IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 19TH DAY OF FEBRUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE R.NATARAJ

REGULAR SECOND APPEAL NO.100321/2019(DEC/INJ)

BETWEEN:

LAJAPATHI RAI S/O. SRIRAMULU,
SINCE DECEASED BY HIS LR'S WHO
ARE ALREADY ON RECORD AS
APPELLANT NO.19 TO 23.

1. KHETHA NAGESHWARA RAO S/O. NAGANNA,
AGE: 64 YEARS, OCC: AGRICULTURE
R/O: ANJANEYA CAMP, TQ: GANGAVATHI
DIST: KOPPAL – 583 236.

2. KHETHA VIJAY BHASKAR RAO S/O NAGANNA,
AGE: 61 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP, TQ: GANGAVATHI,
DIST: KOPPAL – 583 236.

3. KHETHA VENKATESHWARA RAO S/O. NAGANNA,
AGE: 51 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP, TQ:GANGAVATHI,
DIST: KOPPAL – 583 236.

Digitally signed by VINAYAKA B V

4. C. H. MANOHAR RAO S/O. TOTAYYA,
AGE: 54 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP, TQ: GANGAVATHI
DIST: KOPPAL – 583 236.

5. C. H. JAYARAJU S/O. TOTAYYA,
AGE: 49 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP,
TQ: GANGAVATHI, DIST: KOPPAL-583236

6. KHETHA NAGARJUNA S/O. NAGESHWARA RAO,
AGE:41 YEARS, OCC:AGRICULTURE
R/O: ANJANEYA CAMP, TQ:GANGAVATHI,
DIST: KOPPAL – 583 236.

7. KHETHA VENKATADRI
S/O. NAGESHWARA RAO,
AGE: 36 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP, TQ: GANGAVATHI,
DIST: KOPPAL – 583 236.

8. KHETHA AMMAJI W/O. NAGARJUNA,
AGE: 37 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP, TQ: GANGAVATHI
DIST: KOPPAL – 583 236.

9. KHETHA ANJALI W/O. VENKATADRI,
AGE:31 YEARS, OCC:AGRICULTURE,
R/O: ANJANEYA CAMP, TQ: GANGAVATHI,
DIST: KOPPAL – 583 236.

10. C. H. GANGA W/O. JAYARAJ,
AGE: 44 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP,
TQ: GANGAVATHI,
DIST: KOPPAL – 583 236.

11. KHETHA RAJU S/O. VENKATESHWARA RAO,
AGE: 33 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP, TQ:GANGAVATHI,
DIST: KOPPAL – 583 236.

12. KHETHA SUBBAMMA
W/O. VENKATESHWARA RAO,
AGE: 54 YEARS, OCC: AGRICULTURE,
R/O:ANJANEYA CAMP, TQ:GANGAVATHI,
DIST:KOPPAL – 583 236.

13. KHETHA SUDHA W/O. RAJU,
AGE: 32 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP, TQ: GANGAVATHI,
DIST: KOPPAL – 583 236.

14. LAVANYA W/O. VISHWESHWARA RAO,
AGE: 29 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP, TQ: GANGAVATHI
DIST: KOPPAL – 583 236.

15. K. VISHWESHWARA S/O. VENKATESHWARA RAO,
AGE: 34 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP,

TQ: GANGAVATHI,
DIST: KOPPAL – 583 236.

16. K. ASHOK S/O. VIJAYA BHASKAR RAO,
AGE: 37 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP, TQ: GANGAVATHI,
DIST: KOPPAL – 583 236.

17. K. RAVICHANDRA S/O. VIJAY BHASKAR RAO,
AGE: 31 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP, TQ:GANGAVATHI,
DIST: KOPPAL – 583 236.

18. K. SWAPNA W/O. K.DEVRAJ,
AGE: 39 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP, TQ: GANGAVATHI
DIST: KOPPAL – 583 236.

19. P. SRINIVAS S/O. LAJAPATH RAO,
AGE: 47 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP, TQ: GANGAVATHI,
DIST: KOPPAL – 583 236.

20. P. LEELAVATHI W/O. LAJAPATH RAI,
AGE: 69 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP, TQ:GANGAVATHI,
DIST: KOPPAL – 583 236.

21. P. INDIRA W/O. SRINIVAS,
AGE: 43 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP, TQ:GANGAVATHI,
DIST: KOPPAL – 583 236.

22. P. RAMATULASI W/O. LANIN,
AGE: 50 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP, TQ:GANGAVATHI,
DIST: KOPPAL – 583 236.

23. P. LANIN S/O. LAJAPATH RAO,
AGE:45 YEARS, OCC:AGRICULTURE,
R/O: ANJANEYA CAMP, TQ: GANGAVATHI
DIST: KOPPAL – 583 236.

24. C. H. VARALAXMI W/O. MOHAN RAO,
AGE: 49 YEARS, OCC: AGRICULTURE,

R/O: ANJANEYA CAMP, TQ:GANGAVATHI,
DIST: KOPPAL – 583 236.

25. K. LAXMI W/O. VIJAY BHASKAR RAO,
AGE: 56 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP, TQ: GANGAVATHI,
DIST: KOPPAL – 583 236.

26. K. NAGALAXMI W/O. RAVICHANDRA,
AGE: 34 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP, TQ: GANGAVATHI,
DIST: KOPPAL – 583 236.

27. K. VIJAYLAXMI W/O. ASHOK,
AGE: 34 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP, TQ: GANGAVATHI
DIST: KOPPAL – 583 236.

28. K. DEVRAJ S/O. J.BHASKAR RAO,
AGE: 34 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP, TQ: GANGAVATHI
DIST: KOPPAL – 583 236.

29. K. AGBARAMBA W/O. NAGESHWARA RAO,
AGE: 59 YEARS, OCC: AGRICULTURE,
R/O: ANJANEYA CAMP, TQ:GANGAVATHI,
DIST: KOPPAL – 583 236.

…APPELLANTS

(BY SRI S. H. MITTALKOD, ADVOCATE)

AND:

ESHAPPA S/O. PAMPAPATHI ANGADI,
AGE:59 YEARS, OCC:AGRICULTURE,
R/O: MUSTOOR, TQ: GANGAVATHI
DIST: KOPPAL – 583 236.

…RESPONDENT

(BY SRI VIJAY S. CHINIWAR, ADVOCATE FOR C/R1)

THIS RSA IS FILED UNDER SECTION 100 READ WITH ORDER 41 RULE 1 OF THE CODE OF CIVIL PROCEDURE, 1908, AGAINST THE JUDGMENT AND DECREE DATED 19.01.2019 PASSED IN R.A.NO. 28/2016 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JUDICIAL MAGISTRATE FIRST CLASS, GANGAVATHI, DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 01.06.2016, PASSED IN O.S. NO.231/2010 ON THE FILE OF THE PRINCIPAL CIVIL

JUDGE AND JUDICIAL MAGISTRATE FIRST CLASS, GANGAVATHI, DISMISSING THE SUIT FILED FOR DECLARATION OF THEIR RIGHT OF EASEMENT OVER THE SUIT PATH WAY AND CONSEQUENTIAL INJUNCTION.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, THE COURT DELIVERED THE FOLLOWING:

ORDER

A memo is filed by the learned counsel for appellants seeking permission of this Court to withdraw the appeal.

Hence, the Appeal is dismissed as withdrawn.

SD/-
JUDGE

SMA
List No.: 1 Sl No.: 13
CT-ASC