

KAKL300002042018



Presented on : 19-06-2018
Registered on : 20-06-2018
Decided on : 24-04-2019
Duration : 0 years, 10 months, 5 days

IN THE COURT OF
Sr. Civil Judge JMFC, Malur AT Malur, KOLAR
Presided Over by Smt. Anupama.D

M.A./1/2018

Exhibit No.:

Appellant:
M/s Anandamarga Polytechnic
Age: 1
Occupation :
Address: R/at Veerappa Nagar, Kudiyanur Post, Kasaba Hobli, Malur
Taluk.

VERSUS

Respondent:
Lakshman
Age: 45
Occupation :
Address: R/at Mylandahalli, Kasaba Hobli, Malur Taluk. Kolar District.

Advocate for Appellant: K.Manjunatha
Advocate for Respondent: appearing for Lakshman: Advocate appearing
for respectively.

ORDER

The counsel for appellant filed a memo with certified copy of order sheet in Misc. 5/19 filed before II Addl. C.J. Malur. It is contention of respondent that, since the suit in OS 210/16 is dismissed, M.A does not survive. It is the contention of counsel for appellant that, since miscellaneous petition is filed, the MA is sustainable. On perusal of the order sheet of Misc. No. 5/19 and after having heard both counsels, it is clear that, OS 210/16 has been dismissed. Hence, this MA which is filed against an order passed in an IA by the trial court, is not maintainable, since the original suit itself is dismissed. If the Misc. No. 5/19 will be allowed and original suit in OS No. 210/16 will be restored, the cause of action will be sustained. Hence, this miscellaneous appeal is dismissed as not maintainable.

Sd/-

Sr. Civil Judge JMFC, Malur