**IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH**

**DATED THIS THE 4TH DAY OF DECEMBER, 2024**

**PRESENT**

**THE HON'BLE MR. JUSTICE SREENIVAS HARISH KUMAR**

**AND**

**THE HON'BLE MR. JUSTICE T. G. SHIVASHANKARE GOWDA**

**REGULAR FIRST APPEAL NO. 100124 OF 2024**

**BETWEEN:**

SMT. PREMALATA
W/O. NINGANAGOUDA PATIL
AGE: 74 YEARS, OCC: HOUSEHOLD WORK
R/O: H.NO. 136, SECTON NO.2,
SHIVABASAV NAGAR,
BELAGAVI-590001.

...APPELLANT

(BY SRI. MRUTYUNJAYA S. HALLIKERI, ADVOCATE)

**AND:**

Digitally signed by CHANDRASHEKAR LAXMAN KATTIMANI
Location: HIGH COURT OF KARNATAKA
Date: 2024.12.05 10:40:32 +0530

1. VILAS S/O. BASANGOUDA PATIL
   AGE: 64 YEARS, OCC: AGRICULTURE
   R/O: PATIL GALLI, SHINDOLI
   TQ AND DIST: BELAGAVI-590001.

2. RAMESH S/O. BASANGOUDA PATIL
   AGE: 62 YEARS OCC:BUSINESS
   R/O: PATIL GALLI, SHINDOLI
   TQ AND DIST: BELAGAVI-590001.

3. ABASAHEB @ ABA S/O. SHIVANGOUDA
   AGE: 64 YEARS, OCC: AGRICUTLURE
   R/O: KANAVBARGI ROAD, RUKMINI NAGAR,
   BELAGAVI-590001.

4. SURESH S/O. SHIVANGOUDA PATIL
AGE: 58 YEARS, OCC: AGRICULTURE
R/O:PATIL GALLI, SHINDOLLI,
TALUKA AND DIST: BELAGAVI-590001.

5. SUBHASH S/O. BABAGOUDA PATIL
AGE: 46 YEARS, OCC: SERVICE
R/O: PATIL GALLI, SHINDOLLI
TQ AND DIST: BELAGAVI-590001.

6. UMESH S/O. BABAGOUDA PATIL
AGE: 44 YEARS, OCC: SERVICE
R/O: PATIL GALLI, SHINDOLLI
TALUKA AND DIST: BELAGAVI-590001.

7. GOUDAPPA S/O. ANNAPPAGOUDA PATIL
AGE: 76 YEARS,
OCC: RETIRED AND AGRICULTURE
R/O: 743 SECTOR NO. 5, SHREE NAGAR
TALUKA AND DIST: BELAGAVI-590001.

8. SMT. JAYASHRI W/O. DEVARAJ HIREGOUDAR
AGE: 63 YEARS, OCC: HOUSEHOLD WORK
R/O: JAYADEV BASAVESHWAR NAGAR
GOKUL RAOD HUBLI,
DIST: DHARWAD-580012.

9. SMT SUNITA W/O. MALLIKARJUN PATIL
AGE: 58 YEARS, OCC: HOUSEHOLD WORK
R/O: LIG 143, MAHANTESH NAGAR,
TQ AND DIST: BELAGAVI-590001.

(RESPONDENT NO 8 AND 9 ARE THE
LEGAL HEIRS OF ORIGINAL DEFENDANT NO. 2 AND 2A)

10. MRS. SHAILAJA W/O. SHIVANGOUDA PATIL
AGE: 56 YEARS, OCC: HOUSEHOLD WORK
R/O: NAVI GALLI, AINAPUR
TQ ATHANI, DIST:BELAGAVI-590001.

11. MRS. LEELABAI W/O. BASANGOUD PATIL
AGE: 84 YEARS, OCC: HOUSEHOLD WORK
R/O: PATIL GALLI, SHINDOLI
TQ AND DIST: BELAGAVI-590001.

12. MRS. LALITA
W/O. MALLIKARJUN GADATRANNAVAR
AGE: 60 YEARS, OCC: HOUSEHOLD WORK
R/O: KOTAMBARI GALLI, BAILHONGAL
DIST: BELAGAVI-590001.

