



**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH**

DATED THIS THE 20TH DAY OF AUGUST 2025

**PRESENT
THE HON'BLE MR. JUSTICE S.R. KRISHNA KUMAR
AND
THE HON'BLE MR. JUSTICE C.M. POONACHA**

REGULAR FIRST APPEAL NO. 100059 OF 2020 (PAR/POS)

BETWEEN:

SMT. KALYANI W/O. VASANT KALAL
AGE: 47 YEARS, OCC: HOUSEHOLD WORK,
R/O. NO. 45, 5TH CROSS, LOKAPPANA HAKKALA,
(NEAR MASJID), VIDYA NAGAR, HUBLI.

...APPELLANT

(BY SRI. S.B.DODDAGOUDAR, ADVOCATE)

AND:

1. MASTER ABHISHEK S/O. SATISH KALAL
AGE: 27 YEARS, OCC: STUDENT,
R/O: LINE BAZAR, OPP. TO THAKUR PEDHA
SHOP, DHARWAD-580001.
2. LAKSHMI D/O. SATISH KALAL
AGE: 30 YEARS, OCC: HOUSE HOLD WORK,
R/O: LINE BAZAR, OPP. TO THAKUR PEDHA
SHOP, DHARWAD-580001.
3. AKSHATA W/O. SATISH KALAL
AGE: 40 YEARS, OCC: HOUSE MANAGEMENT,
R/O: LINE BAZAR, OPP. TO THAKUR PEDHA
SHOP, DHARWAD-580001.
4. ARAVIND ARJUN KALAL
AGE: 46 YEARS, OCC: BUSINESS,
R/O: MASALAGAR ONI,
LINE BAZAR, DHARWAD-580001.

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5. DRAXAYANI ARJUN KALAL
REPORTED TO BE DIED R/BY HER LR's.,
- 5(A). ARJUN S/O. GURUNATH KALAL
AGE: 61 YEARS, OCC: BUSINESS,
R/O. KALAL PLOT VINAY KULKARNI LAYOUT,
NEAR CHARNTIMATH GARDEN MATTI
PARAPPA KOOT DHARWAD,
TQ AND DIST: DHARWAD.
- 5(B). SANTHOSH S/O. ARJUN KALAL
AGE: 34 YEARS, OCC: BUSINESS,
R/O. KALAL PLOT VINAY KULKARNI LAYOUT,
NEAR CHARNTIMATH GARDEN MATTI
PARAPPA KOOT DHARWAD,
TQ AND DIST: DHARWAD.
- 5(C). GURURAJ S/O. ARJUN KALAL
AGE: 34 YEARS, OCC: BUSINESS,
R/O. KALAL PLOT VINAY KULKARNI LAYOUT,
NEAR CHARNTIMATH GARDEN MATTI
PARAPPA KOOT DHARWAD,
TQ AND DIST: DHARWAD.
6. THE MANAGER INDIAN BANK
BRANCH DHARWAD,
NEAR SANGAM CIRCLE,
DHARWAD-580001.
7. THE MANAGER PUNJAB NATIONAL BANK
FRUIT MARKET, SUBHAS ROAD,
DHARWAD-580001.
8. THE MANAGER RATNAKAR BANK LTD.,
PAWAR COMPLEX, COURT ROAD,
DHARWAD-580001.
9. THE MANAGER INDIAN OVERSEAS BANK
BRANCH SAPTAPUR, DHARWAD-580008.
10. RAJESAB MAULASAB GIDADANNAVAR
AGE: 68 YEARS, OCC: AGRICULTURE,
R/O: TARIHAL, TQ: HUBBALLI,
DIST: DHARWAD-580026.



NC: 2025:KHC-D:10549-DB
RFA No. 100059 of 2020

11. MAHANTESH KOTTERSHETTY
AGE: MAJOR, OCC: BUSINESS,
R/O: NEAR ISHVAR TEMPLE,
GOULI GALLI, TIKAR ROAD,
DIST: DHARWAD-580001.
12. IMAM HUSSEIN NADAF
AGE: MAJOR, OCC: BUSINESS,
R/O: NEAR ISHVAR TEMPLE,
GOULI GALLI, TIKAR ROAD,
DHARWAD-580001.
13. M.V. MEGUR
HONARARY SECRETARY,
HONNADAMMA EDUCATION INSTITUTION
OPP AIR BESIDES SHEIKH COMPOUND,
DHARWAD-580001.

...RESPONDENTS

(BY SRI. AAYUSH G.BHAT, ADVOCATE FOR R1 TO R3;
SRI. H.R.BENTUR AND SRI. P.R.BENTUR, ADVOCATES FOR R6;
SRI. G.S.HULMANI, ADVOCATE FOR R7;
SRI. ANAND K.BHANDIWAD, ADVOCATE FOR R9;
NOTICE TO R4, R5(A) IS HELD SUFFICIENT;
NOTICE TO R5(B), (C), R8 AND R11 ARE SERVED;
R12 NOT CLAIMED AND R13 NO SUCH ADDRESS)

THIS RFA FILED UNDER SECTION 96 READ WITH ORDER 41
RULE 1 OF CPC AGAINST THE JUDGMENT AND DECREE DATED
24.10.2019 PASSED IN O.S.NO.249/2012 ON THE FILE OF THE III
ADDITIONAL SENIOR CIVIL JUDGE AND CHIEF JUDICIAL
MAGISTRATE, DHARWAD, DISMISSING THE SUIT FILED FOR
PARTITION AND SEPARATE POSSESSION, DECLARATION AND
PERMANENT INJUNCTION.

THIS APPEAL COMING ON FOR ORDERS THIS DAY, JUDGMENT
WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE S.R. KRISHNA KUMAR
AND
THE HON'BLE MR. JUSTICE C.M. POONACHA



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE S.R. KRISHNA KUMAR)

Learned counsel for the appellant has filed a memo stating that this appeal may be dismissed as withdrawn. The memo dated 20.08.2025 reads as under.

"MEMO

Herein the Advocate for the Appellant begs to submit as under.

That in the connected matter bearing RFA No.100058/2020 was please to allowed and remanded the same and in view of disposal of said RFA, this appellant is not interested to proceed further in the present appeal. Hence said appeal may kindly be dispose in accordance with law by dismissing the same."

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

**Sd/-
(S.R. KRISHNA KUMAR)
JUDGE**

**Sd/-
(C.M. POONACHA)
JUDGE**