NC: 2025:KHC-K:2247
RSA No. 7295 of 2010

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 4TH DAY OF APRIL, 2025

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

REGULAR SECOND APPEAL NO. 7295 OF 2010

BETWEEN:

1. SHIVASHRNAPPA
   S/O VEERSANGAPPA
   AGED AOBUT 75 YEARS,
   OCC: AGRICULTURE,
   R/O: KOUTH-B,
   TALUKA: AURAD,
   BIDAR : DISTRICT.

2. JAGDEVI
   W/O MALLIKARJUN HATTI
   AGE: 46 YEARS,
   OCC: HOUSEHOLD & AGRICULTURE,
   R/O: BIDAR.

...APPELLANTS

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

(BY SMT. ANURADHA M. DESAI AND
SRI SHESHADRI JAISHANKAR, ADVOCATES)

AND:

1. MALLIKARJUN
   S/O LATE SHIVARAJ PATIL
   AGE: 55 YEARS,
   OCC: AGRICULTURE,
   R/O: KAMLAPUR THROUGH GPA
   GOURAMMA
   W/O MALLIKARJUN,
   AGE:52 YEARS,

OCC: AGRICULTURE,
R/O: KAMLAPUR NOW AT SHIVANAGAR,
BIDAR – 585 401.

2. SHIVARAJ - DIED BY HIS L.RS.

I. CHANGLEMMA
W/O VISHWANATH,
D/O LATE SHIVARAJ PATIL,
MAJOR, OCC: HOUSE-HOLD,
R/O: MEENKHERA,
TALUK : HUMNABAD – 585 227.

II. KARBASAPPA
S/O VEERAPPA
MAJOR,
OCC: AGRICULTURE,
R/O: KANKATTA,
TALUK: HUMANBAD,
DIST: BIDAR – 585 435.

III. UMAKANTH
S/O VEERAPPA
MAJOR,
OCC: AGRICULTURE,
R/O: KANKATTA,
TALUK: HUMANBAD,
DIST: BIDAR – 585 435.

IV. RAMAKANTH
S/O VEERAPPA
MAJOR,
OCC: AGRICULTURE,
R/O: KANKATTA,
TALUK: HUMANBAD,
DIST: BIDAR – 585 435.

V. SANGAMMA
W/O CHANDRASHEKHAR PATIL
OCC: HOUSE HOLD,
R/O: SANGOLGLI VILLAGE,
TALUK BHALKI,

DIST: BIDAR – 585 327.

VI. GEETA
W/O SHIVARAJ PATIL
MAJOR,
OCC: HOUSEHOLD,
R/O: KALI GALLI,
BASAVAKALYAN,
DIST: BIDAR – 585 327.

VII. MEERABAI
W/O NAGENDER PATIL
MAJOR,
OCC: HOUSEHOLD,
R/O: BALBATTI, JEWARGI,
TALUK: DISTRICT: GULBARGA.

VIII. VIJAYABAI
W/O LATE SHASHIDAR KHENI
MAJOR,
R/O: RANJOL KHENI,
DIST: BIDAR – 585 329.

3. DR. CHANDRASHEKHAR
S/O SHIVARAJ PATIL
OCC: RETIRED R.M.O.(DIED BY HIS L.RS.)

I. SMT. SHAKUNTALA
W/O LATE CHANDRASHEKHAR,
AGE ABOUT 55 YEARS,
OCC: HOUSE-HOLD,
R/O: GURUNAGAR, BIDAR – 585 403.

II. HARSHAND
S/O LATE DR. CHANDRASHEKHAR PATIL
33 YEARS,
OCC: ENGINEER,
R/O: GURUNAGAR, BIDAR – 585 403.

III. SMT. MAMTA
W/O MAHESH UNNE
AGED ABOUT 40 YEARS,

OCC: HOUSE-HOLD,
R/O: LATUR (M.S.) – 413 512.

