HC-KAR

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 18TH DAY OF NOVEMBER 2025

PRESENT

THE HON'BLE MR. JUSTICE R.DEVDAS

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

REGULAR FIRST APPEAL NO. 100087 OF 2022

BETWEEN:

1. SMT. GANGAWWA W/O. MARUTIGOUDA PATIL,
   AGED ABOUT 57 YEARS,
   OCC: AGRICULTURE AND HOUSEWIFE,
   R/O. NUGGIKERI VILLAGE,
   TQ AND DIST: DHARWAD-580007.

2. SMT. RATNA W/O. NAGANAGOUDA PATIL,
   D/O. MARUTIGOUDA PATIL,
   AGED ABOUT 35 YEARS,
   OCC: AGRICULTURE AND HOUSEWIFE,
   R/O. MUGALI VILLAGE, TQ: SHIGGAON,
   DIST: HAVERI-581205.

3. SMT. BASAMMA W/O. BANGARIGOUDA PATIL,
   D/O. MARUTIGOUDA PATIL,
   AGED ABOUT 33 YEARS,
   OCC: AGRICULTURE AND HOUSEWIFE,
   R/O. MUGALI VILLAGE, TQ: SHIGGOAN,
   DIST: HAVERI-581205.

4. BASANAGOUDA S/O. MARUTIGOUDA PATIL,
   AGED ABOUT 31 YEARS, OCC: AGRICULTURE,
   R/O. MUGALI VILLAGE, TQ: SHIGGOAN,
   DIST: HAVERI-581205.

...APPELLANTS

(BY SRI. P.G.CHIKKANARAGUND, ADVOCATE)

AND:

1. TOPANAGOUDA S/O. NINGANAGOUDA PATIL,
   AGED ABOUT: 67 YEARS, OCC: AGRICULTURE,

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R/O. NUGGIKERI VILLAGE,
TQ AND DIST: DHARWAD-580007.

2. MARUTIGOUDA S/O. NINGANAGOUDA PATIL,
AGED ABOUT: 61 YEARS,
OCC: SERVICE & AGRICULTURE,
R/O. NUGGIKERI VILLAGE,
TQ AND DIST: DHARWAD-580007.

3. HANUMANT S/O. VENKATARAO DESAI,
AGED ABOUT: 79 YEARS, OCC: UNKNOWN,
R/O. #08, DANAVANTARI,
CHANKYAPURI KARWAR ROAD-580031,
HUBBALLI, DIST: DHARWAD.

4. NINGANAGOUDA S/O. TOPANAGOUDA PATIL,
AGED ABOUT: 33 YEARS, OCC: AGRICULTURE,
R/O. NUGGIKERI VILLAGE,
TQ AND DIST: DHARWAD-580007.

5. NARASIMHA S/O. VENKATESHRAO DESAI,
AGED ABOUT: 81 YEARS, OCC: AGRICULTURE,
R/O. CHANAKYAPURI, HUBBALLI-580031,
DIST: DHARWAD.

…RESPONDENTS

(NOTICE TO R1, R2 AND R4 IS SERVED BUT UNREPRESENTED;
R3 AND R5 ARE DECEASED)

THIS REGULAR FIRST APPEAL IS FILED UNDER SECTION 96 OF CPC AGAINST THE JUDGMENT AND DECREE DATED 25.06.2020 PASSED IN O.S.NO.245/2013 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND CHIEF JUDICIAL MAGISTRATE, DHARWAD, DISMISSING THE SUIT FILED FOR PARTITION, SEPARATE POSSESSION AND DECLARATION AND ETC.

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

CORAM: THE HON'BLE MR. JUSTICE R.DEVDAS
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE R.DEVDAS)

Although vide order dated 24.10.2024, it is noticed that the learned counsel for the appellants submitted that respondent Nos.3 and 5 are no more and necessary applications will have to be filed, no applications are filed till date. Accordingly, the appeal stood abated as against respondent Nos.3 and 5, by operation of law.

2. Having regard to the recent judgment of the Hon'ble Apex Court in the case of ***SURESH CHANDRA (DECEASED) THROUGH LRS AND OTHERS VS PARASRAM & OTHERS (2025 INSC 873)***, the appeal not only abates against one respondent, it abates against all the respondents also.

3. In that view of the matter, the Regular First Appeal stands dismissed as abated.

Sd/-
(R.DEVDAS)
JUDGE

Sd/-
(B. MURALIDHARA PAI)
JUDGE

MBS
Ct:vh
List No.: 1 Sl No.: 4