



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 25TH DAY OF FEBRUARY 2026

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

REGULAR FIRST APPEAL NO. 100193 OF 2024 (DEC/INJ)

BETWEEN:

1. SMT. RUPA
W/O. SURESH INCHAL,
AGE: 35 YEARS, OCC: HOUSEHOLD WORK,
R/O. HUNASIKATTI (OLD),
NOW AT C/O: IRAPPA RUDRAPPA HUKKERI,
R/O. TIGADOLLI, TQ: KITTUR.
2. KU. SHREYAS SURESH INCHAL,
AGE: 13 YEARS, OCC: STUDENT,
R/O. HUNASIKATTI (OLD),
NOW AT C/O: IRAPPA RUDRAPPA HUKKERI,
R/O. TIGADOLLI, TQ: KITTUR.
3. KU. ABHISHEK SURESH INCHAL,
AGE: 11 YEARS, OCC: STUDENT,
R/O. HUNASIKATTI (OLD),
NOW AT C/O: IRAPPA RUDRAPPA HUKKERI,
R/O. TIGADOLLI, TQ: KITTUR.

(SINCE THE APPELLANT NOS.2 AND 3 ARE MINORS
REPRESENTED BY APPELLANT NO.1 WHO IS
NATURAL MOTHER MINOR GUARDIAN)





4. SMT. RAJESHWARI @ RUDRAWWA
W/O. SURESH HOSAMANI,
AGE: 45 YEARS,
OCC: HOUSEHOLD WORK,
R/O. OLD HUNASIKATTI,
NOW AT RAITAR ONI,
GURUWAR PETH KITTUR,
TQ: KITTUR, DIST: BELAGAVI.

NOTE: (DEFENDANT NO.1 AND 2 ARE DIED HENCE
NOT MADE PARTY AND LR'S OF THE SAID
DEFENDANTS ARE APPELLANT NO.1 TO 3 HEREIN)

...APPELLANTS

(BY SRI. P.G. CHIKKANARAGUND, ADVOCATE)

AND:

1. SMT. SHANTAVVA CHANNABASAPPA
@ CHAMBANNA INCHAL,
AGE: 73 YEARS, OCC: HOUSEWIFE,
R/O. HUNASIKATTI (OLD),
TQ: BAILHONGAL,
DIST: BELAGAVI-591102.
2. SMT. NANDANA
W/O. MOHAN KARKI,
AGE: 51 YEARS, OCC: HOUSEWIFE,
R/O. CHIKKAMUNAVALLI,
TQ: KHANAPUR,
DIST: BELAGAVI-591102.
3. SRI. NAGARAJ CHANNABASAPPA
@ CHAMBANNA INCHAL,
AGE: 49 YEARS, OCC: TEACHER,
R/O. HUNASIKATTI (OLD),



TQ: BAILHONGAL,
DIST: BELAGAVI-591102.

4. SRI. NAGARAJ CHANNABASAPPA
@ CHAMBANNA INCHAL,
AGE: 44 YEARS, OCC: LIC EMPLOYEE,
R/O. HUNASIKATTI (OLD),
TQ: BAILHONGAL, DIST: BELAGAVI.

...RESPONDENTS

(NOTICE TO R1-R4 IS SERVED)

THIS RFA IS FILED UNDER SECTION 96 OF CPC 1908,
PRAYING TO CALL FOR RECORDS AND SET ASIDE THE
JUDGMENT AND DECREE DATED 02.01.2024 PASSED IN
O.S.NO.5/2013 BY THE COURT OF THE SENIOR CIVIL JUDGE,
BAILHONGAL AT: BAILHONGAL AND DISMISS THE SUIT FILED
BY THE PLAINTIFFS/FOR DECLARATION, PARTITION AND
SEPARATE POSSESSION AND FOR INJUNCTION AGAINST THE
APPELLANT, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.



ORAL JUDGMENT

(PER: THE HON'BLE MRS JUSTICE GEETHA K.B.)

Learned counsel for the appellants files memo for withdrawal of the appeal along with certified copy of the order sheet and compromise petition filed in FDP No.19/2024 in OS No.5/2013 and it is duly signed by the accused No.4.

The order sheet reveals that the parties have already settled the dispute before trial Court. In view of the said settlement, appellants pray for withdrawal of the present appeal.

Memo is placed on record.

In view of the memo, appeal is dismissed as withdrawn by confirming the judgment and decree dated 02.01.2024 passed in OS No.5/2013 on the file of Senior Civil Judge, Bailhongal.

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**

HMB
CT-MCK, LIST NO.: 1 SL NO.: 3