



**IN THE HIGH COURT OF KARNATAKA AT DHARWAD**

**DATED THIS THE 6<sup>TH</sup> 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.100576 OF 2022 (PAR)**

**C/W**

**REGULAR FIRST APPEAL NO.100577 OF 2022**

**IN RFA NO. 100576/2022**

**BETWEEN:**

MALLIKARJUN S/O. VEERABHADRAPPA HOSUR,  
SINCE DEAD BY HIS LR

- 1) SMT. SHARADA W/O. MALLIKARJUN HOSUR,  
AGE: 69 YEARS, OCC: HOUSEHOLD WORK,  
R/O. PLOT NO.44, NEAR MODERN SCHOOL,  
SARASWATPUR, DHARWAD – 580 004.
- 2) KIRTI W/O. NITIN MUKANNAVAR,  
AGE: 50 YEARS, OCC: HOUSEHOLD WORK,  
R/O. PLOT NO.306, SECTOR NO.11,  
MAHANTESH NAGAR, BELAGAVI – 590005.
- 3) SANJAY S/O. MALLIKARJUN HOSUR,  
AGE: 47 YEARS, OCC: PRIVATE,  
R/O. PLOT NO.43, NEAR MODERN SCHOOL,  
SARASWATPUR, DHARWAD – 580 004.
- 4) SHILPA W/O. SHAILESH BIRADHAR,  
AGE: 46 YEARS, OCC: HOUSEHOLD WORK,  
R/O. PARIVAR, 55/#7TF/18<sup>TH</sup> MAIN,  
14<sup>TH</sup> CROSS, BANNERAGHATTA ROAD,





BENGALURU SOUTH – 560 007.

...APPELLANTS

(BY SRI.IRANAGOUDA K. KABBUR, ADVOCATE)

**AND:**

- 1) SRI. SHASHIDHAR S/O. VEERABHADRAPPA HOSUR,  
AGE: 65 YEARS, OCC: AGRICULTURE,  
R/O. MAHANTESH NAGAR, DHARWAD – 580 001.
- 2) SMT. SHARMILA W/O. GIRISH DODAMANI,  
AGE: 39 YEARS, OCC: HOUSEHOLD WORK,  
R/O. II CROSS, MICHAGIN COMPOUND,  
SAPTAPUR, DHARWAD – 580 008.
- 3) SMT. SUSHMA W/O. SUNIL TELIS,  
AGE: 41 YEARS, OCC: HOUSEHOLD WORK,  
R/O. BENGALURU-560003.  
  
SMT. GOURAMMA W/O. VEERABHADRAPPA,  
SINCE DECEASED BY HER LR'S,
- 4) SMT. SAROJINI W/O. NAGESH CHANDRA,  
AGE: 71 YEARS, OCC: HOUSEHOLD WORK,  
R/O. III MAIN, 4<sup>TH</sup> CROSS, WEST OF CHORD ROAD,  
BENGALURU – 560 003.
- 5) SMT. DAKSHAYANI W/O. BABURAO YABURI,  
AGE: 69 YEARS, OCC: HOUSEHOLD WORK,  
R/O. NO.212, SECTOR NO.2,  
SHIVABASAVA NAGAR, BELAGAVI-590005.
- 6) SMT. SHAILAJA W/O. SHARAD KONI,  
AGE: 67 YEARS, OCC: HOUSEHOLD WORK,  
R/O. AMBIKA CLINIC, A/P KAVATE MOHANKAL,  
DIST: SANGLI – 416 405, MAHARASHTRA.
- 7) SRI. SHRIKANT S/O. VEERABHADRAPPA HOSUR,  
AGE: 63 YEARS, OCC: SERVICE,  
R/O. NO. 15, 16 AND 18<sup>TH</sup> CROSS, SANTOSH VIHAR,  
2<sup>ND</sup> PHASE, OPP: GKV K LAYOUT,  
BENGALURU-560065.



- 8) SRI.MAHESH S/O. VEERABHADRAPPA HOSUR,  
AGE: 56 YEARS, OCC: SERVICE,  
R/O. 104, CHAPPIE JAMES, TUSKEGEE,  
AL 36088, USA-36083.

SHRI SHARAD S/O. VEERABHADRAPPA HOSUR,  
(NOTE: SHARAD S/O. VEERABHADRAPPA HOSUR DIED  
UNMARRIED AND HIS BROTHERS ARE HIS LR'S)

SHRI BASETTEPPA S/O. CHANNAPPA HOSUR,  
SINCE DECEASED BY HIS LR

- 9) SMT. AKKAMAHADEVI D/O. BASETTEPPA HOSUR,  
AGE: 67 YEARS, OCC: HOUSEHOLD WORK,  
R/O. NEAR MURGAMATH, MRUTYUNJAY NAGAR,  
DHARWAD-580001.

