



IN THE HIGH COURT OF KARNATAKA,

DHARWAD BENCH

DATED THIS THE 2ND DAY OF AUGUST, 2024

BEFORE

THE HON'BLE MS. JUSTICE JYOTI MULIMANI

REGULAR FIRST APPEAL NO. 100097 OF 2018 (MON)

BETWEEN:

UNIVERSITY OF AGRICULTURAL SCIENCES,
REP. BY ITS REGISTRAR,
KRISHI NAGAR,
DHARWAD-580 005.

...PETITIONER

(BY SRI. S.S.BETURMATH AND
SRI. K.L.PATIL., ADVOCATES)

AND:

1. M/S. SHANKAR CONSTRUCTION CO.,
BY PARTNER SRI. SUNIL.M.SHETTY,
AGE: MAJOR (AGE NOT KNOWN),
OCC: CONTRACTOR, R/O: SHREE BUILDING,
POLICE HEAD CROSS, QUARTERS ROAD,
DHARWAD-580 007.

2. SHREE KEMPAYYA
AGE: MAJOR(AGE NOT KNOWN),
OCC: ESTATE OFFICER,
NOW WORKING AS EXECUTIVE ENGINEER,
ESTATE BRANCH, CVKV HEBBAL,
BENGALURU-560 024.

...RESPONDENTS

THIS REGULAR FIRST APPEAL IS FILED UNDER SECTION
96 OF CODE OF CIVIL PROCEDURE, 1908.





THIS REGULAR FIRST APPEAL IS LISTED FOR ORDERS,
THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.S.S.Beturmath., learned counsel on behalf of
Sri.K.L.Patil., for the appellant has appeared in person.

The appeal is listed today for orders regarding non-
compliance of office objections.

Counsel for the appellant submits that short
accommodation may be granted to comply with the office
objections.

This Court is not inclined to grant further time. The
reason is simple. A perusal of the daily order sheet reveals that
the appeal was listed on 03.09.2018, on that day, two weeks
time was granted to comply with the office objections.
Thereafter, the appeal was listed on several dates and sufficient
time was granted to comply the office objections. This Court
vide order dated:13.12.2019, as a last chance, a week's time
was granted to comply office objections, failing which it was
ordered to be listed for dismissal on the next date of hearing.
The appeal was listed on 25.10.2021, on that day, the appeal



was dismissed for non-compliance of office objections. On an application, the order was recalled and the appeal was restored to the Registry on 18.01.2024 and two weeks time was granted to comply with the office objections. Thereafter, the appeal was listed on 04.04.2024 and finally, six weeks time was granted to comply the office objections. Despite granting time, office objections are not complied with.

A perusal of the entire order sheet reveals that the appeal was dismissed for non-compliance of office objections and the same was recalled and the appeal was restored to the Registry. Despite giving sufficient opportunities, the office objections are not complied with. Furthermore, the appeal is of the year 2018. Now we are in the month of August 2024. The appeal is pending for almost six years. It appears that the appellant is not diligent in prosecuting the appeal. Hence, the Regular First Appeal is ***dismissed*** for non-compliance of office objections.

**Sd/-
(JYOTI MULIMANI)
JUDGE**

MRP
List No.: 1 Sl No.: 12