IV. PREMA
W/O SANJEET
AGED ABOUT 35 YEARS,
OCC: HOUSE-HOLD,
R/O: NANDI COLONY ADJACENT TO LIFE
INSURANCE CORPORATION BIDAR – 585 401.

4. SHANT KUMAR
S/O SHIVARAJ PATIL (S.S.PATIL)
MAJOR,
OCC: SERVICE PENSIONER,
R/O: PWD QUARTERS, GULBARGA.

5. RAJASHEKHAR
S/O SHIVARAJ PATIL
R/O: KAMALAPUR, NOW AT KADWAD,
TALUK BIDAR (DIED BY HIS L.RS.)A)

A. UMADEVI
W/O LATE RAJSHEKHAR PATIL,
MAJOR,
R/O: NOW AT KADWAD,
TALUKA BIDAR – 585 226.

B. DEEPA
D/O LATE RAJSHEKHAR PATIL,
MAJOR,

C. POOJA
D/O LATE RAJSHEKHAR PATIL,
MAJOR

6. KAMLABAI
W/O LATE VIJAYAKUMAR
MAJOR,
OCC: HOUSE-HOLD,
R/O: PRATAPNAGAR,
NAUBAD, BIDAR – 585 402.

7. SAVITA
D/O LATE VIJAYAKUMAR
MAJOR,
OCC: HOUSE-HOLD,
R/O: PRATAPNAGAR,
NAUBAD, BIDAR – 585 402.

8. PRASHANT
S/O LATE VIJAYAKUMAR
MAJOR,
OCC: HOUSE-HOLD,
R/O: PRATAPNAGAR,
NAUBAD, BIDAR – 585 402.

9. APPARAO
S/O LATE VEERSANGAPPA
MAJOR,
OCC: AGRICULTURE,
GANESH MAIDAN, NEW HOUSING COLONY,
BIDAR – 585 401.

…RESPONDENTS

(BY SRI BASAVARAJ R.MATH, ADVOCATE FOR R1;
R2 IS SERVED)

THIS REGULAR SECOND APPEAL IS FILED UNDER SECTION 100 OF CPC, PRAYING TO SET ASIDE THE JUDGMENT AND DECREE DATED 19.02.2010 PASSED BY THE PRESIDING OFFICER, FAST TRACT COURT-I, BIDAR IN R.A.NO.22/2010 AND ALSO SET ASIDE THE JUDGMENT AND DECREE DATED 14.09.2005 PASSED BY ADDITIONAL CIVIL JUDGE (SR.DN), BIDAR IN O.S.NO.30/1989 AND DISMISS THE SUIT OF PLAINTIFF IN THE INTEREST OF JUSTICE.

THIS REGULAR SECOND APPEAL, 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. It is stated that, the appellant No.1 is no more.

2. I.A.No.1/2025 is filed to condone the delay of 1031 days in filing the application to bring the legal representative of the deceased appellant No.1 on record.

3. Accepting the reasons mentioned in the affidavit filed in support of the application, the delay of 1031 days in filing the application is condoned.

4. Accordingly, I.A.No.1/2025 is allowed.

5. I.A.No.2/2025 is filed to substitute legal representatives of the deceased appellant No.1. Appellant No.2 is stated to be one of the legal representatives of the deceased appellant No.1 and is already on record. Another legal representative is sought to be brought on record.

6. Hence, I.A.No.2/2025 is allowed. The proposed legal representative of the deceased appellant No.1 is permitted to come on record.

7. The appellant to carryout amendment and file amended cause title.

8. A memo is filed enclosing copy of the agreement which is said to have been executed on 16.09.2022.

9. The same is taken on record.

10. Learned counsel for the appellant submits that, as per the agreement referred to above, the appellants are required to withdraw the appeal.

11. His submission is taken on record.

12. Learned counsel for the appellants shall also file a memo seeking withdrawal of the appeal.

13. In view of the above, the appeal is dismissed as withdrawn.

14. All pending applications in this appeal are disposed of.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

SVH
List No.: 1 Sl No.: 0