

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 28th DAY OF MAY, 2012

BEFORE

THE HON'BLE MR.JUSTICE S.ABDUL NAZEER

WRIT PETITION NOs 41536-537/2010 A/W
MISC.W.No.1897/11 C/W 4769/2011 & 798/2011
(GM-CPC)

IN W.P.NO.s.41536-537/2010 & MISC.W.NO.1897/11

BETWEEN:

N. VENKAT KRISHNA BHAT BHATRAKODI,
AGED ABOUT 63 YEARS
SON OF LATE SUBRAYA BHAT
R/O NEERMARGA, PEDAMALE POST
MANGALORE 575 029

... PETITIONER
(COMMON)

(BY SRI PUNDIKAI ISHWARA BHAT, ADV.)

AND:

- 1 N.ANANTHARAJ, MAJOR
S/O N.SUBRAYA BHAT
- 2 KUM.VIDISHA A BHAT
MINOR
D/O N.ANANTHARAJ
- 3 ESHAN A.BHAT, MINOR,
S/O N.ANANTHARAJ

RESPONDENTS 2 AND 3 ARE MINORS
REPRESENTED BY THEIR FATHER
AND NEXT FRIEND PETITIONER NO. 1

ALL ARE R/O NEERMARGA VILLAGE

MANGALORE TALUK, D.K.
PRESENTLY RESIDING AT
POWER TRONICS SYSTEMS
G-53, URAK CENTRE
KOPPIKAR ROAD, HUBLI

4 C.CHANDRASHEKAR RAO
S/O LATE C.VASUDEVA RAO
MAJOR, C/O GOKULDAS NAYAK
COMPOUND, GROUND FLOOR
MAIN ROAD, BALEBAIL
THEERTHAHALLI,
PRESENTLY R/A A.S.ROAD
KARKALA, UDUPI DISTRICT

...RESPONDENTS
(COMMON)

(BY SRI A.MADHUSUDANA RAO, ADV. FOR R-1
SRI G GANGIREDDY, ADV FOR R-4)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES
226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ORDER DATED 8-10-2010 AND 2-11-2010 PASSED
BY THE I ADDL.SENIOR CIVIL JUDGE, MANGALORE D.K., IN
FDP NO.7 OF 2000 VIDE ANNEXURE-A.

MISC.W.NO.1897/11 IS FILED UNDER SECTION 151 OF
CPC FOR VACATING STAY.

IN W.P.NO.4769/2011

BETWEEN:

C.CHANDRASHEKHARA RAO
S/O LATE C.VASUDEVA RAO
AGED ABOUT 65 YEARS
NOW R/A GOKULDAS NAYAK
COMPOUND,
"SATHYA SHREE". A.S.ROAD
KARKALA, UDUPI DISTRICT

... PETITIONER

(BY SRI G GANGIREDDY, ADV)

AND:

I SRI N. ANANTHA RAJ BHAT

S/O LATE N SUBRAYA BHAT
AGED ABOUT 44 YEARS
POWERTRONIX SYSTEMS
G-53, EUREKA CENTRE
KOPPIKAR ROAD
HUBLI - 20, RESIDING AT A-216,
MADHURA COLONY
KESHAVAPURA, HUBLI

2 N VENKATA KRISHNA BHAT
BHATRAKODI,
S/O LATE N SUBRAYA BHAT
AGED ABOUT 64 YEARS
RESIDING AT NEERA MARG
PEDAMALE POST
MANGALORE-29

3 N. RAMADAS BHAT
S/O LATE N SUBRAYA BHAT
AGED ABOUT 59 YEARS
RESIDING AT 'HERAMBA'
DHUMAPPA COMPOUND LANE
PANDESHWAR, MANGALORE-1

4 M SADASHIVA RAO
AGED ABOUT 45 YEARS
PROPRIETOR, MANJUNATH ROAD LINES
PVS BIRTH CENTENARY BUILDING
KODIAL BAIL, MANGALORE

5 M.PRASHANTH PRABHU
AGED ABOUT 40 YEARS.
PROPRIETOR, M.M.P.S. DRY
FRUIT SHOP UNIT
MUNDAKUR CASHEW EXPORTS PVT LTD
PVS BIRTH CENTENARY BUILDING
KODAIL BAIL, MANGALORE

