



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 12TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

REGULAR SECOND APPEAL NO.5279 OF 2009 (INJ)

BETWEEN:

1. JINNAPPA S/O. KUBERAPPA YALLUR,
AGED ABOUT 51 YEARS,
2. PAYAPPA S/O. KUBERAPPA YALLUR,
AGED ABOUT 49 YEARS,

BOTH ARE R/O. KOGALGIRI,
POST: ARWATGI,
DIST. DHARWAD-580 007.

...APPELLANTS

(BY SRI. P.V. GUNJAL, ADVOCATE)

AND:

RUDRAPPA MUDAKAPPA KARIYAVAR
AGED ABOUT 63 YEARS,
R/O. KOGALGIRI, POST: ARWATGI,
DIST. DHARWAD-580007.

...RESPONDENT

(BY SRI. MANJUNATH JADAI, ADVOCATE)

RSA FILED U/S. 100 OF CPC, PRAYING TO SET ASIDE THE JUDGMENT & DECREE PASSED IN O.S.NO.87/1999 DATED 23.03.2003 PASSED BY THE III ADDL. CIVIL JUDGE (JR.DN.) AND JMFC, DHARWAD AND THE JUDGMENT PASSED BY THE SECOND ADDITIONAL CIVIL JUDGE (SR.DN.) DHARWAD IN RA.NO.107/2003 DATED 30.09.2008 CONFIRMING THE JUDGMENT AND DECREE OF THE TRIAL COURT AND DISMISSED THE SUIT OF THE PLAINTIFF, IN THE INTEREST OF JUSTICE AND EQUITY.

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





ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE C M JOSHI)

The perusal of the records would reveal that there is no representation on behalf of the appellants on 04.08.2025, 13.08.2025, 21.08.2025, 09.09.2025, 09.10.2025 and also today. Therefore, it appears that the appellant is not interested in prosecuting the appeal. Hence, the appeal is dismissed for ***non-prosecution.***

**SD/-
(C M JOSHI)
JUDGE**

RKM
CT:PA
LIST NO.: 1 SL NO.: 45