



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 21ST DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REGULAR FIRST APPEAL NO.200211 OF 2024 (DEC/INJ)

BETWEEN:

VIRUPAKSHA S/O SHIVABASAPPA,
AGE: 35 YEARS, OCC: AGRICULTURE,
R/O H.NO.1-892/72/20/A,
GANESH NAGAR, OLD JEWARGI ROAD,
KALABURAGI-585101.

...APPELLANT

(BY SRI SHARANABASAPPA M. PATIL, ADVOCATE)

AND:

1. SRI. SRIKANTHCHARYA @ LAXMANCHARYA,
S/O BALACHARYA JOSHI SINCE DECEASED L.R'S BY.

(I) SMT. KAMALABAI,
W/O SRIKANTHACHARAYA @LAXMANCHARAYA JOSHI,
AGE: 81 YEARS, OCC: HOUSEHOLD.

(II) MANOHAR
S/O SRIKANTHACHARAYA @LAXMANCHARAYA JOSHI,
AGE: 62 YEARS, OCC: ENGINEER.

(III) VENKATESH
S/O SRIKANTHACHARAYA @LAXMANCHARAYA JOSHI,
AGE: 60 YEARS, OCC: ENGINEER.

(IV) SMT. SHARDA W/O ANANTH KOLLUR,
AGE: 57 YEARS, OCC: HOUSEHOLD,





(V) MADHU S/O SRIKANTHACHARAYA
@ LAXMANCHARAYA JOSHI,
AGE: 54 YEARS, OCC: ACCOUNTANT,
ALL ARE R/O H.NO.1-891/13B/2,
JEWARGI ROAD, NEAR JAWAHAR SCHOOL
NGO'S COLONY, KALABURAGI-585101.

THROUGH SPA

BHIMSAIN S/O KRISTACHARYA JOSHI,
AGE: 66 YEARS, OCC: RETIRED ABL EMPLOYEE
R/O PLOT NO.22 HOUSE NO.1-891/1/27
NEAR DHYANANJAANEYA TEMPLE,
MAKA LAYOUT N.G.O. COLONY KALABURAGI-585101

2. ANNARAO S/O MAHADEVAPPA BIRADAR PATIL,
AGED 75 YEARS, OCC: AGRICULTURE,
R/O VILLAGE HADGIL HAARUTI,
TQ. AND DIST. KALABURAGI-585213.
3. SHIVARAYA S/O DYAVARAY UAJI,
AGE: 59 YEARS, OCC: AGRICULTURE
R/O KOULAGI (B) TALUKA DISTRICT
KALABURAGI-585312.

...RESPONDENTS

(R2 & R3 ARE SERVED)

THIS RFA IS FILED UNDER SECTION 96 AND ORDER 41 RULE 1 OF CPC, PRAYING TO CALL FOR ENTIRE RECORDS PERTAINING TO THE SUIT IN O.S.NO.228/2019 FROM THE III ADDL. SENIOR CIVIL JUDGE AT KALABURAGI, 2) AFTER PERUSING THE RECORDS SET ASIDE THE JUDGMENT AND DECREE DATED 27.09.2024 AND DISMISS THE SUIT OF THE PLAINTIFF. 3) GRANT COST OF THE PROCEEDINGS OF TRAIL COURT AND THE HON'BLE HIGH COURT. 4) AND ALSO GRANT SUCH OTHER RELIEFS AS THIS HON'BLE HIGH COURT DEEMS FIT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE.

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 appellant is before this Court seeking for the following reliefs:

"1. To call for entire records pertaining to the suit in O.S.No.228/2019 from the III Addl. Senior Civil Judge at Kalaburagi.

2) After perusing the records set aside the judgment and decree dated 27.09.2024 and dismiss the suit of the plaintiff.

3) Grant cost of the proceedings of trail Court and the Hon'ble High Court.

4) And also grant such other relief as this hon'ble High Court deems fit under the facts and circumstance of the case."

2. A memo dated 21.04.2026 singed by the learned counsel for the appellant and the appellant has been filed which reads as under:

"It is submitted that as the above matter is settled out of Court among the parties hence the appellant is seeking permission of this Hon'ble Court to withdrawal of above appeal in the interest of justice and equity."

3. Accepting the memo and the submission of learned counsel for the appellant, above appeal is dismissed as withdrawn.
4. Registry is directed to return all original or certified documents filed in the above matter and if



permissible to refund the Court fee since the above appeal has been withdrawn before admission.

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

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

SRT
List No.: 2 SI No.: 17
CT:SI