



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201667 OF 2026 (GM-CPC)

BETWEEN:

SHRI KASHINATH S/O KALLANGOUD PATIL,
AGE : 58 YEARS, OCC : AGRIL,
R/O BARADOL, TQ. CHADACHAN,
DIST. VIJAYPUR.

...PETITIONER

(BY SRI. GAWALI DEEPAK K, ADVOCATE)

AND:

1. SMT LAXMIBAI
W/O JHANOBARAYA BALEKUNDI,
AGE : 46 YEARS, OCC : H.H.WORK,
R/O BARADOL, TQ. CHADACHAN,
DIST. VIJAYPUR.
2. SHRI SANGAMESH
S/O JHANOBARAYA BALEKUNDI,
AGE : 26 YEARS, OCC : COOLIE,
R/O BARADOL, TQ. CHADACHAN,
DIST VIJAYPUR.
3. THE PDO, BARADOL
TQ, CHADACHAN, DIST VIJAYPUR.





4. THE ADMINISTRATIVE OFFICER,
TALUKA PANCHAYAT, INDI,
TQ. INDI, DIST. VIJAYPUR.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE AN ORDER OR WRIT IN THE NATURE OF CERTIORARI QUASHING IMPUGNED ORDER DATED 30.07.2025 PASSED IN M.A.NO.4/2022 BY SR. CIVIL JUDGE, INDI, DIST. VIJAPUR VIDE ANNEXURE-E.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

Plaintiff is before this Court under Article 227 of the Constitution of India seeking for the following reliefs :

“Issue an order or writ in the nature of certiorari quashing impugned order dated 30.07.2025 passed in M.A.No.4/2022 by the court of the Senior Civil Judge at Indi, Vijayapur District vide Annexure-E.”

2. Heard the learned counsel for the petitioner.
3. Petitioner has filed O.S.No.510/2021 before the jurisdictional Civil Court at Indi seeking the relief of declaration, possession and injunction. In the said suit, he



had filed I.A.No.1 under Order XXXIX Rule 1 and 2 of Code of Civil Procedure which was opposed by the contesting defendants who had filed their written statement. Trial Court vide order at Annexure-C dated 06.04.2022 has dismissed I.A.No.1 filed in O.S.No.510/2021. As against the said order, the petitioner had filed M.A.No.4/2022 before the court of the Senior Civil Judge and JMFC at Indi Vijayapur District, which was dismissed for default by the Appellate Court by order dated 30.07.2025. Aggrieved by the same, petitioner is before this Court.

4. Learned counsel for the petitioner having reiterated the grounds urged in the petition submits that the petitioner was present in the Court premises on 30.07.2025. However, his Advocate has made a false representation to the Court to the effect that the petitioner is not cooperating with him and it is under these circumstances, the appeal was dismissed for default.

5. Perusal of the material on record would go to show that the Appellate Court had issued notice to the



respondent Nos.1 and 2 on 21.04.2022. Respondent No.1 had entered appearance before the Appellate Court on 08.07.2022, but notice issued to respondent No.2 was not served. Thereafter, for a period of nearly three years no steps were taken on behalf of the appellant for getting the respondent No.2 served and the order-sheet in M.A.No.4/2022 would go to show that the Appellate Court has granted ample opportunities to the petitioner to take steps for service of notice on respondent No.2. However no steps were taken on behalf of the appellant. On 30.07.2025, learned counsel appearing for the appellant had made a representation to the Court that the appellant is not cooperating with him and it is under these circumstances, the order impugned has been passed.

6. The prayer made in I.A.No.1 is to restrain the defendant Nos.1 and 2 from constructing any building in the schedule property. The suit is of the year 2021 and till date no interim order is operating in the said suit. Under the circumstances, I am of the opinion that, if the Trial



Court is requested to dispose of the suit in accordance with law within a time frame, the same would serve the ends of justice. Accordingly, the following :

ORDER

Writ petition is ***disposed of*** and a request is made to the Court of the Additional Civil Judge and JMFC, Indi to expedite the trial in O.S.No.510/2021 and dispose of the suit on merits, as expeditiously as possible but not later than a period of one year from the date of receipt of copy of this order.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE