

(2024) 06 KAR CK 0011

In the Karnataka High Court

Case No : Regular Second Appeal No. 329 Of 2018 (DEC/INJ)

Kumaraiah

APPELLANT

Vs

Muddappa, S/O Shivarudrappa & Others

RESPONDENT

Date of Decision : 13-06-2024

Acts Referred:

Citation : (2024) 06 KAR CK 0011

Hon'ble Judges : H.P. Sandesh, J

Bench : Single Bench

Advocate : C.M. Mahesh

Final Decision : Dismissed

Judgement

H.P. Sandesh, J

1. Heard the learned counsel for the appellant. This appeal was filed in 2018 and the matter was listed before the Registrar (Judicial) on 06.09.2018 and the learned counsel for the appellant was absent. However, one week's time was granted to comply with the office objections and the office objections were not complied with. The matter was listed before the Court on 15.02.2019 and four weeks time was granted to do the needful and the same was not done. On 25.09.2019, three weeks time was granted and it was made clear that if the office objections are not complied within such period, the appeal shall be listed for dismissal. Thereafter, the matter was listed on 02.12.2019, 13.08.2021 and 25.02.2022 for non-compliance of office objections. Ultimately, on 20.01.2023 this Court dismissed the appeal for non-compliance of the office objections. Thereafter, application was filed for recalling the order dated 20.01.2023 and this Court leniently considered the request and recalled the order and granted a week's time to comply with the office objections vide order dated 12.07.2023. In spite of it, again the office objections were not complied. On 11.12.2023, four weeks time was granted to comply with the office objections, but the same was not complied.

2. Today the matter is listed for non-compliance of the office objections and the learned counsel for the appellant submits that the appellant passed away in the month of April 2024 and he was not aware of the same. The appeal was filed in 2018 and till the death of the appellant, several adjournments were given and earlier the appeal was dismissed and the same was restored. Even after restoration of the appeal also two adjournments were given to comply with the office objections and inspite of it, the same was not complied. No grounds are made out to once again grant time either to bring the LRs of the appellant on record or for compliance of the office objections. Hence, the appeal is dismissed for non-compliance of the office objections.