- 10) SRI.SHANKRAPPA S/O. CHENNAPPA HOSUR,  
AGE: 97 YEARS, OCC: AGRICULTURE,  
R/O. HAVERIPETH, NEAR MURGAMATH,  
SAVADATTI ROAD, DHARWAD-580001.

...RESPONDENTS

(BY SRI.SHRIKANTH T. PATIL, ADVOCATE FOR R1, R4 TO R7;  
SRI.SHIVAKUMAR N. BENDIGERI, ADVOCATE FOR R2, R3, R9;  
R10-DECEASED; R8-UNSERVED)

THIS RFA IS FILED UNDER SECTION 96 READ WITH ORDER 41  
RULE 1 OF CPC., PRAYING TO ALLOW THIS APPEAL AND MODIFY THE  
JUDGMENT AND DECREE DATED 30.08.2022 IN O.S.NO.205/2011 ON  
THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND CHIEF  
JUDICIAL MAGISTRATE, DHARWAD AND DISMISS THE SUIT IN PART  
IN RESPECT OF CLAIM RELATING TO SCHEDULE 'C' PROPERTY, IN  
THE INTEREST OF JUSTICE AND EQUITY AND ETC.



**IN RFA NO. 100577/2022**  
**BETWEEN:**

MALLIKARJUN S/O. VEERABHADRAPPA HOSUR,  
SINCE DEAD BY HIS LR

- 1) SMT. SHARADA W/O. MALLIKARJUN HOSUR,  
AGE: 69 YEARS, OCC: HOUSEHOLD WORK,  
R/O. PLOT NO.44, NEAR MODERN SCHOOL,  
SARASWATPUR, DHARWAD – 580 004.
- 3) KIRTI W/O. NITIN MUKANNAVAR,  
AGE: 50 YEARS, OCC: HOUSEHOLD WORK,  
R/O. PLOT NO.306, SECTOR NO.11,  
MAHANTESH NAGAR, BELAGAVI – 590005.
- 3) SANJAY S/O. MALLIKARJUN HOSUR,  
AGE: 47 YEARS, OCC: PRIVATE,  
R/O. PLOT NO.44, NEAR MODERN SCHOOL,  
SARASWATPUR, DHARWAD – 580 004.
- 4) SHILPA W/O. SHAILESH BIRADHAR,  
AGE: 46 YEARS, OCC: HOUSEHOLD WORK,  
R/O. PARIVAR, 55/#7TF/18<sup>TH</sup> MAIN,  
14<sup>TH</sup> CROSS, BANNERAGHATTA ROAD,  
BENGALURU SOUTH – 560 007.

...APPELLANTS

(BY SRI.IRANAGOUDA K. KABBUR, ADVOCATE)

**AND:**

SMT.GOURAMMA W/O. VEERABHADRAPPA HOSUR  
SINCE DECEASED BY HER LR'S

- 1) SMT. SAROJINI W/O. NAGESH CHANDRA,  
AGE: 76 YEARS, OCC: HOUSEHOLD WORK,  
R/O. "GOURIDHANKAR", NEAR BELGAUM TOL NAKA,  
DHARWAD- 580 001.
- 2) SMT. DRAKSHAYANI @ DEEPA W/O. BABURAO YABURI,  
AGE: 73 YEARS, OCC: HOUSEHOLD WORK,  
R/O. "GOURIDHANKAR", NEAR BELGAUM TOL NAKA,  
DHARWAD- 580 001.



- 3) SMT. SHAILAJA @ SHAILA W/O. SHARAD KORE,  
AGE: 71 YEARS, OCC: SERVICE  
R/O. AMBIKA CLINIC, A/P KAVATEMOHANKAL,  
DIST: SANGLI – 416 405, MAHARASHTRA.
- 4) SRI. SHASHIDHAR S/O. VEERABHADRAPPA HOSUR,  
AGE: 65 YEARS, OCC: AGRICULTURE,  
R/O. "GOURIDHANKAR", NEAR BELGAUM TOL NAKA,  
DHARWAD- 580 001.
- 5) SRI. SHRIKANT S/O. VEERABHADRAPPA HOSUR,  
AGE: 63 YEARS, OCC: SERVICE,  
SECOND FLOOR, ARYA BHAVAN, MALLESHWARAM,  
BENGALURU – 560 003.
- 6) SRI. MAHESH S/O. VEERABHADRAPPA HOSUR,  
AGE: 61 YEARS, OCC: SERVICE,  
SECOND FLOOR, ARYA BHAVAN, MALLESHWARAM,  
BENGALURU – 560 003.
- SHRI SHARAD S/O. VEERABHADRAPPA HOSUR,  
(NOTE: SHARAD S/O. VEERABHADRAPPA HOSUR DIED  
UNMARRIED AND HIS BROTHERS ARE HIS LR'S)
- 7) SMT. UJWALA D/O. VERESH TALLUR,  
AGE: 61 YEARS, OCC: HOUSEHOLD,  
R/O. C/O. V.S. TALLUR, "GIRIDHAM"  
NEAR LIC QUARTERS, NARAYANAPUR,  
DHARWAD – 580 008.
- 8) ULLAS S/O. VERESH TALLUR,  
AGE: 75 YEARS, OCC: BUSINESS,  
R/O. C/O. V.S. TALLUR, "GIRIDHAM"  
NEAR LIC QUARTERS, NARAYANAPUR,  
DHARWAD – 580 008.
- 9) SMT. SUREKHA D/O. VERESH TALLUR,  
AGE: 79 YEARS, OCC: HOUSEHOLD,  
R/O. C/O. V.S. TALLUR, "GIRIDHAM"  
NEAR LIC QUARTERS, NARAYANAPUR,  
DHARWAD – 580 008.
- 10) RAVI S/O. VERESH TALLUR,  
AGE: 77 YEARS, OCC: BUSINESS,  
R/O. C/O. V.S. TALLUR, "GIRIDHAM"



