITTHAL S. TELI, ADVOCATE FOR R1;
NOTICE TO R2 AND R3- SERVED)

THIS CRP IS FILED UNDER SECTION 115 OF CPC, PRAYING TO
SET ASIDE THE ORDER DATED 25.03.2024 PASSED BY THE COURT OF
II ADDL. CIVIL JUDGE AND JMFC, ATHANI ON I.A.NO.VIII IN
O.S.NO.492/2021 MARKED AT ANNEXURE-A AND CONSEQUENTLY
ALLOW I.A.NO.VIII MARKED AT ANNEXURE-F AND GRANT ANY OTHER
RELIEF AS DEEMED FIT IN THE ENDS OF JUSTICE.



THIS CRP COMING ON FOR FURTHER HEARING, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE RAVI V.HOSMANI

ORAL ORDER

Challenging Order dated 25.03.2024 passed by II Additional Civil Judge and JMFC, Athani, in OS no.492/2021 on IA no.VIII filed under Order VII Rule 11 of Code of Civil Procedure, 1908 ('**CPC**' for short), this revision petition is filed.

2. Sri Rajendra R. Patil, advocate appearing for Sri Srinand A. Pachchapure learned counsel for petitioner submitted that revision petition was by defendant no.2 in OS no.492/2021 filed by respondent no.1-plaintiff for relief of partition and separate possession in respect of suit property and for declaration that decree in OS no.9/1998 was obtained by fraud etc. In said suit, petitioner had filed IA no.VIII for rejection of plaint. Under impugned order application was rejected. On previous occasion it was submitted, suit challenging compromise decree in which plaintiff was a party would not be tenable and plaintiff at best could approach same Court.



3. In response, Sri Vitthal S. Teli, learned counsel for respondent no.1 submitted, respondent no.1-plaintiff had filed IA no.1/26 under Order XXIII Rule 1 of CPC seeking dismissal of OS no.492/2021 as withdrawn with liberty to approach the Court in which OS no.9/1998 was disposed of as settled. Learned counsel submits that a similar application would be filed before Trial Court, but interim order granted against further proceedings in OS no.492/2021 would come in way of consideration of said application.

4. Learned counsel for petitioner submits that in view of filing of application and assertions in affidavit filed in support thereof, revision petition may be disposed of.

5. In view of above, taking note of prayer and averments made in affidavit filed in support of IA no.1/2026, revision petition is disposed of by issuing a direction to Trial Court i.e., II Additional Civil Judge and JMFC, Athani on whose file, OS no.492/2021 is presently pending to permit plaintiff to file application under Order XXIII Rule 1 of CPC, permit her to withdraw OS no.492/2021, with liberty to approach Court in which OS no.9/1998 was decreed, for appropriate relief. Trial



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Court is directed to take application on record and dismiss OS
no.492/2021 as withdrawn with liberty as above.

Sd/-
(RAVI V.HOSMANI)
JUDGE

EM, CT:VP
LIST NO.: 1 SL NO.: 33