

# VITTHAL BASAVANNI KADAGAVI V. ANIL APPANNA MOKASHI & ANR.

1. VITTHAL BASAVANNI KADAGAVI

.....Petitioner(s)

Versus

1. ANIL APPANNA MOKASHI & ANR.

.....Respondent(s)

Case No: REVISION PETITION NO. 1191 OF 2021

(Against the Order dated 15/09/2021 in Appeal No. 989/2019 of  
the State Commission

Karnataka)

Date of Judgement: 04 October 2023

Judges:

HON'BLE MR. JUSTICE KARUNA NAND BAJPAYEE, PRESIDING  
MEMBER

FOR THE PETITIONER : NEMO

## **Facts:**

***This is a revision petition filed by Vitthal Basavanni Kadagavi against the order dated 15.09.2021 passed in Appeal No. 989/2019 by the State Commission Karnataka. The petition has been pending since 2021 with a number of defects that have not been cured. Despite repeated opportunities given over various dates, the defects remain uncured.***

## **Court's Elaborate Opinions:**

***This is a clear case of non-prosecution as despite opportunities, the petitioner has failed to cure defects and non-appeared. The petition therefore stands dismissed due to***

*non-prosecution. However, liberty has been given to the petitioner to move appropriate recall/restoration application along with curing defects if he wants to pursue the matter.*

**Referred Sections and Laws:**

*No specific sections or laws have been referred to. The petition has been dismissed by the Commission in exercise of its inherent powers to curb non-prosecution.*

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**Full Text of Judgment:**

1. Repeatedly called out. None appears for the petitioner.  
2. Perusal of the record shows that the petition has been filed with a number of defects but they have not been cured since long. The petition is pending since 2021. The proceedings dated 13.01.2022, 11.04.2022, 15.07.2022, 13.09.2022, 01.11.2022 show the same state of affairs and it has been commonly noted in all these proceedings that the defects have not been cured. The matter was then taken up before the bench no. 1 and the following Order was recorded:-  
“Dated : 13.12. 2022

ORDER

As prayed, defects be cured, within four weeks.  
List on 20.01.2023.”

3. Subsequently, the matter was taken up by the same Bench on 20.01.2023 but none appeared for the petitioner.  
4. Again when the matter was taken up on 01.03.2023 none appeared for the petitioner and the following Order was recorded:  
“01.03.2023

ORDER

“When the case is taken up, nobody appears for the Petitioner. In the interest of justice, I defer the matter.

List again on 04.07.2023.

Registry is directed to send necessary information to the Petitioner about the next date fixed in the matter.”

5. The matter was last taken up on 04.07.2023 when the time was again sought to remove the defects which are continuing and have not been addressed. Order dated 04.07.2023 may be quoted hereinbelow:

“Dated : 04.07.2023

#### ORDER

As prayed two weeks’ time is allowed to the Petitioner to remove the defects.

List on 04.10.2023.

6. Today when the matter has been taken up none appears for petitioner. Neither the learned counsel, nor proxy nor anybody else appeared on behalf of the petitioner. The office report indicates that the defects have still not been removed.

7. It is a clear case of non-prosecution. The petition, therefore, stands dismissed in non- prosecution.

8. However, in the interest of justice it may be observed that if the petitioner is interested in pursuing the matter in right earnest and feels aggrieved by this Order he may move appropriate recall/restoration application in accordance with law addressing the defects also along with the same.

9. The Registry is requested to send a copy each of this Order to all parties in the petition and to the learned counsel for the petitioner. The stenographer is requested to upload this Order on the website of this Commission immediately.