



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

REGULAR FIRST APPEAL NO.200078 OF 2019 (DEC)

BETWEEN:

SRI. ERAPPA S/O KHANDAPPA RAJAPUR,
AGED ABOUT:57 YEARS, OCC:AGRICULTURE,
R/O. BIRAL(K) VILLAGE, TQ.JEWARGI,
DIST.KALABURAGI.

...APPELLANT

(BY SRI. R.S. SIDHAPURKAR, ADVOCATE)

AND:

1. SRI. MAREPPA S/O PEERAPPA NADUVANIMANI,
AGED ABOUT:56 YEARS, OCC:AGRICULTURE,
2. SRI.SHARANAPPA S/O LATE PEERAPPA,
AGED ABOUT:71 YEARS, OCC:AGRICULTURE,
3. SRI.RAMANNA S/O LATE PEERAPPA,
AGED ABOUT:66 YEARS, OCC:AGRICULTURE,
4. SRI.LAXMAN S/O LATE PEERAPPA,
AGED ABOUT:61 YEARS, OCC:AGRICULTURE,

(ALL ARE R/O. MALLA(B) VILLAGE,
TQ.JEWARGI, DIST.KALABURAGI.)

...RESPONDENTS

(BY SRI. B. BHIMASHANKAR, ADVOCATE FOR R1,



V/O DATED 05.09.2023 APPEAL STANDS ABATED
AGAINST R2,
V/O DATED 01.08.2024 THE APPEAL AGAINST R3 & R4
ARE DISMISSED AS ABATED)

THIS RFA IS FILED UNDER SECTION 96 R/W ORDER
4 RULE 1 OF THE CODE OF CIVIL PROCEDURE, PRAYING
TO CALL FOR THE RECORDS, ALLOW THE APPEAL AND
SET-ASIDE THE JUDGMENT AND DECREE DATED:
26.02.2019 PASSED IN O.S. NO.18 OF 2018 BY THE
LEARNED SENIOR CIVIL JUDGE AND JUDICIAL
MAGISTRATE OF THE FIRST CLASS AT JEWARGI, AND
DISMISS THE SUIT WITH COSTS THROUGHOUT, IN THE
INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

ORAL JUDGMENT

When the matter has been called out in the
forenoon, there is no representation from the appellant
and his counsel.

2. The matter is again called out in the
afternoon. There is no representation from the counsel
for the appellant.



3. The appellant is the defendant before the trial Court, wherein the respondents filed the suit in OS No.18/2018 for the relief of declaration and permanent injunction. The suit was decreed by the trial Court as per the impugned judgment and decree dated 26.02.2019. The defendant has come up with the present appeal. The appeal was admitted as early as on 06.06.2024. There is no reason to grant any further adjournment.

4. In the result, this appeal is dismissed for non prosecution.

The office shall return the trial Court records to the concerned Court along with copy of this order forthwith.

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE

SMP
List No.: 1 Sl No.: 42
CT: SB