



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.200206 OF 2024 (DEC/INJ)

BETWEEN:

VIRUPAKSHA S/O SHIVABASAPPA,
AGE: 40 YEARS, OCC: AGRICULTURE,
R/O H.NO.1-892/72/20/A, GANESH NAGAR
OLD JEWARGI ROAD, KALABURAGI-585 101.

...APPELLANT

(BY SRI SHARANABASAPPA M. PATIL, ADVOCATE)

AND:

BALACHARYA S/O KRISTACHARYA,
AGE: 60 YEARS, OCC: MEDICAL PRACTITIONER,
R/O H.NO.94-B 23RD CROSS, 2ND BLOCK,
RAJAJI NAGAR, BANGALORE-560001
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 DHYANANJANEYA 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 UJAJI,
AGE: 60 YEARS, OCC: AGRICULTURE,





R/O KOULAGI (B) TALUKA,
DIST. KALABURAGI-585213.

...RESPONDENTS

(RESPONDENT 2 & 3 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.227/2019 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.

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.227/2019 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 signed 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.: 16
CT:SI