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

DATED THIS THE 18TH DAY OF DECEMBER, 2024

**BEFORE
THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE**

REGULAR FIRST APPEAL NO.100137 OF 2022 (FDP-)

BETWEEN:

SRI. KRISHNASA
S/O. VITTALSA MERWADE
DIED R/BY HIS LRS.

1a. SAROJA W/O. KRISHNASA MERWADE,
AGE: 67 YEARS, OCC: HOUSEHOLD WORK,
R/O. REVINGTEN ROAD KUMBAR ONI,
BETAGERI,
TQ AND DIST: GADAG.

1b. DHARMARAJ
S/O. KRISHNASA MERWADE,
AGE: 44 YEARS,
OCC: BUSINESS,
R/O: REVINGTEN ROAD,
KUMBAR ONI,
BETAGERI,
TQ & DIST: GADAG.

1c. VINAYAK
S/O. KRISHNASA MERWADE,
AGE: 39 YEARS,
OCC: BUSINESS,
R/O. REVINGTEN ROAD,
KUMBAR ONI, BETAGERI,
TQ AND DIST: GADAG.

...APPELLANTS

(BY SRI. S.B.DODDAGOUDAR AND
A.C.CHAKALABBI, ADVOCATES)

Digitally signed by
ASHPAK
KASHIMSA
MALAGALADINNI
Location: HIGH
COURT OF
KARNATAKA

AND:

1. SMT. GANGUBAI
W/O. JAGANNATHASA HABIB
@ D/O. VITTALSA MERWADE,
AGE: 63 YEARS,
OCC: HOUSEHOLD WORKS,
R/O: REVINGTEN ROAD,
KUMMBAR ONI BETAGERI,
TQ AND DIST GADAG.

2. KUMARI SHANTABAI
D/O. VITTALSA MERWADE,
AGE: 63 YEARS,
OCC: HOUSEHOLD WORK,
R/O: REVINGTEN ROAD,
KUMMBAR ONI, BETAGERI,
TQ AND DIST GADAG.

YALLUBAI W/O. DAVENSA JITURI
SINCE DECEASED R/BY HER LRS

3. SAROJA W/O KRISNASA MERWADE,
AGE: 63 YEARS,
OCC: HOUSEHOLD WORK,
R/O: REVINGTEN ROAD,
KUMMBAR ONI, BETAGERI,
TQ AND DIST GADAG.

4. PUSHPABAI
W/O. PREMANATHSA PUJARI,
AGE: 58 YEARS,
OCC: HOUSEHOLD WORK,
R/O: KESHWAPUR NEW BADAMI NAGAR,
OPP: AKASH PARK, HUBBALLI,
DIST: DHARWAD.

5. SHOBHABAI W/O. RAJESH PUJARI,
AGE: 57 YEARS,
OCC: HOUSEHOLD WORKS,
R/O: ARALIKATTI ONI,
HUBBALLI DIST. DHARWAD.

6. SHANKAR S/O. DEVANASA JITTURI,
AGE: 57 YEARS,
OCC: BUSINESS,

R/O: SHARANABASAVESHWAR
NAGAR BETAGERI,
TQ AND DIST GADAG.

7. ARJUN S/O. DEVANASA JITTURI,
AGE: 55 YEARS,
OCC: BUSINESS,
R/O: SHARANABASAVESHWAR
NAGAR BETAGERI,
TQ AND DIST GADAG.

8. SRIKANTH S/O. DEVANASA JITTURI,
AGE: 53 YEARS,
OCC: BUSINESS,
R/O: SHARANABASAVESHWAR
NAGAR BETAGERI,
TQ AND DIST GADAG.

9. CHANDRABAI W/O. FAKIRASA PAWAR,
AGE: MAJOR,
OCC: HOUSEHOLD WORKS,
R/O: REVINGTON ROAD BETAGERI,
TQ AND DIST: GADAG.

10. SMT. PRAMILABAI
W/O. SHRIKANTHSA SINGERI,
AGE: 61 YEARS, OCC: AGRICULTURE,
R/O: C/O. AMBASA SINGERI,
GANJIPETH GAJENDRAGAD,
DIST: GADAG.

11. SMT. SAVITRIBAI
S/O. NARASINGASA KABADE,
AGE: MAJOR,
OCC: HOUSEHOLD WORKS,
R/O. NEAR SHITALAJJA TEMPLE
GARGIPETH BETAGERI
TQ AND DIST GADAG.

…RESPONDENTS

(BY SRI. C.S.SHETTAR AND
SMT. KAVYA C.SHETTAR, ADVOCATES FOR R1;
R2, R3, R8 AND R10 – SERVED;
R4, R6, R6 AND R11 – HELD SUFFICIENT)

THIS RFA IS FILED UNDER SECTION 96 READ WITH ORDER XLI RULE 1 OF THE CODE OF CIVIL PROCEDURE, 1908., PRAYING TO ALLOW THE PRESENT APPEAL FILED BY THE APPELLANT BY SETTING ASIDE THE FINAL DECREE DATED 05.07.2010 PASSED BY PRL. SENIOR CIVIL JUDGE AND CJM., GADAG IN FDP NO.1/2004 WITH COSTS ALL THROUGHOUT IN FAVOUR OF THE APPELLANT, IN THE INTEREST OF JUSTICE AND EQUITY.

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

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

ORAL ORDER

Learned counsel appearing for the appellants has filed a memo stating that the appeal does not lie before this Court and Regular Appeal is filed against the impugned decree passed in final decree proceeding.

Said memo is accepted.

Appeal is dismissed as withdrawn.

The Appellate Court where the Regular Appeal is pending shall consider the appeal on merits without being influenced by dismissal of this appeal.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

AM
CT:ANB / List No.: 1 Sl No.: 15