

Karnataka High Court

M/S Manipal Home Finance Limited vs Sri H S Srikanth on 16 January, 2009

Author: Dr.K.Bhakhavatsala

A W. P.Ncs. / 2008 IN TH E Hi(3rE~£ {'L';o{5R'T' cw i{ARi\i'A'i'AE{A A' ' BAN:<m1_,\$\$_jRji\$ " DATED TPHS THE 16% my o1:' JANUARVE-Qoé\$'~ J} 1:~3.Ia:re*<;>:=~'r:;;;,' V A _ THE? H (>94 "BL,f:1 Dr. Jus'T'I<\$:L«: K. V\$.~xLA ' % * \ % " WRIT PE:?'T'ifi'\$}{N rm.

i%3f\$TWhi££N: ' ' " E M/' s.Ma:mpa£ Heme i*'i11a[nce"Lfd.; } \$19.5}?/1~2, 11*-hMai:1, V ' Opp. Cluny {o11vent,. .

Malleswar , _ L. .

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Rep. by its, {}□\$cei*, " _ 'Sz*i...Yays1pral{as1:1 J.S11+;:_no:f, ' ' S[o.R.N.Shanb:Qog,_ Aged abo11{i:14'2y€é':3,\$v}_ _ .- ...PE1TI'f'IONEIR (By 821'. Kzislma' M drélfyg , ., _ " < . " M] s. ESSVKAY □\$sgciaies, M93.) AN D:

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aged}«.ab£;i1tT'~\$4 "j;:rg3:s:3~\$,- . V No.9, 3" Cross, --SI'€€1p1lI'aIa, 4« ,__5neshadr:pure.J:r1, B.-;1:x).ga£<:2re-Y'?S6£E3A o520, ..,RE\$SPONDEN'}' '~Tf'":';1'é"~~sa/11': P&£it3'.(}13_ is □ed under Artic□es 13:26 &« 227 of the (7<3_u.st:i*:j:1Y:ioi2. ofi11{i.ia, praying to quash the impzxdined f}I'dCI' passed ' .f}:s_ *_g._%""I:ht:.; I435 Adcil. City Civii Judg□(C3~'I3H~'Z28), Bmige□m in €")._h.~Nm--.1U389{ 2005 (it.. '3{.f:i.:»?oG7 35 Ibunci in AI111eX--B and etc. wxmvo' 3125308 This Writ Petition coming on. far o1*£:im*s, tins made the fsiioingt -

{££D{2_ i\$ The pet1Y:i(3ue:'f;:21ainti□ in {.'C:5,__No, }i}Jj5\$39f20'}53i'A' 14¢ Additionai City Civil Judge, Bazigaigr c:t3é', '-:sA"*5e£om]gthis com grayng for quashmg the véi□tr {ii€:1I:Vf_3:{A'i' Hn:Via<:1e in the above said suit at Annexure 'F'. " _

2. Cou11s¢f;1'..fi¢;agf in pursuance of Hotzsing loa_§;;, □ed a suit against Ramak□hf□ _ .E3ormwer and H.S.S:rika11ih, Guarantor .f<Ai1['..V _ :_4f3--%:yV':%5,88,Q396j«. in that suit, the £')efcnda1:.'\$'Jr), .1 Waa. sé:rt?e{i.. "l':1e suit summons Stiliit to T□eg□ndazlt wa".s- fet□hiézi u11séf£}éd with an r£ndo:<fsement that RPAD was mat{1£a.\$11:i<i;§i;Wff'.E.:érs;a'i??:er, the cam was postéxi for taking steps to

2.,v£;)e1hz;.\$c::a.\$tA N;{,,:i:T', '3O).(}6.20{'?', the 13:13} {jlourt d'is1mssc{i the _ s\$ L:i.\$. as \$g£1ifii,f\$£ 1'i"2e £.)cfendaz1t i\Y(;.2 ft:-1* want of steps. The Trial suit i'm' issues and cmcuments. '!',r;c piaizlti□ □ed t111dc:~r Ekder IX Rule 4 of {EPC to mcai} the order 3€).(}6.2{)o"F. The 'peYjtionEr[pLaj11Yiff □ed another ./,.. ~.__é:j@£iCatio21 111}tiY.er 5l of CFC? stating that since the W, P. No. 189%/2{ }O8 as against fhtt iitifendaxit N o.12. 'I'he jmntlgned onier 1t3}€~\$C'ti:r:i.g.'□;e application □ed hy the plaintiff under Order IX R1113';-4 net Sl'1Sf£3iI1E1\$}1t3 in the eye of law. _

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