



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

DATED THIS THE 16TH DAY OF OCTOBER, 2024

BEFORE

THE HON'BLE MR. JUSTICE M.G.S.KAMAL

REGULAR SECOND APPEAL NO. 200180 OF 2020
(MON)

BETWEEN:

DYAMAWWA @ DEVIKEMMA
W/O SANGAPPA BADIGER,
AGE: 62 YEARS, OCC: HOUSEHOLD,
R/O: KARADKAL,
NOW RESIDING AT JALIBENCHI,
TQ. SHORAPUR, DIST. YADAGIR-585201.

...APPELLANT

(BY SRI SANTOSH A., ADVOCATE)

AND:

1. SANGAPPA S/O JUMMAPPA BADIGER,
AGE: 68 YEARS, OCC: AGRICULTURE,
R/O: KARADKAL, TQ. SHORAPUR,
DIST. YADAGIR-585201.
2. MONESH S/O SANGAPPA BADIGER,
AGE: 41 YEARS, OCC: HOUSEHOLD,
R/O: KARADKAL, NOW RESIDING AT
JALIBENCHI,
TQ. SHORAPUR, DIST. YADAGIR-585201.

...RESPONDENTS

(V/O DTD. 04.03.2024 APPEAL AGAINST DECEASED
R1 IS ABATED)





THIS RSA IS FILED UNDER SECTION 100 OF CPC, PRAYING TO ALLOW THE APPEAL AND SET ASIDE THE JUDGMENT AND DECREE PASSED BY THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC SHORAPUR IN RA.NO.62/2019 DATED 15.02.2020 WHEREBY CONFIRMING THE JUDGMENT AND DECREE PASSED BY THE COURT OF THE ADDITIONAL CIVIL JUDGE AND JMFC AT SHORAPUR IN OS.NO.402/2014 DATED 18.10.2019 SO FAR IT RELATES TO DECLINING TO GRANT THE RELIEF OF CREATING TO CHARGE OVER TO SY.NO.79 MEASURING 03 ACRES 04 GUNTAS OUT OF 16 ACRES 36 GUNTAS SITUATED AT KARADKAL VILLAGE.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S.KAMAL

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE M.G.S.KAMAL)

Learned counsel for the appellant files a memo dated 24.06.2024 stating that the appellant has taken entire file along with no objection vakalath on 19.06.2024 instant.



2. Sri Santhosh.A, learned counsel submits that his Senior colleague Sri N.S.Deshpande who was appearing for the appellant in this matter is no more, and he has no instruction either continue this matter.

3. In view of the above, the appeal is dismissed for non-prosecution.

Sd/-
(M.G.S.KAMAL)
JUDGE

KBM
List No.: 1 Sl No.: 26
CT:PK