IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 27TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MS JUSTICE J.M.KHAZI

REGULAR SECOND APPEAL NO.200169 OF 2021

(DEC/INJ)

BETWEEN:

1. DINAKAR
   S/O NURSINGRAO BIRADAR,
   AGE: 48 YEARS,
   OCC: AGRICULTURE AND BUSINESS,
   R/O: NARYANPUR,
   TQ: BASAVAKALYAN, DIST: BIDAR.

...APPELLANT

(BY SRI. MOGHA SUDHAKAR RAO, ADVOCATE)

Digitally signed by SHIVALEELA DATTATRAYA UDAGI
Location: HIGH COURT OF KARNATAKA

AND:

1. SHIVAJI
   S/O NURSINGRAO BIRADAR,
   AGE: 53 YEARS,
   OCC: AGRICULTURE AND BUSINESS,
   R/O. NARAYANPUR,
   TQ. BASAVAKALYAN, DIST. BIDAR,
   NOW R/O. SION KOLIWADA,
   MUMBAI – 400 037.

2. SANJEEVKUMAR
S/O SHARANAPPA KAALEKAR,
S/O AGE: 48 YEARS,
OCC: AGRICULTURE AND BUSINESS,
R/O. M/S JYOTI HOME SERVICE
MAIN ROAD,
BASAVAKALYAN – 585 327.

…RESPONDENTS

(BY SRI. S.B. HANGARKI, ADVOCATE FOR R1
R2 IS SERVED)

THIS REGULAR SECOND APPEAL IS FILED UNDER SECTION 100 OF THE CPC, PRAYING TO SET ASIDE THE IMPUGNED JUDGMENT AND DECREE DATED 20.04.2021 PASSED BY II ADDITIONAL DISTRICT AND SESSIONS JUDGE AT BIDAR SITTING AT BASAVAKALYAN IN R.A.NO.13/2016 DISMISSING THE APPEAL BY CONFIRMING THE JUDGMENT AND DECREE OF THE TRIAL COURT DATED 11.03.2016 O.S.NO.09/2012 ON THE FILE OF SENIOR CIVIL JUDGE BASAVAKALYAN AND DECREE THE SUIT OF THE PLAINTIFF/ APPELLANT IN O.S.NO.09/2012 BY REMANDING BACK FOR FRESH TRIAL, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MS JUSTICE J.M.KHAZI

ORAL JUDGMENT

(PER: HON'BLE MS JUSTICE J.M.KHAZI)

Learned counsel for the appellant has filed a memo along with signature of the appellant, to dismiss the appeal as withdrawn and not pressed.

2. In light of the same, appeal is ***dismissed*** as withdrawn and not pressed.

Sd/-
(J.M.KHAZI)
JUDGE

MCR
List No.: 1 Sl No.: 7