

Devappa Naik, vs Hemalatha,

Devappa Naik, vs Hemalatha,

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Court : Kerala Orders

Decided On : Mar-07-2022

Judge : Honourable Mr. Justice P.Somarajan

Appeal No. : AS/300/1997

Appellant : Devappa Naik,

Respondent : Hemalatha,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.SOMARAJAN
MONDAY, THE 7TH DAY OF MARCH 2022 / 16TH PHALGUNA, 1943
AGAINST THE JUDGMENT AND DECREE DATED 31.10.1996 IN O.S.
NO.119/1991 OF THE SUB COURT, KASARAGOD.
APPELLANTS/PLAINTIFFS: 1 DEVAPPA NAIK, S/O.SUBBU HENGUSU,
RESIDING AT BANABATTU IN KUDLU VILLAGE, P.O.KUDLU,
KASARAGOD TALUK, 2 RAJEEVI, D/O.SUBHU HENGUSU, RESIDING
AT ADKATHBAIL VILLAGE, P.O.KASARAGOD, KASARAGOD TALUK,
KASARAGOD DISTRICT. 3 RAJU NAIK, S/O.SUBHU HENGUSU,
RESIDING AT AJAYANAGAR, NEAR VIVEKANANDA COLLEGE,
PADMUR VILLAGE, P.O.PADMUR, PUTHUR TALUK, DAKSHINA

KANNADA DISTRICT, KARNATA STATE, VIA KABAKA. BY ADV. SRI.R.S.KALKURA - A2 & A3 RESPONDENT/DEFENDANTS 2, 4 TO 21

1 HEMALATHA, W/O.SOMANATHA NAIK, RESIDING AT BALLIMOGARU OF KUDLU VILLAGE, KUDLU P.O., KASARAGOD TALUK, KASARAGOD DISTRICT. 2 KALYANI, W/O.BANTAPPA NAIK, RESIDING AT RAMANAGAR, BIKARNAKATTE, MANGALORE TALUK, DAKSHINA KANNADA DISTRICT, KARNATAKA STATE. -2-

3 SARASWATHI, D/O.BANTAPPA NAIK, RESIDING AT RAMANAGER, BIKARNAKATTE MANGALORE TALUK, 4 BABYM, W/O.SUBBAPPA NAIK, RESIDING AT YERIKALA OF MADHUR VILLAGE, P.O.MADHUR, KASARAGOD TALUK, 5 MOHANA, S/O.BANTAPPA NAIK, RESIDING AT RAMNAGAR, BIKARNAKATTE (P.O.), MANGALORE TALUK, 6 HEMAVATHI, D/O.AKKEN HENGUSU, RESIDING AT BARAKE, MAMANAGUDDE, MANGALORE TOWN, MANGALORE VILLAGE, MANGLORE TALUK, MANGALORE-3, KARNATAKA STATE. 7 SEETHAMMA, W/O.BABU NAIK, RESIDING AT SOORLU, NEAR SHANGARAGURI, KUDLU VILLAGE, P.O.RAMDASNAGAR, KASARAGOD TALUK, KASARGOD DISTRICT. 8 BHAVANI, W/O.SESAPPA, RESIDING AT MARA, OF PUTHUR VILLAGE, P.O.PUTHUR, PUTHUR TALUK, 9 MAHINGA NAIK, S/O.AKKU HENGUSU, RESIDING AT KOLLAMBADY OF KASARAGOD KASABA VILLAGE, P.O.KASARAGOD, KASARAGOD TALUK, -3-

10 SARASWATHI, W/O.KRISHNA NAIK, RESIDING AT BULARKODU, OF KUDLU VILLAGE, P.O.KUDLU, KASARGOD TALUK, 11 CHANDRAVATHI, D/O.KRISHNA NAIK, RESIDING AT BULARKODU, KUDLU VILLAGE, P.O.KUDLU, KASARAGOD TALUK, 12 JANARDHANA NAIK, 13 CHANDRAKANTHA D.NAIK, KUDLU VILLAGE, P.O.RAMDASNAGAR, KASARAGOD TALUK, KASARAGOD DISTRICT. 14 LALITHA D.NAIK, W/O.KRISHNA NAIK, RESIDING AT POOKARA OF KUDLU VILLAGE, P.O.KUDLU, KASARAGOD TALUK, 15 MANOHAR D.NAIK, KUDHU VILLAGE, P.O.RAMDASNAGAR,

KASARAGOD TALUK, KASARAGOD DISTRICT. (DIED) IT IS RECORDED THAT R15 DIED DURING THE PENDENCY OF THE SUIT IN THE TRIAL COURT AND LEGAL REPRESENTATIVES ARE ALREADY IN THE PARTY ARRAY AS RESPONDENTS 16 TO 19 AND THAT NOBODY NEED BE FURTHER IMPEADED AS LEGAL REPRESENTATIVES VIDE

ORDER DATED 9/9/09 ON MEMO DATED 10/10/2003 CF

NO.13858/03. 16 SAROJINI, MANOHARA NAIK, RESIDING AT KALARGODI HOUSE, -4- 17 NANDAKUMAR (MINOR), KUDLU VILLAGE, P.O. RAMDASNAGAR, KASARAGOD TALUK, 18 NILHIM (MINOR), 19 CHANDU KUMAR (MINOR), MINOR RESPONDENTS 17 TO 19 ARE REPRESENTED BY THEIR MOTHER AND GUARDIAN 16TH RESPONDENT BY ADVS. R1- SRI.M.HARISHARMA R1- SRI.JOJI VARGHESE R1- SRI.D.KRISHNA PRASAD R1- SRI.D.NARENDRANATH R5- SRI.A.DINESH RAO R10- SRI.SUNIL SHANKER R10- SMT.P.VANI R11- SRI.R.SURENDRAN THIS APPEAL SUITS HAVING COME UP FOR ORDERS ON 07.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -5-

JUDGMENT

The learned counsel for the appellants fairly submitted that there is no response from the appellants in spite of notice and there is no instructions. Hence, she is not in a position to proceed further in the appeal. The said submission is recorded. The appeal is dismissed for non-prosecution. Sd/- P. SOMARAJAN JUDGE bpr

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