

(2007) 03 KAR CK 0057
In the Karnataka High Court
Case No : Writ Petition No. 44326 of 2001

Vanajakshi

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 16-03-2007

Acts Referred:

Citation : (2007) 4 KarLJ 721

Hon'ble Judges : D.V. Shylendra Kumar, J

Bench : Single Bench

Advocate : M.S. Purushothamma Rao, for the Appellant; Nadiga Shivanandappa, High Court Government Pleader for Respondents 1 to 3 and D.P. Shivaprasad, for Respondent 6, for the Respondent

Final Decision : Dismissed

Judgement

D.V. Shylendra Kumar, J.—This writ petition is as a result of conversion of C.P. No. 19822 of 1991 in terms of the common order passed on 28-5-2001.

2. It is now found that the civil petition itself was not tenable, inasmuch as the civil petition was one for treating a cross-objection that had been filed by the petitioner before the Appellate Authority in an appeal that was pending before the Appellate Authority at the instance of the fifth respondent (Nagamma) in this petition.

3. While in fact no cross-objection was pending before the Land Tribunal and the cross-objection had also been rejected by the Land Tribunal as not maintainable even in terms of the averments made in the civil petition and the petitioner had filed further a civil revision petition in C.R.P. No. 2059 of 1990 before this Court, it is stated that the civil petition was filed by way of abundant caution in the hope and in the event of the civil revision petition being allowed by this Court.

4. Be that as it may, it is now pointed out that the very appeal, which was registered before this Court as the Appellate Authority was subsequently abolished and the pending appeal was sent back to this Court and renumbered as

W.P. No. 30219 of 1993, itself has been dismissed on 5-2-1998 and that order was confirmed in writ appeal.

5. While I law, no civil petition could have been filed for the transfer of a so-called cross-objection in an appeal, on facts no cross-objection was pending before the Land Tribunal in the appeal pending before it, as the cross-objection had already been rejected as not one so enabled in law. Karnataka Land Reforms Act, 1961 never enables the filing of a cross-objection in any appeal at any point of time.

6. Nothing further to be considered in the writ petition and it is accordingly dismissed.