IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 22ND DAY OF APRIL, 2025

BEFORE

THE HON'BLE MR JUSTICE ANANT RAMANATH HEGDE

REGULAR SECOND APPEAL NO.200288 OF 2017 (SP)

BETWEEN:

ISHWAR S/O CHOKALA LAMANI
AGE: 47 YEARS, OCC: AGRICULTURE,
R/O: RAJANAL TANDA, POST: ATHARGA,
TQ: INDI, DIST: VIJAYAPUR – 586 112.

…APPELLANT

(BY SRI DHARWADKAR SUBODH TIRUPATI, ADVOCATE)

AND:

1. DEVU S/O: RAMU PAWAR
AGE: 60 YEARS, OCC: AGRIL.,
R/O: RAJANAL TANDA,
POST: ATHARGA, TQ: INDI – 586 112.

2. IRAPPA S/O: SIDRAM KUDALAGI (KUDAGI)
AGE: 49 YEARS, OCC: AGRIL.,
R/O: ATHARGA, TQ: INDI,
DIST: VIJAYAPURA – 586 112.

…RESPONDENTS

(BY SRI D.P.AMBEKAR, ADVOCATE FOR R1;
V/O DATED 07.04.2021 NOTICE TO R2 IS HELD SUFFICIENT)

Digitally signed by BASALINGAPPA SHIVARAJ DHUTTARGAON
Location: HIGH COURT OF KARNATAKA

THIS RSA IS FILED UNDER SECTION 100 OF THE CODE OF CIVIL PROCEDURE, 1908, PRAYING TO SET ASIDE THE JUDGMENT AND DECREE DATED 22.09.2014 PASSED IN R.A.NO.09/2012, BY THE PRESIDING OFFICER FAST TRACK

COURT, VIJAYAPURA AND ALSO THE JUDGMENT AND DECREE DATED 31.10.2011 PASSED IN O.S.NO.267 OF 2007 (EARLIER NUMBERED AS O.S.NO.3/2004)M BY SENIOR CIVIL JUDGE, INDI, DIST: VIJAYAPURA AND DISMISS THE SUIT AND ALLOW THE APPEAL OR IN THE ALTERNATIVE PLACE TO REMAND THE MATTER TO THE APPROPRIATE COURT, HAVING JURISDICTION TO TRY, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS RSA, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE ANANT RAMANATH HEGDE

ORAL JUDGMENT

(PER: HON'BLE MR JUSTICE ANANT RAMANATH HEGDE)

1. On 05.01.2022, learned counsel for the appellant has submitted that, the sole appellant has died and sought time to bring the legal representatives of the deceased sole appellant on record. Accordingly, time was granted.

2. On 15.02.2024, when the matter was listed before the Court, again the learned counsel for the appellant had sought time to take necessary steps.

3. Till today, no steps have been taken. Though sufficient time was granted to bring the legal representatives of the sole appellant on record, no steps have been taken.

4. Hence, the appeal is dismissed as abated.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

SVH
List No.: 1 Sl No.: 11