



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR JUSTICE H.P.SANDESH

REGULAR SECOND APPEAL NO.230 OF 2022

BETWEEN:

1. SMT. DYAVAMMA,
W/O LATE RAMEGOWDA,
(SINCE DEAD HER LRS ALREADY ON RECORD).
2. KUMARA,
S/O LATE RAMEGOWDA,
AGED ABOUT 51 YEARS.

BOTH ARE R/O KALLIKOPPALU VILLAGE,
KASABA HOBLI,
HOLENARASIPURA TALUK,
HASSAN – 573 211.

3. RAMESHA,
S/O LATE RAMEGOWDA,
AGED ABOUT 53 YEARS.
4. KESHAVA,
S/O LATE RAMEGOWDA,
AGED ABOUT 49 YEARS.

BOTH APPELLANTS 3 AND 4 ARE
R/AT KALLIKOPPALU VILLAGE,
KASABA HOBLI,
HOLENARASIPURA TALUK,
HASSAN 573 211.

...APPELLANTS

(BY SRI. RAJESH SHETTIGAR, ADVOCATE - ABSENT)

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



AND:

1. LEYSEGOWDA,
S/O LATE MALIGEGOWDA,
AGED ABOUT 53 YEARS,
KALLIKOPPALU VILLAGE,
DODDABYAGATHAVALLI POST,
KASABA HOBLI,
HOLENARASIPURA TALUK,
HASSAN-573 211.
2. LATE DUSHYANTHEGOWDA,
S/O LATE MALIGEGOWDA,
AGED ABOUT 63 YEARS,
B.A.R. POLICE DRIVER, HOSALINE,
HASSAN-573211,
DEAD LR'S ALREADY ON RECORD.
3. NARAYANA,
D/O LATE MALIGEGOWDA,
SINCE DEAD BY LR'S.
- 3(a) SAVITHRAMMA,
W/O NARAYANA,
AGED ABOUT 61 YEARS.
- 3(b) PRASADA,
S/O LATE NARAYANA,
AGED ABOUT 40 YEARS.
- 3(c) JAGANNA,
S/O LATE NARAYANA,
AGED ABOUT 36 YEARS,
KSRTC DRIVER.
- 3(d) JYOTHI,
W/O KUMARA.

RESPONDENTS NO.3(a) TO 3(d) ARE
R/AT D.NO.17,
BESIDE GREENHOOD ENGLISH SCHOOL,
HOUSING BOARD,
HOLENARASIPURA TOWN,



HOLENARASIPUR TALUK,
HASSAN DISTRICT – 573 211.

4. MOHANKUMARA,
S/O LATE MALIGEGOWDA,
AGED ABOUT 55 YEARS,
TELEPHONE OFFICER,
ARAKALAGUDU OFFICE,
ARAKALAGUDU-573 102.
5. KALEGOWDA,
S/O MOGANNAGOWDA,
AGED ABOUT 76 YEARS,
RETIRED TEACHER,
CHITTANAHALLI COLONY,
HOUSING BOARD,
HOLENARASIPURA,
HASSAN-573 211.
6. YOGANNA,
S/O GOWDEGOWDA,
AGED ABOUT 51 YEARS,
KALLIKOPPALU VILLAGE,
DODDABYAGATHAVALLI,
HOLENARASIPURA TALUK,
HASSAN-573 211.
7. RANGASWAMY,
S/O LATE KALEGOWDA,
AGED ABOUT 58 YEARS,
DASEGOWDARA BEDHI,
KOTE, HOLENARASIPURA,
HASSAN-573 211.
8. ANNEGOWDA,
S/O THOTEGOWDA,
AGED ABOUT 76 YEARS,
GANJALAGUDU VILLAGE,
ARAKALAGUDU TALUK,
HASSAN-573 102.

...RESPONDENTS

(BY SRI. GURURAJ R, ADVOCATE FOR C/R1, R3(a & b) AND
R4)



THIS RSA IS FILED UNDER SECTION 100 OF CPC, AGAINST THE JUDGMENT AND DECREE DATED 12.11.2020 PASSED IN R.A.NO.23/2017 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, HOLENARASIPURA, DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 17.06.2017 PASSED IN O.S.NO.79/2009 ON THE FILE OF THE CIVIL JUDGE, AND JMFC, HOLENARASIPURA.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL JUDGMENT

This appeal was filed on 01.02.2022. Though the office objections are complied subsequently, when the matter was listed for admission on 18.03.2025, there was no representation on behalf of the appellants. However, this Court ordered to re-list the matter in the third week of April 2025. On 22.04.2025, the matter was called twice and none appeared for the appellants. Hence, the case was ordered to be listed after summer vacation 2025.

2. The learned counsel for the caveator/respondent No.1, respondent Nos.3(a) and (b) and respondent No.4 is present and submits that there is a concurrent finding for the relief of declaration and possession and the suit was dismissed and the same is confirmed by the Appellate Court.



3. In spite of an opportunity was given to the learned counsel for the appellants, he did not pursue the matter in the earlier two occasions and today also there is no representation on behalf of the appellants when the matter is called twice both in the morning session and in the afternoon session. Hence, it is clear that in view of the concurrent finding, the learned counsel for the appellants is not pursuing the matter diligently.

4. Hence, the Regular Second Appeal is dismissed for non-prosecution.

Sd/-
(H.P.SANDESH)
JUDGE

MD
List No.: 1 Sl No.: 47