

Appellant Palaksha present.

Respondent counsel present.

Smt KPK advocate has files vakalath for appellant. Same is taken on record.

Appellant files memo and submits that,

“I have filed this appeal against the judgment and decree passed in O.S.No.155/2016 by the Honourable 2nd Additional Senior Civil Judge and JMFC Davangere, wherein I have sought for the relief of declaration and permanent injunction restraining the defendants/respondents from interfering with the peaceful possession and enjoyment of the suit properties on the basis of registered Will executed by my father on 24-08-2001.

The respondents/defendants appeared and filed their written statement, denied the registered will of 2001, and also sought for partition of the suit properties by way of partition in counter claim.

After contesting the said suit, my suit declaration and permanent injunction has dismissed and counter claim of the defendants allowed, as per the counter claim judgment all the sons and daughters of my father are having equal share in the suit properties.

I have decided to settle the matter as per the judgment and decree passed in a counter claim of partition. And I have also agreed to take my share in the suit properties as per the judgment of the counter claim.

So, I am respectfully prayed that the honourable court be pleased dismiss this appeal as per the judgment and decree passed in counter claim of the defendants in O.S.No.155/2016 dated 14-10-2019 passed by the honourable 2nd additional senior civil judge and JMFC at Davangere. I am respectfully prayed that the honourable court be pleased to dismiss this appeal as per this memo.”

Now by filing this present memo appellant seeks to dismiss the appeal confirming judgment in court claim of the defendants in OS.155/2016, dtd.14-10-2019. Since the appellant is not interested to prosecute the appeal and seeks to dismiss the appeal. The appeal filed by the appellant is hereby dismissed in view of the memo filed by the appellant.

The appeal is dismissed.

SD/-

22-06-2026

I-A.D.J., Davanagere.