NC: 2025:KHC-D:1977
RSA No. 100690 of 2024

IN THE HIGH COURT OF KARNATAKA,

DHARWAD BENCH

DATED THIS THE 31ST DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

REGULAR SECOND APPEAL NO. 100690 OF 2024 (PAR/POS)

BETWEEN:

LAMBANI KHANIYANAIK S/O DHARMANAIK
AGE: 64 YEARS, OCC: AGRICULTURE,
R/O KOMARANAHALLI THANDA, TALUK: HADAGALI,
DISTRICT- VIJAYANAGAR- 591126.

...APPELLANT

(BY SRI. MADANGOUDA N. PATIL, ADVOCATE)

AND

1. L. MADHU NAIK S/O LAXMAN NAIK
AGE: 63 YEARS, OCC: AGRICULTURE,
R/O KOMARANAHALLI THANDA, TALUK: HADAGALI,
DISTRICT- VIJAYANAGAR- 591126.

   LAMBANI GINYA NAIK S/O DHARMANAIK
   SINCE DECEASED BY ITS LRS

2. NAGARAJA NAIK S/O LATE LAMBANI GNYA NAIK
AGE: 58 YEARS, OCC: AGRICULTURE,
R/O KOMARANAHALLI THANDA, TALUK: HADAGALI,
DISTRICT- VIJAYANAGAR- 591126.

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3. PUTTIBAI D/O LATE LAMBANI GNYA NAIK,
AGE: 59 YEARS, OCC: HOUSEHOLD,
R/O KOMARANAHALLI THANDA, TALUK: HADAGALI,
DISTRICT- VIJAYANAGAR- 591126.

4. MALLESHA NAIK S/O LATE LAMBANI GNYA NAIK
AGE: 49 YEARS, OCC: AGRICULTURE,
R/O KOMARANAHALLI THANDA, TALUK: HADAGALI,
DISTRICT- VIJAYANAGAR- 591126

5. REVANNA NAIK S/O LATE LAMBANI GNYA NAIK
AGE: 47 YEARS, OCC: AGRICULTURE,

R/O KOMARANAHALLI THANDA, TALUK: HADAGALI,
DISTRICT- VIJAYANAGAR- 591126.

6. JOYTHI NAIK S/O LATE LAMBANI GNYA NAIK
AGE: 40 YEARS, OCC: AGRICULTURE,
R/O KOMARANAHALLI THANDA, TALUK: HADAGALI,
DISTRICT- VIJAYANAGAR- 591126.

7. LAMBANI AMBRESHNAIK S/O WALYANAIK
AGE: 42 YEARS, OCC: AGRICULTURE,
R/O KOMARANAHALLI THANDA, TALUK: HADAGALI,
DISTRICT- VIJAYANAGAR- 591126.

8. LAMBANI CHITRANAIK S/O WALYANAIK
AGE: 55 YEARS, OCC: AGRICULTURE,
R/O KOMARANAHALLI THANDA, TALUK: HADAGALI,
DISTRICT- VIJAYANAGAR- 591126.

9. LAMBANI OBYANAIK S/O WALYANAIK
AGE: 40 YEARS, OCC: AGRICULTURE,
R/O KOMARANAHALLI THANDA, TALUK: HADAGALI,
DISTRICT- VIJAYANAGAR- 591126.

10. LAMBANI PUTTYANAIK S/O WALYANAIK
AGE: 53 YEARS, OCC: AGRICULTURE,
R/O KOMARANAHALLI THANDA, TALUK: HADAGALI,
DISTRICT- VIJAYANAGAR- 591126.

11. LAMBANI HARISHCHANDRA NAIK S/O MEGYANAIK
AGE: 52 YEARS, OCC: AGRICULTURE,
R/O KOMARANAHALLI THANDA, TALUK: HADAGALI,
DISTRICT- VIJAYANAGAR- 591126.

12. LAMBANI MEGLI BAI W/O MEGYANAIK
AGE: 72 YEARS, OCC: AGRICULTURE,
R/O KOMARANAHALLI THANDA, TALUK: HADAGALI,
DISTRICT- VIJAYANAGAR- 591126.

LAMBANI DURGYANAIK
S/O DHARMANAIK SINCE DECEASED BY HIS LRS,

13. BASAVARAJ NAIK S/O DURGYANAIK
AGE: 59 YEARS, OCC: AGRICULTURE,
R/O KOMARANAHALLI THANDA, TALUK: HADAGALI,
DISTRICT- VIJAYANAGAR- 591126.

...RESPONDENTS

THIS RSA IS FILED UNDER SECTION 100 OF CPC, PRAYING TO, SET ASIDE THE JUDGMENT AND DECREE DATED 25.02.2010 PASSED IN RA NO.27/2009 BY THE COURT OF THE ADDITIONAL CIVIL JUDGE(SR. DN) HOSPET, ACCORDINGLY UPHELD THE JUDGMENT AND THE DECREE DATED 28.01.2009 PASSED BY THE COURT OF THE CIVIL JUDGE (JR.DN) AND JUDICIAL MAGISTRATE FIRST CLASS AT HUVINAHADAGALI IN OS NO. 72/2007 BY ALLOWING THE ABOVE APPEAL IN THE ENDS OF PROMOTING IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, THE COURT DELIVERED THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE E.S.INDIRESH)

No representation on behalf of the appellant. There is a delay of 4498 days in filing of the appeal. Since, no representation has been made on behalf of the appellant, appeal is dismissed for non prosecution.

SD/-
(E.S.INDIRESH)
JUDGE

SMM
LIST NO.: 1 SL NO.: 14