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

**DATED THIS THE 27TH DAY OF JUNE, 2024**

**BEFORE**

**THE HON'BLE Mrs JUSTICE K S HEMALEKHA**

**REGULAR SECOND APPEAL NO.200328 OF 2023
(PAR/POS)**

**BETWEEN:**

1. MUTTAPPA S/O SANGAPPA
SINCE DECEASED BY HIS LR'S.

1A. SHANKREPPA S/O MUTTAPPA PUJARI
AGE: 40 YEARS, OCC: AGRICULTURE,
R/O. SUNGATHAN VILLAGE,
TQ. SINDAGI, DIST: VIJAYAPURA-586128.

1B. MALAKAPPA S/O MUTTAPPA PUJARI
AGE: 38 YEARS, OCC: AGRICULTURE,
R/O. SUNGATHAN VILLAGE,
TQ. SINDAGI, DIST: VIJAYAPURA-586128.

Digitally signed by SWETA KULKARNI
Location: High Court of Karnataka

1C. SANGANNA S/O MUTTAPPA PUJARI
AGE: 36 YEARS, OCC: AGRICULTURE,
R/O. SUNGATHAN VILLAGE,
TQ. SINDAGI, DIST: VIJAYAPURA-586128.

1D. SHIVAYOGEPPA S/O MUTTAPPA PUJARI
AGE: 34 YEARS, OCC: AGRICULTURE,
R/O. SUNGATHAN VILLAGE,
TQ. SINDAGI, DIST: VIJAYAPURA-586128.

1E. DEVANNA S/O MUTTAPPA PUJARI
AGE: 32 YEARS, OCC: AGRICULTURE,
R/O. SUNGATHAN VILLAGE,
TQ. SINDAGI, DIST: VIJAYAPURA-586128.

1F. SHARNAPPA S/O MUTTAPPA PUJARI
AGE: 30 YEARS, OCC: AGRICULTURE,
R/O. SUNGATHAN VILLAGE,
TQ. SINDAGI, DIST: VIJAYAPURA-586128.

1G. NINGAMMA W/O LAXMAN DIDDIMANI
AGE: 44 YEARS, OCC: HOUSEHOLD,
R/O. SUNGATHAN VILLAGE,
TQ. SINDAGI, DIST: VIJAYAPURA-586128.

1H. GIREMMA W/O KAMANNA METI
AGE: 42 YEARS, OCC: HOUSEHOLD,
R/O. SUNGATHAN VILLAGE,
TQ. SINDAGI, DIST: VIJAYAPURA-586128

2. SHRI KAREPPA S/O SANGAPPA PUJARI
SINCE DECEASED BY HIS LR'S.

2A. SHARANAPPA S/O KAREPPA PUJARI
AGE: 42 YEARS, OCC: AGRICULTURE,
R/O. SUNGATHAN VILLAGE,
TQ. SINDAGI, DIST: VIJAYAPURA-586128.

3. SHRI BEERAPPA S/O SANGAPPA PUJARI
SINCE DECEASED BY HIS LR'S.

3A. BASAPPA S/O BEERAPPA PUJARI
AGE: 40 YEARS, OCC: AGRICULTURE,
R/O. SUNGATHAN VILLAGE,
TQ. SINDAGI, DIST: VIJAYAPURA-586128.

4. SHRI MADDEPPA S/O SANGAPPA PUJARI
SINCE DECEASED BY HIS LR'S.

4A. SMT. SIDDAMMA W/O MUDDEPPA PUJARI
AGE: 55 YEARS, OCC: HOUSEHOLD WORK,
R/O. SUNGATHAN VILLAGE,
TQ. SINDAGI, DIST: VIJAYAPURA-586128

