



**IN THE HIGH COURT OF KARNATAKA**

**KALABURAGI BENCH**

**DATED THIS THE 21<sup>ST</sup> DAY OF APRIL, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ**

**AND**

**THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA**

**REGULAR FIRST APPEAL NO.200084 OF 2019 (PAR)**

**BETWEEN:**

SYED HAMEED ALI  
S/O LATE USMANALI SAHUKAR,  
AGE ABOUT: 57 YEARS, OCC: BUSINESS,  
R/O YATEEM KHANA, GHULABAUDI, KALABURAGI,  
B/O CHICKEN FOOD RESTAURANT,  
ONE WAY STATION ROAD,  
SARDAR VALLABHAI CHOWK, (TIMMAPURI CHOWK),  
KALABURAGI.

...APPELLANT

(BY SRI S. B. HANGARKI, ADVOCATE)

**AND:**

1. SMT. QAISERJAHAN BEGUM  
W/O LATE SYED USMAN ALI SAHUKAR,  
AGE ABOUT: 83 YEARS, OCC: AGRICULTURE/  
HOUSEHOLD WORK,  
R/O GUDDOOR VILLAGE, TQ: JEWARGI,  
DIST: KALABURAGI  
NOW R/AT C/O MD. JIYAL HUSSAIN,  
MALGATTI CROSS, ITEHAT CHOWK,  
NEAR SAPNA BAKERY, HAGARGA ROAD,  
KALABURAGI-585101.
2. SMT. SHAHENAAZ BEGUM & SHAHIN BEGUM,  
D/O LATE SYED USMAN ALI SAHUKAR  
W/O ABDUL SAMAD,  
AGE ABOUT: 59 YEARS, OCC: HOUSEHOLD WORK,





R/O H.NO.LIG-9, NEAR GOVERNMENT BALA SCHOOL,  
BASAVESHWAR NAGAR, JEWARGI,  
DIST: KALABURAGI-585310.

3. SMT. REHANA BEGUM @ SHAHIN BEGUM,  
D/O LATE SYED USMAN ALI SAHUKAR  
W/O ABDUL FAZAL,  
AGE ABOUT: 56 YEARS, OCC: HOUSEHOLD WORK,  
R/O H.NO.5-2399, RING ROAD, KHAJA COLONY,  
DIST: KALABURAGI-585104.
4. SMT. SHABANA BEGUM  
D/O LATE SYED USMAN ALI SAHUKAR,  
W/O MOHD. ISHAQ,  
AGE ABOUT : 43 YEARS, OCC: HOUSEHOLD WORK,  
R/O H.NO.5-408/50/B/1, RING ROAD,  
TIMMAPURI COTTAGE,  
QAMAR COLONY, KALABURAGI-585104.
5. SMT. SEEMA BEGUM  
D/O LATE SYED USMAN ALI SAHUKAR,  
W/O MOHD. MASHAQ,  
AGE ABOUT: 33 YEARS, OCC: PRIVATE WORK,  
R/O C/O MOHD. GAYAZUDDIN, NEAR MUMTAZ HOSPITAL,  
ITEHAT CHOWK, MALGATTI CROSS,  
HAGARGA ROAD, DIST: KALABURAGI-585104.
6. SMT. RESMA BEGUM W/O SHAKIL,  
AGE ABOUT: 30 YEARS, OCC: HOUSEHOLD WORK,
7. SMT. MUJEEBA BEGUM W/O ABDUL RAHEMAN,  
AGE ABOUT: 29 YEARS, OCC: NIL,
8. SMT. FATIMA BEGUM W/O NAZEER AHMED,  
AGE ABOUT: 28 YEARS, OCC: HOUSEHOLD WORK,
9. SMT. NASREEN @ NASEEMA BEGUM W/O KALEEL,  
AGE ABOUT: 26 YEARS, OCC: HOUSEHOLD WORK,
10. SRI. RAJA PATEL @ UMAR S/O NAWAB PATEL,  
AGE ABOUT: 25 YEARS, OCC: /NIL,  
APPELLANT NO.6-10 ARE R/O RAWOOR VILLAGE,  
TQ: CHITTAPUR, DIST: KALABURAGI-585211.
11. SMT. PARVEEN BEGUM W/O LATE SYED JALAL PASHA,



AGE: 48 YEARS, OCC: HOUSEHOLD WORK,

12. SMT. AFREEN BEGUM  
D/O LATE SYED JALALA PASHA,  
AGE: 29 YEARS, OCC: HOUSEHOLD WORK,
13. SMT. FARHEEN BEGUM  
D/O LATE SYED JALALA PASHA,  
AGE: 29 YEARS, OCC: HOUSEHOLD WORK,
14. SMT. FARZANA BEGUM  
W/O LATE SYED JALALA PASHA,  
AGE: 27 YEARS, OCC: HOUSEHOLD WORK,
15. SMT. SAMREEN BEGUM  
D/O LATE SYED JALALA PASHA,  
AGE: 25 YEARS, OCC: HOUSEHOLD WORK,
16. SRI. AZMATH  
S/O LATE SYED JALALA PASHA,  
AGE: 17 YEARS, OCC: HOUSEHOLD WORK,  
U/G OF HIS NATURAL MOTHER R-11  
SMT. PARVEEN BEUM  
W/O LATE SYED JALAAL PASHA  
RESPONDENT NO.11-16 ARE R/AT &  
C/O SYED MAZHAR HUSSAIN, ADVOCATE,  
NOORANI MOHALLA, RING ROAD,  
KALABURAGI-585104.
17. SMT. FAREEDA BEGUM  
W/O LATE SYED AKBAR ALI,  
AGE: 53 YEARS, OCC: HOUSEHOLD WORK,
18. SRI. NOOR W/O LATE SYED AKBAR ALI,  
AGE: 35 YEARS, OCC: NIL,
19. SRI. NAVEED  
S/O LATE SYED AKBAR ALI,  
AGE: 33 YEARS, OCC: NIL,
20. SMT. SABERA BEGUM  
W/O LATE SYED QAMAR ALI,  
AGE: 51 YEARS, OCC: HOUSEHOLD,
21. SRI. AZAM S/O LATE SYED QAMAR ALI,



AGE: 28 YEARS, OCC: NIL  
RESPONDENT NO.17-21  
ARE R/O & C/O AHMEDSAB BATHEWALE,  
OPP: TASHKANT TAILOR,  
NICHE GALLI, STATION BAZAAR,  
KALABURAGI-585102.

