IN THE HIGH COURT OF KARNATAKA,

DHARWAD BENCH, DHARWAD

DATED THIS 15th DAY OF JULY, 2024

BEFORE

HON'BLE MR. JUSTICE C M POONACHA

RSA NO 100950/2023 (PI)

BETWEEN:

1 SRI. SALIM AHAMED S/O ABDUL KHADAR SUSIWALE
AGE 65 YEARS
OCC GOVT SERVICE
R/O LINE BAZAR BHUSAPA CHOWKI DHARWAD
TQ DHARWAD, DIST DHARWAD

2 SRI FAZAL AHAMED S/O ABDUL KHADAR SUSIWALE
AGE 58 YEARS, OCC BUSINESS
R/O LINE BAZAR BHUSAPPA CHOWKI DHARWAD
TQ DHARWAD, DIST DHARWAD

... APPELLANTS

(By Sri., D.M.MALLI ADVOCATE FOR APPELLANTS)

AND

INDIRABAI W/O BHAMOJI BIRJE (REPORTED TO DEAD)
AZAD URABAN CO OPERATIVE BANK BY ITS MANAGER

1 SARDAR MAHBUB ALI KHNA ROAD HUBBALLI
W/O SHIVAPPA MUSHANNAVAR
AGE 50 YEARS
OCC BANK MANAGER / HOUSE HOLD WORK
R/O JAIBHEEM NAGAR, DAHRWAD
TQ DHARWAD, DIST DHARWAD

2 SMT KAMALA D/O VISHNU SHANKAR BIRJE
AGE 45 YEARS
OCC HOUSEHOLD WORK
R/O NEAR DURGADEVI TEMPLE
DHARWAD, TQ DHAREAD
DIST DHARWAD, MARUTI S/O BHIMJEE BIRJE
NO CLAIM REPORTED AS DEAD

3 SMT VIJAYLAXMI W/O GANAPATI BIRJE
AGE 50 YEARS, OCC HOUSEHOLD WORK
R/O NEAR DURGADEVI TEMPLE
DHARWAD, TQ DHARWAD

...RESPONDENTS

RSA FILED UNDER SECTION 100 OF CPC, PRAYING TO, CALL FOR RECORDS OF THE LOWER COURTS AND SET ASIDE THE JUDGMENT AND DECREE PASSED DATED 21.04.2023 IN RA NO.88/2021 PASSED BY THE COURT OF THE PRINCIPAL SENIOR CIVIL JUDGE AND CHIEF JUDICIAL MAGISTRATE DHARWAD WHICH HAS CONFIRMED THE JUDGMENT AND DECREE DATED 07.04.2021 PASSED IN OS NO.269/2013 PASSED BY THE COURT OF THE II ADDITIONAL CIVIL JUDGE AND JUDICIAL MAGISTRATE FIRST CLASS-II DHARWAD, AND ALLOW/DECREE THE SUIT FILED BY THE PLAINTIFFS/APPELLANTS FAVOUR, IN THE INTEREST OF JUSTICE AND EQUITY.

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

O R D E R

Learned counsel for the appellants present.

This Court vide order dated 01.04.2024 has granted six weeks time to comply with the office objections, failing which the appeal stands dismissed.

Although the appeal is required to be dismissed in terms of the order dated 01.04.2024, in view of the request made by the learned counsel for the appellants, one week time is granted subject to the payment of cost of Rs 1000/- to the Advocate Library Fund, High Court of Karnataka, Dharwad Bench, Dharwad, making it clear that if the cost is not paid and the office objections are not complied with within one week, the appeal shall automatically stand dismissed without further reference to the Court.

SD/-
JUDGE

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Note:- As per endorsement made in the order sheet dated 17/08/2024. Advocate for the appellant has not complied with the office objections at SI No. 1 to 5 and has not filed the cost memo a/w cost receipt. Hence, this RSA No. 100950/2023 stands dismissed without reference to the Court as per the Court Order dated 15.07.2024.

SD/-
ASSISTANT REGISTRAR.

R- By:-
C- By:-lj
T- By: -psl