NC: 2024:KHC-D:15425
RSA No. 5160 of 2008

IN THE HIGH COURT OF KARNATAKA,

DHARWAD BENCH

DATED THIS THE 23RD DAY OF OCTOBER, 2024

BEFORE

THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

REGULAR SECOND APPEAL NO. 5160 OF 2008 (PAR-)

BETWEEN:

1. GURUSIDDAMMA
   W/O. LATE RUDRAIAH,
   AGE: 66 YEARS, R/O. HULIGI,
   KOPPAL TALUK AND DISTRICT- 583231.

2. SHARANAIAH
   S/O. LATE RUDRAIAH.
   AGE: 46 YEARS, R/O. HULIGI,
   KOPPAL TALUK AND DISTRICT- 583231.

...APPELLANTS

(A1-GURUSIDDAMMA, A2-SHRARANAIAH)

Digitally signed by VISHAL NINGAPPA PATTIHAL
Location: HIGH COURT OF KARNATAKA DHARWAD BENCH

AND:

1. M. V. PANCHAKSHARAIAH,
   S/O. LATE V. MARISWAMAIAH,
   AGE: 58 YEARS, R/O. HAGARI BOMMNAHALLI,
   BELLARY DISTRICT-583212.

2. M V MRUTHYUNJAYA
   S/O. LATE V. MARISWAMAIAH,
   AGE: 54 YEARS, R/O. HAGARI BOMMNAHALLI,
   BELLARY DISTRICT-583212.

3. M V GANGADHARA

S/O. LATE V. MARISWAMAIAH,
AGE: 52 YEARS, R/O. HAGARI BOMMNAHALLI,
BELLARY DISTRICT-583212.

4. V PARVATHAMMA
W/O. LATE V. SHANMUKAIAH,
AGE: 64 YEARS, R/O. HAGARI BOMMNAHALLI,
BELLARY DISTRICT-583212.

5. V MALLIKARJUNAIAH
S/O LATE V SHANMUKAIAH,
AGE: 52 YEARS,
SINCE DECEASED BY HIS LRS.

5A. PRAMILA
W/O. MALLIKARJUNAIAH BHUSNURMATH,
AGE: 59 YEARS, R/O. H.NO.84,
GINIGERA, TQ AND DIST. KOPPA;-583228.

5B. VISHALASI
W/O SIDDAYYA HIREMATH,
AGE: 37 YEARS, R/O. WARD NO.2,
NEAR BUS STAND, GINIGERA,
TQ AND DIST-KOPPAL-583228.

5C. SHILPA
W/O. GADILINGAYA HIREMATH,
AGE: 35 YEARS, R/O. WARD NO.2,
OPP PRIMARY SCHOOL, GINIGERA,
TQ AND DIST-KOPPAL-583228.

5D. NAGARATMA
W/O. VISHWANATH
AGE: 42 YEARS, R/O PAGADINNI CAMP,
PAGADINNI-584128,
TQ. DINDHANUR, DIST. RAICHUR.

6. V. RAJASHEKARAIAH
S/O. LATE V SHANMUKAIAH,
AGE: 34 YEARS, R/O. HAGARI BOMMNAHALLI,
BELLARY DISTRICT-583212.

7. V THOTAMM
S/O. LATE V SHANMUKAIAH,
AGE: 60 YEARS, R/O. HAGARI BOMMNAHALLI,
BELLARY DISTRICT-583212.

8. GHOUSE SAB
S/O. PATTA HUSSAINSAB,
AGE: NOT KNOWN, R/O. MARIYAMMANAHALLI,
TQ. HOSPET, DIST. BELLARI-583201.

9. AHAMAD SAB
S/O PATTA HUSSAINSAB,
R/O. MARIYAMMANAHALLI-583201,
TQ. HOSPET, DIST.BELLARI-583201.

…RESPONDENTS

(BY SRI. T. HANUMAREDDY, ADVOCATE FOR R1 TO R3;
SRI. M M PATIL, ADVOCATE FOR R5(A AND B);
SRI R M JAVED, ADVOCATE FOR R8 AND R9;
R4, R5(C), R5(D), R6 AND R7-ARE NOTICE SERVED.

THIS RSA IS FILED U/S.100 OF CPC., PRAYING TO SET ASIDE THE JUDGMENT AND DECREE IN RA NO.85/1997 DATED 25.06.2008 PASSED BY THE FAST TRACK COURT-III AT HOSPET CONFIRMING THE JUDGMENT AND DECREE IN OS.NO.107/2004 DATED 27.02.2007 PASSED BY THE ADDITIONAL CIVIL JUDGE (SR.DN) AT HOSPET AND DISMISS THE SUIT BY ALLOWING THIS RSA IN THE INTEREST OF JUSTICE.

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

CORAM: THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

ORAL JUDGMENT

Court notice issued to the appellant Nos.1 and 2 have duly served and this Court has received a report stating that appellant Nos.1 and 2 are duly served.

Appellant Nos.1 and 2 are called out. There is no representation on behalf of the appellant Nos.1 and 2.

The appeal is of the year 2008. It appears that the appellant Nos.1 and 2 are not interested in prosecuting the appeal. Hence, the appeal stands ***dismissed for non-prosecution***.

Sd/-
(JUSTICE K.S.HEMALEKHA)

PJ
LIST NO.: 1 SL NO.: 3