22. SRI. KALEEM AHMED  
S/O AFSAR,  
AGE: 35 YEARS, OCC: ADVOCATE
23. SRI. RIYAZ S/O AFSAR,  
AGE: 34 YEARS, OCC: PRIVATE WORK,
24. SRI. WASEEM S/O AFSAR,  
AGE: 33 YEARS, OCC: PRIVATE WORK,
25. SRI. HASAN S/O AFSAR,  
AGE: 31 YEARS, OCC: PRIVATE WORK,
26. SRI. MUZAMIL S/O AFSAR,  
AGE: 27 YEARS, OCC: PRIVATE WORK,
27. SRI. MUDASIR S/O AFSAR,  
AGE: 27 YEARS, OCC: PRIVATE WORK  
RESPONDENT NO.22-27 ARE R/O H.NO.LIG 23,  
VAKKALGERA, OPP: MASJID-E-REHMAN,  
KALABURAGI-585104.
28. SRI. ABDUL RAHEEM  
S/O GHULAM RASOOL DHUMADE,  
AGE ABOUT :38 YEARS, OCC: AGRICULTURE  
(SINCE DECEASED BY HIS LR'S  
RESPONDENT NOS.31 TO 36 WHO ARE TREATED  
AS HIS LR'S  
AMENDED AS PER COURT ORDER 07.03.2024)
29. SMT. KASHIBAI W/O TOKALAPPA@ TOKALASA,  
AGE ABOUT :43 YEARS, OCC: AGRICULTURE,
30. SRI. TOKALASA S/O SABAYYA,  
AGE ABOUT :48 YEARS, OCC: AGRICULTURE,
31. SRI. MOHD. IBRAHIMSAB S/O ABDUL RAHEMAN,  
AGE ABOUT :31 YEARS,



OCC: AGRICULTURE

32. SRI. MOHD. MUSTAFFA S/O ABDUL RAHIM,  
AGE ABOUT :39 YEARS, OCC: AGRICULTURE,
33. SRI. MOHD. IMRANKHAN S/O ABDUL RAHIM,  
AGE ABOUT :37 YEARS, OCC: AGRICULTURE,
34. SRI. MOHD. RAFIQ  
S/O ABDUL RAHEMAN,  
AGE ABOUT :26 YEARS OCC: AGRICULTURE,
35. SMT. CHANDBEE  
W/O ABDUL RAHEMAN,  
AGE ABOUT : 45 YEARS, OCC: AGRICULTURE,
36. SRI. GULAM RASOOL  
S/O ABDUL RAHIM,  
AGE ABOUT : 28 YEARS, OCC: AGRICULTURE,
37. SRI. MALLAMMA  
W/O NINGANNA PUJARI,  
AGE ABOUT : 47 YEARS, OCC: AGRICULTURE,  
RESPONDENT NO. 28-37  
ARE THE R/O GUDDOOR S.A. VILLAGE,  
TQ: JEWARGI, DIST: KALABURAGI-585213.

...RESPONDENTS

(BY SRI BASAVARAJ M. POLICE PATIL, ADVOCATE FOR  
R1, R2, R4 TO R10;  
R11, R24, 25, 26, 29, 30, 32, 35, 37 SERVED;  
R16 IS MINOR R/P BY R11;  
V/O DATED 06.01.2023, NOTICE TO R22, R23,  
R27 IS HELD SUFFICIENT.  
V/O DATED 07.03.2024, R31 TO R36 ARE TREATED  
AS LR'S OF R28)

THIS REGULAR FIRST APPEAL IS FILED UNDER SECTION 96  
READ WITH 41 RULE 1 OF THE CPC, PRAYING TO SET ASIDE THE  
JUDGMENT AND DECREE PASSED BY THE COURT OF SENIOR CIVIL  
JUDGE AND JMFC AT JEWARGI, IN O.S.NO.22/2016, 25.01.2019;  
AND THEREBY CONSEQUENTLY DISMISS THE SUIT, IN THE  
INTEREST OF JUSTICE AND EQUITY.



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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ  
and  
HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

**ORAL JUDGMENT**

(PER: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. Learned counsel for the appellant has filed a memo dated 21.04.2026 seeking permission to retire from the case.
2. Along with the memo, notice dated 15.03.2026 and postal receipt for having dispatched the retirement notice is also been filed. As per the postal track report, the item was delivered to the addressee on 18.03.2026.
3. Accepting the memo, counsel for the appellant is permitted to retire from the case. He is discharged from the matter.
4. Considering that the notice has been served on the appellant ON 18.03.2026 and no arrangement has been made to be represented in the matter, it



appears that the appellant is not interested in prosecuting the matter. Accordingly, the appeal is dismissed for non-prosecution.

**Sd/-  
(SURAJ GOVINDARAJ)  
JUDGE**

**Sd/-  
(DR.CHILLAKUR SUMALATHA)  
JUDGE**

SRT  
List No.: 2 SI No.: 10  
CT:SI