HC-KAR

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 16TH DAY OF SEPTEMBER 2025

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

MISCELLANEOUS SECOND APPEAL NO. 100021 OF 2023

BETWEEN:

1. SRI. RAMESH S/O CHANDRASHEKAR ASANAGI
AGE. 62 YEARS, OCC. BUSINESS,
R/O. CHRISTIAN COLONY,
GHANTIKERI ONI, HUBBALLI
TQ. HUBBALLI, DIST. DHARWAD-580001.

2. SRI. PARASHURAM S/O TULAJANSA PATTAN
AGE. 69 YEARS, OCC. BUSINESS,
R/O.CHANDRANATH NAGAR
HUBBALLI, TQ. HUBBALLI
DIST. DHARWAD-580001.

...APPELLANTS

(BY SRI. G. I. GACHCHINAMATH, ADV)

AND:

1. SHANKARACHARYA
S/O GURUNATH ACHARYA KADLASKAR,
AGE. 53 YEARS, OCC. SERVICE,
R/O. PRATHAMSHETTY ONI, HUBBALLI,
TQ. HUBBALLI, DIST. DHARWAD-580001.

2. SMT. ASHWINI
W/O RAMACHARYA KADLASKAR
AGE. 54 YEARS, OCC. HOUSEHOLD WORK,
R/O. PRATHAMSHETTY ONI, HUBBALLI
TQ. HUBBALLI, DIST. DHARWAD-580001.

3. KUMARI SOUGNYA
D/O RAMACHARYA KADLASKAR
AGE. 33 YEARS, OCC. HOUSEHOLD WORK,
R/O. PRATHAMSHETTY ONI, HUBBALLI
TQ. HUBBALLI, DIST. DHARWAD-580001.

4. KUMAR SOMACHARYA
S/O RAMACHARYA KADLASKAR

MOHANKUMAR B SHEBAR

Location: HIGH COURT OF KARNATAKA

AGE. 32 YEARS, OCC. STUDENT,
R/O. PRATHAMSHETTY ONI, HUBBALLI
TQ. HUBBALLI, DIST. DHARWAD-580001.

…RESPONDENTS

(BY SRI. DINESH M KULKARNI, ADV FOR R1 TO R4)

THIS MSA IS FILED U/SEC.43 RULE 1 (U) OF CPC., PRAYING TO CALL FOR THE RECORDS IN RESPECT OF THE IMPUGNED JUDGMENT AND DECREE DATED 27.02.2023 MADE IN RA NO. 38/2019 PASSED BY THE I ADDL. DISTRICT AND SESSIONS JUDGE, DHARWAD, SITTING AT HUBBALLI AND THE JUDGMENT AND DECREE DATED 19.11.2018 MADE IN OS NO. 179/2013 PASSED BY THE PRINCIPAL SENIOR CIVIL JUDGE AND JMFC, HUBBALLI AND SET ASIDE THE IMPUGNED JUDGMENT AND DECREE DATED 27.02.2023 MADE IN RA NO.38/2019 PASSED BY THE I ADDL. DISTRICT AND SESSIONS JUDGE, DHARWAD, SITTING AT HUBBALLI AND CONFIRM THE JUDGMENT AND DECREE DATED 19.11.2018 MADE IN OS NO.179/2013 PASSED BY THE PRL. SENIOR CIVIL JUDGE AND JMFC, HUBBALLI.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, THE ORDER WAS MADE THEREIN AS UNDER:

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE ASHOK S. KINAGI)

The appellants filed a memo seeking leave of the Court to withdraw the appeal with liberty to file a fresh Regular Second Appeal before this Court.

Memo is placed on record.

The appeal is dismissed as withdrawn with the aforesaid liberty.

The Office is directed to return the certified copy of the impugned judgment after retaining a photocopy of the same.

In view of dismissal of the appeal I.A.2/2023 does not survive for consideration. Accordingly, stands disposed off.

Sd/-
(ASHOK S. KINAGI)
JUDGE

kmv
CT: BSB