



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.106851 OF 2024 (GM-CPC)

BETWEEN:

PANDURANG CO. OP. CREDIT
SOCIETY LTD. CHIKODI,
REPRESENTED BY ITS SECRETARY,
LAXMAN KADAPPA ALAGUNDI,
AGE. 49 YEARS, OCC. SECRETARY,
R/O. GANESH NAGAR, CHIKODI-591201.

...PETITIONER

(BY SRI. SANGRAM S.KULKARNI, ADVOCATE)

AND:

SHRI MAHAMAD ARSHADALI MUSTAFFA DAFEDAR
SINCE DEAD REPRESENTED BY LRS

1. SMT. NAZMA W/O. MAHAMAD
ARSHADALI DAFEDAR,
AGE. 50 YEARS,
R/O. HOSPETH GALLI, CHIKKODI,
TQ. CHIKKODI, DIST. BELAGAVI-591201.
2. SMT. ROOMA W/O. TALHA MUJAWAR,
AGE. 26 YEARS,
R/O. HOSPETH GALLI, CHIKKODI,
TQ. CHIKKODI, DIST. BELAGAVI-591201.
3. SMT. SANA W/O. MOSHIN PATHAN,
AGE. 25 YEARS,





R/O. HOSPETH GALLI, CHIKKODI,
TQ. CHIKKODI, DIST. BELAGAVI-591201.

4. SHRI. MARUTI LAGAMA CHOKKABASARAGI,
AGE. 47 YEARS,
OCC. SERVICE IN JMFC COURT HUKKERI,
R/O. HUKKERI, TQ. HUKKERI,
DIST. BELAGAVI-591309.
5. SMT. SHAKUNTALA MAHADEV SANKESHWARI,
AGE. 22 YEARS, OCC. AGRICULTURE,
R/O. WANTAMURI, TQ. HUKKERI,
DIST. BELAGAVI-591309.
6. SHRI. SANJAY MAHADEV SANKESHWARI,
AGE. 25 YEARS, OCC. AGRICULTURE,
R/O. WANTAMURI, TQ. HUKKERI,
DIST. BELAGAVI-591309.
7. SHRI. RAJU MAHADEV SANKESHWARI,
AGE. 28 YEARS, OCC. AGRICULTURE,
R/O. WANTAMURI, TQ. HUKKERI,
DIST. BELAGAVI-591309.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO 1) ISSUE A WRIT OF CERTIORARI AND QUASH THE IMPUGNED ORDER DATED 12/11/2019 VIDE ANNEXURE-B PASSED BY THE COURT OF IIND ADDL. CIVIL JUDGE AND JMFC, CHIKKODI IN EP NO.154/2005; 2) ISSUE A WRIT OF MANDAMUS DIRECTING THE COURT OF IIND ADDITIONAL CIVIL JUDGE, CHIKKODI TO RESTORE THE EP NO.154/2005. 3) ISSUE ANY OTHER ORDER, WRIT OR DIRECTION TO WHICH THE PETITIONER IS FOUND ENTITLED TO IN THE PRESENT FACTS AND CIRCUMSTANCES.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



ORAL ORDER

(PER: THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI)

By virtue of the impugned order, the execution proceedings that are initiated in the year 2005 are dismissed for default by the trial Court. As nothing is pending before the trial Court, the petitioner cannot file a writ petition under Article 227 of the Constitution of India and necessarily he has to file Civil Revision Petition under Section 115 of CPC. The petitioner is permitted to file Civil Revision Petition within a period of one week from today.

For the statistical purpose, the present writ petition is ***disposed of.***

All I.A.s. in this petition shall stand closed.

Sd/-
JUSTICE LALITHA KANNEGANTI

JTR
CT: UMD
List No.: 1 Sl No.: 6