NEAR LIC QUARTERS, NARAYANAPUR,  
DHARWAD – 580 008

- 11) SRI. BASAVARAJ S/O. GANGAPPA HOSUR,  
AGE: MAJOR, OCC: AGRICULTURE,  
R/O. KADAROLLI ONI, MRUTHYUNJAYA NAGAR,  
DHARWAD – 580 006.
- 12) SMT. PUSHPA BASAVARAJ LOKUR,  
AGE: MAJOR, OCC: NOT KNOWN,  
R/O. C/O. LOKUR BUILDING,  
UB HILL, DHARWAD – 580 008.
- 13) SRI. RUDRAPPA SHIVAPPA TIRLAPUR,  
AGE: MAJOR, OCC: NOT KNOWN,  
R/O. C/O. LOKUR BUILDING,  
UB HILL, DHARWAD – 580 008.
- 14) MALLIKARJUNAPPA KEMPABASANNAVAR,  
AGE: MAJOR, OCC: AGRICULTURE,  
R/O. MAHANT NAGAR, BEHIND MURUGHAMAT,  
DHARWAD – 580 006.

...RESPONDENTS

(BY SRI.SHRIKANTH T. PATIL, ADVOCATE FOR R1 TO R5, R7,  
R11, R12;  
R6, R8 TO R10, R13-UNSERVED; R14-NOTICE SERVED)

THIS RFA IS FILED UNDER SECTION 96 READ WITH ORDER 41 RULE  
OF CPC., PRAYING TO ALLOW THIS APPEAL AND SET ASIDE THE  
JUDGMENT AND DECREE DATED 30.08.2022 IN O.S.NO.267/2015 ON THE  
FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND CHIEF JUDICIAL  
MAGISTRATE, DHARWAD, IN THE INTEREST OF JUSTICE AND EQUITY  
AND ETC.

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

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



**ORAL JUDGMENT**

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

Learned counsel for the appellants has filed a memo dated 06.02.2026 stating that he is withdrawing the appeals unconditionally in view of the settlement arrived between the parties.

2. Appellants No.1 to 3 and GPA holder of appellant No.4, who is appellant No.3 are present before the Court and submit that they are withdrawing the appeals.

3. Learned counsel for respondents, Sri.Shrikanth T Patil submits no objection to withdraw the appeals.

4. Memo dated 06.02.2026 reads as under:

**"MEMO FOR WITHDRAWAL OF APPEAL**

*The Appellants above named respectfully submit as follows:*

- 1. That the above appeal is pending before this Hon'ble Court.*
- 2. That during the pendency of the appeal, the parties have amicably settled the entire dispute out of court to their mutual satisfaction.*
- 3. That in view of the said settlement, the Appellants do not intend to prosecute the appeal any further.*



4. *That the settlement has been arrived at voluntarily, without any coercion or undue influence, and no dispute now survives between the parties in respect of the subject matter of the appeal.*
5. *Therefore, the Appellants filed this Memo seeking permission of this Hon'ble Court to withdraw the appeal as settled out of court.*

*Wherefore, it is humbly prayed that this Hon'ble Court may be pleased to permit the Appellants to withdraw the appeal as not pressed / withdrawn unconditionally, in view of the settlement arrived at between the parties, in the interest of justice and equity."*

5. Memo is placed on record. In view of the memo, the appeals are dismissed as withdrawn by confirming the judgment and decree dated 30.08.2022 passed in O.S.No.205/2011 and O.S.No.267/2011 on the file of I Additional Senior Civil Judge and CJM, Dharwad.

6. In view of dismissal of appeals, pending applications, if any, stand disposed of.

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

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