NC: 2024:KHC:4215
RSA No. 122 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JANUARY, 2024

BEFORE

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

REGULAR SECOND APPEAL NO. 122 OF 2023

BETWEEN:

1. SRI. UBEDULLA KHAN
S/O. LATE KHADAR KHAN,
AGED ABOUT 63 YEARS,
R/AT 6TH CROSS,
P. H. COLONY,
N.C.C. ISMAIL BUILDING,
TUMKUR-572 101.

2. SMT. ZAREENA BI
W/O. LATE RAFFIULLA KHAN,
AGED ABOUT 50 YEARS,

3. SRI. MOHAMMED SHAFFIULLA KHAN
S/O. LATE RAFFIULLA KHAN,
AGED ABOUT 32 YEARS,

Digitally signed by SUMA B N
Location: High Court of Karnataka

4. SMT. FURZU @ FARZANNA BANU
D/O. LATE RAFFIULLA KHAN,
AGED ABOUT 28 YEARS,

5. SMT. RUKSANA BANU
D/O. LATE RAFFIULLA KHAN,
AGED ABOUT 28 YEARS

NO.2 TO 5 ARE RESDIENT OF
AMRUTHUR HOBLI,
KUNIGAL TALUK-572 111.

6. SRI. NASEERULLA KHAN
S/O. LATE KHADAR KHAN,

AGED ABOUT 58 YEARS,
R/AT P.H. COLONY,
TUMKURU-572 101.

7. SRI. WAJIDULLA KHAN
S/O. LATE KHADAR KHAN,
AGED ABOUT 55 YEARS,
R/AT MAGADI PALYA,
YADYUR HOBLI,
KUNIGAL TALUK-572 111.

8. SRI. INAYATHULLA KHAN
S/O. LATE KHADAR KHAN,
AGED ABOUT 52 YEARS,

9. SRI. SADATHULLA KHAN
S/O. LATE KHADAR KHAN,
AGED ABOUT 50 YEARS,

10. SRI. AMARULLA KHAN
S/O. LATE KHADAR KHAN,
AGED ABOUT 48 YEARS,

NO.8 TO 10 ARE RESIDING AT
P.H. COLONY, TUMKUR-572 101.

…APPELLANTS

(BY SRI. NAVEED AHMED., ADVOCATE)

AND:

1. SPECIAL LAND ACQUISITION OFFICER
AND COMPETENT AUTHORITY,
HASSAN-BENGALURU,
NEW RAILWAY LANE,
TUMKUR-572 101.

2. THE CHIEF ENGINEER
SOUTH WESTERN RAILWAY (WEST),
CANTONMENT,
BENGALURU-560 001.

…RESPONDENTS

THIS RSA IS FILED UNDER SECTION 100 OF CPC, AGAINST THE JUDGMENT AND DECREE DATED 20.11.2020 PASSED IN RA.NO.140/2018 ON THE FILE OF THE VII ADDITIONAL DISTRICT JUDGE, TUMAKURU, DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND AWARD DATED 27.04.2017 PASSED IN LAC NO.189/2010 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, KUNIGAL, PARTLY ALLOWING THE REFERENCE PETITION FILED UNDER SECTION 18(1) OF LAND ACQUISITION ACT.

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

JUDGMENT

Learned counsel for the appellants has filed a memo dated 31.01.2024 seeking to withdraw the appeal with liberty to file appropriate appeal.

2. Memo is taken on record.

3. The appeal is dismissed as withdrawn with liberty as sought for.

Sd/-
JUDGE

VM
List No.: 2 Sl No.: 8