

ITEM NO.57

COURT NO.10

SECTION IV-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 5146/2022

(Arising out of impugned final judgment and order dated 18-08-2021 in WP No.40488/2015 passed by the High Court Of Karnataka At Bengaluru)

V. VISHWANATH SINCE DECEASED BY LRS.

Petitioner(s)

VERSUS

B.N. SAROJAMMA & ORS.

Respondent(s)

(FOR ORDERS ON FDR )

Date : 10-07-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY  
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) M/S. Devasa & Co., AOR  
Mr. Shekhar G Devasa, Adv.  
Mr. Manish Tiwari, Adv.  
Ms. Thashmitha Muthanna, Adv.  
Mr. Prashanth Dixit, Adv.  
Mr. Vishwanath Chatuvedi, Adv.  
Mr. Shashi Bhushan Nagar, Adv.

For Respondent(s) Mr. Bharadwaj S., AOR

UPON hearing the counsel the Court made the following  
O R D E R

The petitioner has deposited a sum of Rs.1,00,000/- as was ordered by this Court on 29.04.2022. Thereafter, notice was issued and Mr. Bhardwaj S., learned counsel has entered appearance on

behalf of the respondent No.1.

The respondent's counsel would submit that nothing survives in the present matter, inasmuch as the petitioner (plaintiff), was not sincere about pursuing her case and the suit for declaration filed by her, came to be dismissed for non-prosecution on 14.06.2004. Then the miscellaneous application filed by the plaintiff for restoration of the suit was also rejected on 27.11.2009. Thereafter, once again another miscellaneous application was filed and the same was also dismissed on 07.08.2015.

The resultant petition under Article 227 of the Constitution came to be dismissed on 18.08.2021 where the Court noted that the counsel was absent on six dates and therefore the litigant is not serious about pursuing her case.

Be that as it may, as the respondents prays for time to file counter affidavit, four week's time is granted.

(DEEPAK JOSHI)  
COURT MASTER (SH)

(KAMLESH RAWAT)  
ASSISTANT REGISTRAR