



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REGULAR FIRST APPEAL NO.200078 OF 2014 (SP)

BETWEEN:

DINESH S/O RATANCHAND SHAH,
AGE: 47 YEARS, OCC: BUSINESS,
R/O: ARIHANT COLONY, LINGAD ROAD,
BIJAPUR-586101.

...APPELLANT

AND:

1. MAHADEVAPPA S/O NAGAPPA BYAKUD,
AGE: 64 YEARS, OCC: AGRICULTURE,
R/O: JUMANAL VILLAGE,
TQ. & DIST. BIJAPUR-586101.

a) SHIVAMMA W/O MAHADEVAPPA BYAKOD,
AGE: 67 YEARS,

b) SHRISHAIL S/O MAHADEVAPPA BYAKOD,
AGE: 45 YEARS,

c) BHEEMARAYA S/O MAHADEVAPPA BYAKOD,
AGE: 37 YEARS,

ALL ARE R/O JUMANAL VILLAGE,
TQ. AND DIST. VIJAYAPUR.

2. ABDULVAHAD S/O MAHABOOBASHA KAZI,
AGE: 42 YEARS, OCC: BUSINESS,
R/O: SAKAF ROZA,





TQ & BIJAPUR-586101.

3. MAHAMAD SHAFI S/O MAHABOOB BASHA KAZI,
AGE: 40 YEARS, OCC: BUSINESS,
R/O: SAKAF ROZA, TQ. & BIJAPUR-586101.

...RESPONDENTS

[BY SRI GANESH SUBHASHCHANDRA KALBURGI, ADVOCATE
FOR R2 & R3; R1 (A) TO R1(C) ARE SERVED]

THIS REGULAR FIRST APPEAL IS FILED UNDER SECTION 96 OF THE CPC, PRAYING TO ALLOW THE APPEAL BY SETTING ASIDE THE JUDGMENT AND DECREE DATED 11.09.2014 PASSED IN O.S.NO.160/2010 BY LEARNED 1ST ADDL. SENIOR CIVIL JUDGE AND CJM BIJAPUR AND CONSEQUENTLY DECREE THE SUIT OF THE PLAINTIFF WITH COSTS THROUGHOUT.

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. The learned counsel for the appellant was permitted to retire vide order dated 27.01.2026 on the ground that the counsel for the appellant was unable to contact the appellant and the notice which had been issued to the appellant had been returned to sender.



2. Notice having been issued to the appellant thereafter, the said notice is also not been served. There is no other manner of serving notice on the appellant; it appears that the appellant is not interested in prosecuting the matter.
3. Accordingly, the appeal is dismissed for non-prosecution.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

SRT
List No.: 1 Sl No.: 1
CT:SI