13. MRS. VANITA W/O. BASAVARAJ WALI
AGE: 58 YEARS, OCC: HOUSEHOLD WORK
R/O: PATIL GALLI, SHINDOLLI
TALUJA AND DIST: BELAGAVI-590001.

14. MRS. SHASHIKALA W/O. RAJASHEKHAR BALLURGI
AGE: 62 YEARS, OCC: HOUSEHOLD WORK
R/O: GARGOTI GOVERNMENT HOSPITAL,
GARGOTI, TALUK: GADHINGLAJ,
DIST: KOLHAPUR, MAHARASHTRA.

15. ASHOK S/O. SHIVANGOUDA PATIL
AGE: 66 YEARS, OCC: RETIRED
R/O: PATIL GALLI, SHINDOLI,
TALUK AND DIST: BELAGAVI-590001.

16. KALAGOUDA S/O. SHIVANGOUDA PATIL
AGE: 60 YEARS, OCC: SERVICE
R/O: H.NO.2909, BADIGERA GALLI,
HUKKERI, DIST: BELAGAVI-590001.

17. MRS. GEETA W/O. SHRISHAIL BYAKOD
AGE:68 YEARS, OCC:HOUSEHOLD WORK
R/O: 1ST CROSS, SHAHUNGAR,
BELAGAVI-590001.
18. MRS. VEENA W/O. ISHWAR ANTIN
AGE: 60 YEARS, OCC:ADVOCATE

R/O: H.NO 1585, 2ND CROSS,
JAYANAGAR, BENGALURU.

19. BASAVARAJ S/O. SHANKARGOUDA PATIL
AGE: 58 YEARS, OCC: MEDICAL PRACTITIONER
R/O: NIJALINGANAGOUDAPPA MEDICAL COLLEGE
AND RESEARCH CENTER, BAGALKOT.

20. MRS. SHANTABAI W/O. BASAGOUDA PATIL
AGE: 86 YEARS, OCC: HOUSEHOLD WORK
R/O: PATIL GALLI, BENADI,
TALUKA: CHIKODI, DIST: BELAGAVI.

21. MRS. ANUSUYA W/O. BASAGOUDA PATIL
AGE: 78 YEARS, OCC: HOUSEHOLD WORK
R/O: PATIL GALLI, BENADI,
TALUKA: CHIKODI, DIST: BELAGAVI.

…RESPONDENTS

(BY SRI. B.S. KAMATE, ADVOCATE FOR C/R1 TO C/R6)

THIS RFA IS FILED UNDER SECTION 96 R/W. ORDER 41 RULE 1 OF THE CODE OF CIVIL PROCEDURE 1908, R/W. SEC. 299 INDIAN SUCCESSION ACT 1925, PRAYING TO, SET ASIDE THE JUDGMENT AND DECREE DATED 22.11.2023 PASSED IN ORIGINAL SUIT NO.3/2020 ALLOWING THE SAME BY THE COURT OF IX ADDITIONAL DISTRICT AND SESSIONS JUDGE, BELAGAVI, ORDERING TO ISSUE THE PROBATE AND LETTER OF ADMINISTRATION IN THE NAME OF THE PLAINTIFFS IN ORIGINAL SUIT NO.3/2020, AS PRAYED, BY ALLOWING THIS APPEAL IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE SREENIVAS HARISH KUMAR
AND
THE HON'BLE MR. JUSTICE T. G. SHIVASHANKARE GOWDA

**ORDER**

(PER: THE HON'BLE MR. JUSTICE SREENIVAS HARISH KUMAR)

Even though the case is posted for 5th time before the Court for compliance of office objections, learned counsel for the appellant prays for one week time. There is no justification in seeking adjournment for this purpose. Therefore appeal is dismissed.

**Sd/-**
**(SREENIVAS HARISH KUMAR)**
**JUDGE**

**Sd/-**
**(T. G. SHIVASHANKARE GOWDA)**
**JUDGE**

CLK
LIST NO.: 1 SL NO.: 12