4B. BASAPPA S/O MADDEPPA PUJARI
AGE: 40 YEARS, OCC: AGRICULTURE
R/O. SUNGATHAN VILLAGE,

TQ. SINDAGI, DIST: VIJAYAPURA-586128

5. SMT. GANGAMMA W/O HIRAGAPPA PUJARI
AGE: 35 YEARS, OCC: AGRICULTURE
R/O. SUNTYAL, TQ. SINDAGI,
DIST: VIJAYAPURA.

6. KENCHAPPA
S/O BANNAPPA JANNAPPAGOL
SINCE DECEASED BY HIS LR'S.

6A. CHANDAMMA
W/O KENCHAPPA @ KAREPPA JANNAPAGOL
SINCE DECEASED (ISSUELESS)

7. SHRI BASAPPA S/O BANNAPPA JANNAPPAGOL
AGE: 64 YEARS, OCC: AGRICULTURE,
R/O. ALAGUR-586118
TQ. SINDAGI, DIST. VIJAYAPURA.
(SENIOR CITIZENSHIP NOT CLAIMED)

8. SMT. NINGAMMA
W/O BHIMAPPA ANJUTAGI
AGE: 35 YEARS,
OCC: AGRL. AND HH WORK,
R/O. CHIKKA-RUGI, TQ. SINDAGI
DIST: VIJAYAPURA-586125.

9. SHRI MADIVALAPPA
S/O BANNAPPA JANNAPPAGOL
AGE: 30 YEARS,
OCC: AGRICULTURE,
R/O. ALAGUR-586118
TQ. SINDAGI, DIST: VIJAYAPURA.

...APPELLANTS

(BY SRI B. K. HIREMATH, ADVOCATE)

**AND:**

SMT. LAXMIBAI
W/O KAREPPA GUGADODDI

SINCE DEAD BY HER LR'S.

1. SANTOSH S/O HANAMANT PUJARI
   AGE: 35 YEARS, OCC: AGRICULTURE,
   R/O. BABALESHWAR-586202
   TALUK SINDAGI
   DISTRICT VIJAYAPUR.

2. SMT. NIJALINGAWWA
   W/O SHARANAPPA YADRAMI
   AGE: 48 YEARS,
   OCC: AGRICULTURE AND HH WORK
   R/O. BABALESHWAR-586202
   TQ. SINDAGI, DIST: VIJAYAPUR.

3. SHRI BHUTALI S/O HANAMANT PUJARI
   AGE: 30 YEARS, OCC: AGRICULTURE
   R/O. BABALESHWAR-586202
   TQ. SINDAGI, DIST: VIJAYAPUR.

…RESPONDENTS

THIS RSA IS FILED U/S. 100 OF CPC, PRAYING TO ALLOW THIS APPEAL AND CALL FOR THE RECORDS AND SET ASIDE THE JUDGMENT AND DECREE PASSED BY THE PRL. DISTRICT JUDGE VIJAYAPUR IN RA NO.77/2020 DATED 05.06.2023, AND ALSO SET ASIDE THE JUDGMENT AND DECREE PASSED BY THE ADDL. SR. CIVIL JUDGE AND JMFC SINDGI IN OS NO.48/2009 DATED 27.02.2020 AND DECREE THE SUIT OF THE APPELLANTS/PLAINTIFFS AND GRANT 2/3$^{RD}$ SHARE IN THE LAND SY.NO.2/2 MEASURING 6 ACRE 27 GUNTAS AND SY.NO.19, MEASURING 11 ACRE 23 GUNTAS BOTH SITUATED AT BABLESHWAR VILLAGE IN SINDGI TALUKA OF VIJAYPUR DISTRICTS TO MEETS AND BOUNDS.

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

**JUDGMENT**

Learned counsel for the appellants submits that the appellants and the respondents have settled the matter and the appellants do not intend to prosecute the appeal. The memo for withdrawal is duly signed by the appellant No.4B - Basappa S/o Maddepa Pujari. The memo reads as under:

> "*That in the above case the counsel of the appellants herewith submits that they have settled matter out of Court. Hence they do not proceed the above matter.*
>
> *Hence the above appeal be withdrawn as not pressed and same be dismissed as withdrawn."*

In view of the submission and the memo, the appeal is ***dismissed as withdrawn***.

**Sd/-**
**JUDGE**

SWK
List No.: 1 Sl No.: 14.1
CT-VD