

DECREE IN APPEAL.

Date of Institution : 05-08-2025
Date of Disposal : 16-06-2026

IN THE COURT OF THE II ADDITIONAL DISTRICT & SESSIONS
JUDGE, VIJAYAPUR.

R.A. No: 132/2025

Appellants:

1. Shivappa S/o Mallappa Budihal,
Since deceased by his L.Rs.
- 1A. Mallappa S/o Shivappa Budihal,
Age: 57 years, Occ: Agriculture,
R/o: Budihal Oni, Babaleshwar,
Tq. Babaleshwar, Dist. Vijayapura.
- 1B. Indrabai W/o Rajendra Rugi,
Age: 55 years, Occ: H.H.Work,
R/o: Budihal Oni, Babaleshwar,
Tq. Babaleshwar, Dist. Vijayapura.
- 1C. Nilavva W/o Lakshmappa Belagali,
Age: 46 years, Occ: H.H.Work,
R/o: Jambagi H. Tq. Babaleshwar,
Dist. Vijayapura.
- 1D. Basappa S/o Shivappa Budihal,
Age: 51 years, Occ: Agriculture,
R/o: Budihal Oni, Babaleshwar,
Tq. Babaleshwar, Dist. Vijayapura.
- 1E. Rudrappa S/o Shivappa Budihal,
Age: 49 years, Occ: Agriculture,
R/o: Budihal Oni, Babaleshwar,
Tq. Babaleshwar, Dist. Vijayapura.

1F. Kashibai W/o Shankreppa Shiramagond,
Age: 46 years, Occ: H.H.Work,
R/o: Babaleshwar, Tq. Babaleshwar,
Dist. Vijayapura

V/s.

Respondents:

1. Mahmadyaseen S/o Fareedsaheb Jalegar,
Age: 31 years, Occ: Agriculture,
R/o: House No.922, Maibusubani Darga Street,
Babaleshwar, Tq. Babaleshwar,
Dist.Vijayapura.

R.A. No.132/2025 from the judgment and Decree in O.S.No.80/2019 dated: 01.07.2025, on the file of the III Addl. Senior Civil Judge, Vijayapura, which was instituted for setting aside the judgment and decree of trial Court.

MEMORANDUM OF APPEAL.

1. Mahmadyaseen S/o Fareedsaheb Jalegar,
Age: 25 years, Occ: Agriculture,
R/o H.No.922 Maibusubani Darga Street,
Babaleshwar, Dist: Vijayapura

----- Plaintiff.

V/s

1. Shivappa S/o Mallappa Budihal @ Budyal,
Age: 80 years, Occ: Agriculture,
R/o Babaleshwar, Dist: Vijayapura

----- Defendant.

The above named appeal to the II.Addl. Dist. & Sessions Judge,Vijayapura, from the judgment and Decree in O.S.No.80/2019

dated: 01.07.2025, for the reasons as mentioned in the appeal memo.

This appeal coming for final disposal on 16th of June-2026 before **Sri.Abdul Rahiman. A. Nandgadi, B.Com., LL.B., (Spl.)** II Add. Dist. & Sessions Judge, Vijayapura, in the presence of **Sri.M.H.Khasanis**, Advocate for Appellants, **Sri.R.M.Kulkarni**, Advocate for Respondent.

It is Ordered and decreed that;

IA No.2/2025 filed by the Appellant/Ori Defendant and continued by his legal heirs U/Or. 41 R 27 of CPC is hereby Rejected.

Acting U/Or. 41 Rule 33 of C.P.C., the Appeal preferred by the Appellant/Ori Defendant and continued by his legal heirs U/Sec 96(1) of C.P.C. is hereby Dismissed.

It is needless to mention that, the Judgment and Decree passed by the Learned III Addl. Senior Civil Judge and JMFC, Vijayapura in OS No 80/2019 dated 01.07.2025, is hereby Confirmed.

Resultantly, the Suit of the Plaintiff is decreed, with costs throughout.

The Plaintiff is declared as owner in possession of the Suit Schedule Property; and the Defendant inturn his legal

heirs are hereby restrained by an Order of Permanent Injunction from interfering with the peaceful possession and enjoyment of the Plaintiff over the Suit Schedule Property.

Given under my hand and seal of the Court on 16th June of 2026.

**II Addl. District & Sessions Judge,
Vijayapura.**

<u>Bill of Cost</u>			
Sl. No.	Particulars of C.F. Paid.	By Plaintiff. Rs.	By Defendant Rs.
01	Court Fee on Petition	25-00	--
02	Process Fee	25-00	--
03	Advocate Fees.	--	--
Total.		50-00	--

Schedule of Property

Sl. No.	R.S.No.	Area A-G	Assessment R.Ps.	Market Value
1)	109/3	2-01	0.60	Rs.6,00,000/-

Situated at village Tiganibidari in Babaleshwar Taluka in Vijayapura District.

Decree Notified on :19-06-2026
Decree Signed on :24-06-2026

Prepared by Verified by

FDA

CAO

**II Addl. District & Sessions Judge,
Vijayapura.**