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

DATED THIS THE 19TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

RSA NO. 100572 OF 2023 (DEC/POS)

BETWEEN:

1. HASINABI
   W/O. ALISAB D/O. PEERSAB,
   AGE: 67 YEARS,
   OCC. AGRICULTURE AND HOUSEHOLD,
   R/O. NAGARAHAL VILLAGE,
   TQ. SIRAGUPPA, DIST. BALLARI-583 121.

2. BADESAB
   S/O. PEERSAB,
   AGE: 63 YEARS, OCC. AGRICULTURE,
   R/O. NAGARAHAL VILLAGE, TQ. SIRAGUPPA,
   DIST. BALLARI-583 121.

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

3. HONNURSAB
   S/O. PEERSAB,
   AGE: 57 YEARS, OCC. AGRICULTURE,
   R/O. NAGARAHAL VILLAGE, TQ. SIRAGUPPA,
   DIST. BALLARI-583 121.

4. SAIBAMMA
   W/O. DASTAGIRSAB D/O. PEERSAB,
   AGE: 53 YEARS,
   OCC. AGRICULTURE AND HOUSEHOLD,
   R/O. NAGARAHAL VILLAGE, TQ. SIRAGUPPA,
   DIST. BALLARI-583 121.

5. SAIBANNA
S/O. PEERSAB,
AGE: 49 YEARS, OCC. AGRICULTURE,
R/O. NAGARAHAL VILLAGE,
TQ. SIRAGUPPA, DIST. BALLARI-583 121.

… APPELLANTS

(BY SMT. PADMAJA TADAPATRI, ADVOCATE FOR
SRI. K L PATIL, ADVOCATE)

AND:

CHANDSAB
S/O. LATE HONNURSAB,
AGE: 54 YEARS, OCC. AGRICULTURIST,
R/O. NAGARAHAL VILLAGE, TQ. SIRAGUPPA,
DIST. BALLARI-583 121.

… RESPONDENT

(SOLE RESPONDENT -NOTICE SERVED)

THIS RSA IS FILED UNDER SECTION 100 OF CPC, AGAINST THE JUDGMENT AND DECREE DATED 10.03.2023 PASSED IN R.A.NO.4/2021 ON THE FILE OF THE II ADDITIONAL DISTRICT JUDGE, BALLARI, DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 05.02.2021, PASSED IN O.S. NO.78/2016 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE, BALLARI, DISMISSING THE SUIT FILED FOR DECLARATION AND POSSESSION.

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

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

ORAL ORDER

Learned counsel for the appellants' files memo for withdrawal, which reads as under:

"1. That, the appellants has preferred this Regular Second Appeal against the judgment and decree dated: 10/03/2023 passed by Hon'ble II Addl. District and Sessions Judge, Ballari, in R.A. No. 04/2021 wherein the appeal of the pesent appellants was dismissed and consequentially the Judgment and Decree dated: 05/02/2021 passed by II Addl Senior Civil Judge, Ballari sitting at Siruguppa passed in O.S. No. 78/2016 was confirmed and the suit of plaintiffs/appellants was dismissed.

2. That, the appellants/plaintiffs and the respondent/defendants at the advice of the elders and well wishers and further with an intend to put an end to the dispute between them have amicably settled dispute.

3. That, in view of the settlement of the dispute between the plaintiffs/appellants and the respondent/defendant, the appellants intend to withdraw the present Regular Second Appeal.

4. Hence, it is prayed before the Hon'ble Court to allow the Appellants/Plaintiffs to withdraw the present Regular Second Appeal."

2. Memo is taken on record.

3. In light of the memo filed, the appeal stands ***dismissed as withdrawn.***

Pending IA's if any do not survive for consideration.

SD/-

(JUSTICE K.S.HEMALEKHA)

AT
CT:PA
LIST NO.: 1 SL NO.: 6