



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

REGULAR SECOND APPEAL NO.200527 OF 2024 (DEC/INJ)

BETWEEN:

SHARANAPPAGOUDA
S/O SHANTAGOUDA BIRADAR,
AGE: 38 YEARS,
OCC: AGRICULTURE,
R/O BINJALABHAVI,
TALUKA TALIKOTI,
(OLD TQ. SINDAGI),
DISTRICT VIJAYAPURA-586118.

...APPELLANT

(BY SRI. SACHIN M MAHAJAN, ADVOCATE)

AND:

1. GOLAPPAGOUDA
S/O MALLAPPAGOUDA BIRADAR,
AGE: 76 YEARS, OCC: AGRICULTURE
R/O BINJALABHAVI
TALUKA TALIKOTI, (OLD TQ. SINDAGI)
DISTRICT VIJAYAPURA-586118.
2. JAYASHREE
W/O RAMANAGOUDA BIRADAR
AGE: 39 YEARS
OCC: HOUSEHOLD WORK





R/O BINJALABHAVI
TALUKA TALIKOTI (OLD TQ. SINDAGI),
DISTRICT VIJAYAPURA-586118.

...RESPONDENTS

THIS RSA IS FILED U/SEC. 100 OF THE CPC, PRAYING TO CALL FOR THE RECORDS AND SET ASIDE THE JUDGMENT AND DECREE DATED 12.10.2022 PASSED BY THE LEARNED SENIOR CIVIL JUDGE, SINDAGI, IN O.S.NO.2/2020 AND THE JUDGEMENT AND DECREE DATED 29.05.2024 PASSED BY THE LEARNED II ADDITIONAL DISTRICT AND SESSIONS JUDGE, VIJAYAPURA, IN RA NO.137/2022 AND COSEQUENTLY DECREE THE SUIT OF THE PLAINTIFF/APPELLANT BY ALLOWING THE APPEAL WITH COST THROUGHOUT.

THIS APPEAL COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

ORAL JUDGMENT

When the case is called in the morning sessions, there is no representation from the appellant and his counsel

2. Again when the case is called out in second session, there is no representation from the learned counsel for the appellant and the appellant.

3. In spite of sufficient opportunities, the learned counsel for the appellant has failed to comply



the office objections. Moreover, from the papers on record, it is clear that the suit filed by the appellant before the trial Court was dismissed. Thereafter, the appellant/plaintiff filed first appeal before the first appellate Court in RA No.137/2022. The first appellate Court dismissed the said appeal. Hence, there is concurrent finding by both the trial Court and the first appellate Court.

4. The suit filed by the appellant is for the relief of declaration and injunction in respect of suit properties. Further, the non-compliance of office objections for the fifth time clearly goes to show that the appellant is not interested in prosecuting the appeal.

In the result, the appeal is hereby dismissed for non-prosecution.

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE