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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF SEPTEMBER 1998

PRESENT

THE HON'BLE MR.JUSTICE B. PADMARAJ

AND

THE HON'BLE MR.JUSTICE T.N. VALLINAYAGAM

CIVIL PETITION NO.118/1998

IN

WRIT APPEAL NO.2883/97

BETWEEN:

Sri Mohd. Reza Khan,
since deceased by his LRs.

- 1 (a) Moguadum Khan,
since minor by his mother
guardian Smt. Pari (now major)
- (b) Smt. Pari w/o Mohd. Roza
Khan, Major.

2. Mohd. Hussain,
s/o Mohd. Mohadum,
Khan, Major,
Occ: Agriculture.
Since deceased by LRs:

- (i) Mohd. Ismail Khan,
35 years, son.
- (ii) Ayub Khan,
23 years, son.
- (iii) Paiza Unnia,
55 years, wife.

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- (iv) Mohd. Magdum Khan,
22 years, son.
- (v) Rian Banu,
30 years, daughter.
- (vi) Kum. Sairabanu,
20 years,
daughter.
- (vii) Kum. Rizwana Banu,
19 years,
daughter.

All are R/o Sathanur Circle,
Channapatna, Bangalore Dist.

- 3. Abdul Khader,
s/o Mohd. Mohadum Khan,
Major, Occ: Agriculture.

All are residing at Daira Street,
Chennapatna, B'lore Dist. ... PETITIONERS.

(By Sri Mohd. Shaffiuddin, Adv.)

AND:

- 1. The State of Karnataka
by its Revenue Secretary,
Vidhana Soudha, Bangalore-1.
- 2. The Land Tribunal,
Channapatna, by its Secretary
Channapatna Tq., B'lore Dist.
- 3. Sri Chikka Hydegowda,
s/o Badre Gowda,
R/o Kodipura,
Kasaba Hobli,
Channapatna Tq.,
Bangalore Dist .

... RESPONDENTS.

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This Civil Petition is filed Order 47 Rule 1 of CPC praying for review of the order/judgment and decree dated 3.6.1997 passed in W.A. No.2883/97.

This CP coming on for orders this day, T.N. VALLINAYAGAM J., made the following.

ORDER

The claim made in this Civil Petition is for a right over the 11 Mango trees which according to the counsel has not been dealt with in the original order. The Court itself found that the factual position has to be dealt with only by the Land Tribunal. The question of interference, therefore, in such finding does not arise in writ proceedings. Rightly therefore, the appeal has been rejected. There is no reason for entertaining the petition for Review and there is also a delay of 312 days in filing the Civil Petition which has not been properly explained. Both on the ground of delay

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and on merits the CP is dismissed. It is open to the petitioner to seek proper remedies in a civil court, if he is entitled to ^(in law).

Sd/-
Judge

Sd/-
Judge

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