NC: 2024:KHC-D:17102
RFA No. 100211 of 2020
C/W RFA No. 100400 of 2019

IN THE HIGH COURT OF KARNATAKA,

DHARWAD BENCH

DATED THIS THE 22ND DAY OF NOVEMBER, 2024

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

REGULAR FIRST APPEAL NO. 100211 OF 2020 (PAR/POS-)
C/W
REGULAR FIRST APPEAL NO. 100400 OF 2019

IN RFA NO.100211/2020
BETWEEN:

SHRI. MALLIKARJUN S/O. BALAPPA GANJI,
AGE: 61 YEARS,
OCC: BUSINESS,
R/O: SHREE LAXMI TEMPLE ROAD,
OPPOSITE POLICE QUARTERS,
GOKAK-501307.

...APPELLANT

(BY SRI. G. B. NAIK AND SMT. P. G. NAIK, ADVOCATES)

AND:

1. SMT. MANJULA W/O. RAJASHEKHAR GANJI,
   AGE: 51 YEARS,
   OCC: HOUSEHOLD WORK,
   R/O: MARATHA GALLI,
   BEHIND BANASHANKARI TEMPLE,
   GOKAK-501307.

2. SMT. NANDA D/O. RAJASHEKHAR GANJI,
   AGE: 31 YEARS,
   OCC: STUDENT,
   R/O: MARATHA GALLI,
   BEHIND BANASHANKARI TEMPLE,
   GOKAK-501307.

3. SHRI. DEEPAK S/O. RAJASHEKHAR GANJI
   AGE: 29 YEARS,
   OCC: STUDENT,
   R/O: MARATHA GALLI,

ASHPAK KASHIMSA MALAGALADINNI
Location: HIGH COURT OF KARNATAKA

BEHIND BANASHANKARI TEMPLE,
GOKAK-501307.

4. SHRI. NAVIN S/O. RAJASHEKHAR GANJI,
AGE: 28 YEARS,
OCC: STUDENT,
R/O: MARATHA GALLI
BEHIND BANASHANKARI TEMPLE,
GOKAK-501307.

5. SHRI. UDAY S/O. BALAPPA GANJI,
AGE: 53 YEARS,
OCC: BACKERY BUSINESS,
R/O: UDAY BAKERY, MARKET ROAD,
GOKAK-501307.

6. SMT. SHAKUNTALA W/O. IRAPPA BALIPADI,
AGE: 43 YEARS,
OCC: HOUSEHOLD WORK,
R/O: SOMAVARPET,
GOKAK – 501307.

7. SMT. SUDHA W/O. RAJSHEKHAR KITTUR,
AGE: 40 YEARS,
OCC: HOUSEHOLD WORK,
R/O: NAVANAGAR,
38TH SECTOR,
BAGALKOT-587103.

…RESPONDENTS

(BY SRI. C.S. SHETTAR, ADVOCATE FOR R1 TO R3;
R4 TO R7 -SERVED BUT UNREPRESENTED)

THIS RFA FILED UNDER SEC. 96 READ WITH ORDER 41 RULE 1 AND 2 OF CPC., 1908, AGAINST THE JUDGMENT AND DECREE DATED 26.02.2020 PASSED IN FDP NO.36/2019 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND JUDICIAL MAGISTRATE FIRST CLASS, GOKAK, MAY KINDLY SET-ASIDE, IN THE INTEREST OF JUSTICE AND EQUITY.

IN RFA NO.100400/2019
BETWEEN:

SHRI. MALLIKARJUN S/O BALAPPA GANJI
AGE: 60 YEARS,
OCC: BUSINESS,
R/O: SHREE LAXMI TEMPLE ROAD,

OPPOSITE POLICE QUARTERS,
GOKAK-501307.

…APPELLANT

(BY SRI. G. B. NAIK AND SMT. P. G. NAIK, ADVOCATES)

AND:

1. SMT. MANJULA W/O RAJASHEKHAR GANJI,
   AGE: 50 YEARS,
   OCC: HOUSEHOLD WORK,
   R/O: MARATHA GALLI,
   BEHIND BANASHANKARI TEMPLE,
   GOKAK-501307.

2. SMT. NANDA D/O RAJASHEKHAR GANJI,
   AGE: 31 YEARS,
   OCC: STUDENT,
   R/O: MARATHA GALLI,
   BEHIND BANASHANKARI TEMPLE,
   GOKAK-501307.

3. SHRI. DEEPAK S/O RAJASHEKHAR GANJI,
   AGE: 28 YEARS,
   OCC: STUDENT,
   R/O: MARATHA GALLI,
   BEHIND BANASHANKARI TEMPLE,
   GOKAK-501307.

4. SHRI. NAVIN S/O RAJASHEKHAR GANJI,
   AGE: 27 YEARS,
   OCC: STUDENT,
   R/O: MARATHA GALLI,
   BEHIND BANASHANKARI TEMPLE,
   GOKAK-501307.

5. SHRI.UDAY S/O BALAPPA GANJI,
   AGE: 57 YEARS,
   OCC: BACKERY BUSINESS,
   R/O: UDAY BAKERY,
   MARKET ROAD,
   GOKAK-501307.

6. SMT.SHANKUNATALA
   W/O IRAPPA BALIPADI,
   AGE: 42 YEARS,

OCC: HOUSEHOLD WORK,
R/O: SOMAVARPET,
GOKAK-501307.

7. SMT.SUDHA W/O. RAJSHEKAR KITTUR,
AGE: 44 YEARS,
OCC: HOUSEHOLD WORK,
R/O: NAVANAGAR,
38TH SECTOR,
BAGALKOTE-587103.

…RESPONDENTS

(BY SRI. C.S. SHETTAR, ADVOCATE FOR R1 TO R3;
R4 TO R7 -SERVED BUT UNREPRESENTED)

THIS RFA FILED UNDER SEC. 96 READ WITH ORDER 41 RULE 1 AND 2 OF CPC., 1908, AGAINST THE JUDGMENT AND DECREE DATED 10.04.2019 PASSED IN O.S.NO.327/2013 BY THE II ADDL. SENIOR CIVIL JUDGE & JMFC., GOKAK MAY KINDLY BE SET ASIDE AND SUIT OF THE PLAINTIFFS MAY KINDLY BE DISMISSED, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL JUDGMENT

More than three months have lapsed since death of sole appellant.

Appeals are dismissed as abated.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

RKM
CT:ANB
List No.: 2 Sl No.: 85