... RESPONDENTS

(BY SRI A.MADHUSUDHAN, ADV FOR R-1
SRI PUNDIKAI ISHWAR BHAT, ADV FOR R-2
SRI K RAMBHAT, ADV FOR R-4 & 5.
R-3 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 &
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
ORDER DATED 14-12-2005 PASSED BY THE CIVIL JUDGE

(JR.DN) MANGALORE IN I.A.NO.III IN O.S.NO.290/2005 VIDE ANNEXURE-A & IMPUGNED ORDER DATED 26-8-2010 PASSED BY THE LEARNED PRL.CIVIL JUDGE (SR.DN) MANGALORE IN MA NO.4/2006 AS PER ANNEXURE-F1.

IN W.P.NO.798/2011

BETWEEN:

SRI N. ANANTHARAJ BHAT
S/O LATE N SUBRAYA BHAT
AGED ABOUT 44 YEARS
POWER TRONIC SYSTEMS
G-53, URAKA CENTRE
KOPPIKAR ROAD, HUBLI - 20
RESIDING AT B-313,
MADHURA COLONY
KESHAVAPURA, HUBLI

...PETITIONER

(BY SRI A.MADHUSUDHANA RAO, ADV)

AND:

- 1 SRI N. VENKATA KRISHNA BHAT
BHATRAKODI,
S/O LATE N. SUBRAYA BHAT
AGED ABOUT 64 YEARS
RESIDING AT NEERMARGA
PEDAMALE POST
MANGALORE-575029
- 2 SRI C.CHANDRASHEKAR RAO
S/O LATE C.VASUDEVA RAO
AGED ABOUT 64 YEAS
C/O GOKULDAS NAYAK COMPOUND,
GROUND FLOOR
MAIN ROAD, BALEBAIL
THEERTHAHALLI,
- 3 SRI N. RAMADAS BHAT
S/O LATE N. SUBRAYA BHAT
MAJOR, 'HERAMBA'

DOOMAPPA COMPOUND
PANDESHWAR, MANGALORE-1

- 4 M SADASHIVA RAO
MAJOR,
PROP : MANJUNATH ROAD LINES
PVS BIRTH CENTENARY BUILDING
KODIALBAIL, MANGALORE-3
- 5 M.PRASHANTH PRABHU
MAJOR,
PROP: M.M.P.S. DRY FRUIT SHOPPE
UNIT : MUNDKUR CASHEW EXPORTS PVT LTD
PVS BIRTH CENTENARY BUILDING
KODIALBAIL, MANGALORE-3. ... RESPONDENTS

(BY SRI PUNDIKAI ISHWAR BHAT, ADV FOR R-1
SRI G GANGIREDDY, ADV FOR R-2
SRI NATARAJ BALLAL, ADV FOR R-3
SRI K RAMBHAT, ADV FOR R-4 & 5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 14-12-2005 PASSED BY THE CIVIL JUDGE (JR.DN) MANGALORE IN I.A.NO.III IN O.S.NO.290/2005 AND THE IMPUGNED ORDER DATED 26-8-2010 PASSED BY THE LEARNED PRL. CIVIL JUDGE (SR.DN) MANGALORE IN MA NO.4/2006.

THESE WRIT PETITIONS AND MISC.W. No.1897/11 COMING ON FOR ORDERS THIS DAY, THE COURT PASSED THE FOLLOWING:

ORDER

In all these writ petitions, petitioners have challenged the interim orders passed in FDP No.7/2000 on the file of the I Addl. Senior Civil Judge, Mangalore.

2. Learned counsel appearing for the petitioner in W.P.No.798/11 has filed a memo stating that the aforesaid FDP has been withdrawn on 24.2.2012, which has not been disputed by the learned Advocates appearing for the parties in the other connected writ petitions. Since the FDP itself has been withdrawn, these writ petitions do not survive for consideration. They are dismissed as having become infructuous.

3. In view of the disposal of the writ petitions as above, Misc.W.No.1897/11 is dismissed as having become infructuous. No costs.

KLY/

Sd/-
JUDGE