NC: 2024:KHC-D:1960
RSA No. 2023 of 2006
C/W RSA No. 2024 of 2006

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 29TH DAY OF JANUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE R.NATARAJ

REGULAR SECOND APPEAL NO.2023/2006(PAR)
C/W
REGULAR SECOND APPEAL NO.2024/2006

IN RSA.NO.2023/2006:

BETWEEN:

1. KALLAPPA SIDDAPPA BIRADAR,
   AGE: 59 YEARS, OCC: AGRICULTURE,
   R/O: SHANKARHATTI, TQ: ATHANI,
   DISTRICT: BELAGAVI – 590 001.

2. SMT. GOURAWWA
   W/O. SATTEPPA LAKKANNAVAR,
   AGE: 60 YEARS, OCC: HOUSE HOLD,
   R/O: DADANATTI, TQ: MUDHOL,
   DISTRICT BAGALKOT – 587 101.

3. MISS. GANGAWWA
   D/O. SIDDAPPA BIRADAR,
   AGE: 26 YEARS, R/O: SHANKARHATTI,
   TQ: ATHANI, DIST: BELAGAVI – 590 001.

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4. MISS UMAWWA
   D/O. SIDDAPPA BIRADAR,
   AGE: 26 YEARS, R/O: SHANKARHATTI,
   TQ: ATHANI, DIST: BELAGAVI – 590 001.

5. SIDDAPPA KALLAPPA BIRADAR,
   OCC: 45 YEARS, OCC: AGRICULTURE,
   R/O: SHANKARHATTI,
   TQ: ATHANI, DIST: BELAGAVI – 590 001.

…APPELLANTS

(BY SRI V. M. SHEELVANT, ADVOCATE)

AND:

1. LAXMAN BHIMAPPA MARADDI,
AGED ABOUT 35 YEARS,
OCC: AGRICULTURE,
R/O: YALLATTI,
TQ: JAMKHANDI,
DIST: BAGALKOT – 587 101.

2. SAYAWWA
W/O. BHIMAPPA MARADDI,
AGE: 40 YEARS,
OCC: AGRICULTURE,
R/O: SHANKARHATTI, TQ: ATHANI,
DIST: BELAGAVI – 590 001.

3. SMT. KENCHAWWA
W/O. SHANKAR JALAKI,
AGE: 35 YEARS,
OCC: AGRICULTURE,
R/O: SHANKARHATTI,
TQ: ATHANI,
DIST: BELAGAVI – 590 001.

4. SMT. LAXMIBAI CHANNAMALLAPPA BIRADAR,
AGE: 28 YEARS,
OCC: HOUSE HOLD,
R/O: SIDDAPUR, TQ: RAIBAG,
DIST: BELAGAVI – 590 001.

5. SMT. HANAMAWWA
W/O. RAMAPPA JALAKI,
AGE: 28 YEARS, OCC: HOUSE HOLD,
R/O: SHANKARHATTI,
TQ: ATHANI,
DIST: BELAGAVI – 590 001.

…RESPONDENTS

(BY SRI ANAND ASHTEKAR, ADVOCATE FOR R1;
SRI A.R.PATIL, ADVOCATE FOR R4;
NOTICE TO R2 IS SERVED;
R3 AND R5 ARE DECEASED)

THIS RSA IS FILED UNDER SECTION 100 OF CPC., AGAINST THE JUDGMENT & DECREE DATED 20.4.2006 PASSED IN R.A.NO.59/2002 ON THE FILE OF THE DISTRICT & SESSIONS JUDGE, FAST TRACK COURT-I, CHIKODI, ALLOWING THE APPEAL AND SETTING ASIDE THE JUDGMENT AND DECREE DATED 16.07.2000 PASSED IN O.S.NO.04/1991 ON THE FILE OF THE CIVIL JUDGE

(SR.DN.), ATHANI. TRAIL COURT PARTLY DECREED THE SUIT APPELLATE COURT ALLOWED THE APPEAL SUIT FOR PARTITION AND SEPARATE POSSESSION.

IN RSA.NO.2024/2006:

BETWEEN:

1. KALLAPPA SIDDAPPA BIRADAR,
   AGE: 52 YEARS,
   OCC: AGRICULTURE,
   R/O: SHANKARHATTI, TQ: ATHANI,
   DIST: BELAGAVI – 590 001.

2. SMT. GOURAWWA
   W/O. SATTEPPA LAKKANNAVAR,
   AGE: 60 YEARS,
   OCC:HOUSE HOLD,
   R/O: DADANATTI, TQ: MUDHOL,
   DIST: BAGALKOT – 587 101.

3. MISS. GANGAWWA
   D/O. SIDDAPPA BIRADAR,
   AGE: 48 YEARS,
   R/O: SHANKARHATTI,
   TQ: ATHANI,
   DIST: BELAGAVI – 590 001.

4. MISS. UMAWWA @ UMASHREE
   D/O. SIDDAPPA BIRADAR,
   AGE 26 YEARS,
   R/O: SHANKARHATTI,
   TQ: ATHANI,
   DIST: BELAGAVI.

5. SIDDAPPA KALLAPPA BIRADAR,
   AGE: 45 YEARS, OCC: AGRICULTURE,
   R/O: SHANKARHATTI, TQ: ATHANI,
   DIST: BELAGAVI.

…APPELLANTS

(BY SRI V. M. SHEELVANT, ADVOCATE)

AND:

1. LAXMAN BHIMAPPA MARADDI,
   AGED ABOUT 35 YEARS,

OCC: AGRICULTURE,
R/O YALLATTI,
TQ: JAMKHANDI,
DIST: BAGALKOT – 587 101.

2. SAYAWWA
W/O. BHIMAPPA MARADDI,
AGE:40 YEARS,
OCC: AGRICULTURE,
R/O SHANKARHATTI,
TQ: ATHANI,
DIST: BELAGAVI – 590 001.

3. SMT. KENCHAWWA
W/O. SHANKAR JALAKI,
AGE: 36 YEARS,
OCC: AGRICULTURE,
R/O: SHANKARHATTI, TQ: ATHANI,
DIST: BELAGAVI – 590 001.

4. SMT. LAXMIBAI
CHANNAMALLAPPA BIRADAR,
AGE: 28 YEARS, OCC: HOUSEHOLD,
R/O: SIDDAPUR,
TQ: RAIBAG,
DIST: BELAGAVI – 590 001.

5. SMT. HANAMAWWA
W/O. RAMAPPA JALAKI,
AGE: 28 YEARS,
OCC: HOUSEHOLD,
R/O: SHANKARHATTI,
TQ: ATHANI,
DIST: BELAGAVI – 590 001.

…RESPONDENTS

(BY SRI ANAND ASHTEKAR, ADVOCATE FOR R1;
SRI A.R.PATIL, ADVOCATE FOR R4;
NOTICE TO R2, R3 AND R5 IS SERVED)

THIS RSA IS FILED UNDER SECTION 100 OF CPC., AGAINST THE JUDGMENT & DECREE DATED 20.04.2006 PASSED IN R.A.NO.60/2002 ON THE FILE OF THE DISTRICT & SESSIONS JUDGE, FAST TRACK COURT-I, CHIKODI, ALLOWING THE APPEAL AND SETTING ASIDE THE JUDGMENT AND DECREE DATED 16.07.2000 PASSED IN O.S.NO.06/2000 ON THE FILE OF THE CIVIL JUDGE (SR.DN.), ATHANI.

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

ORDER

Despite grant of opportunity to bring the legal representatives of deceased respondents No.3 and 5, no steps are taken till today.

In that view of the matter, these appeals are disposed off as having abated.

SD/-
JUDGE

PMP
List No.: 1 Sl No.: 12
CT-ASC