

Sri Vithal Rao vs Sri Prabhu Rao and Ors

Sri Vithal Rao vs Sri Prabhu Rao and Ors

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Court : Karnataka Kalaburagi

Decided On : Mar-28-2025

Judge : Anant Ramanath Hegde

Appeal No. : RFA/200083/2020

Appellant : Sri Vithal Rao

Respondent : Sri Prabhu Rao and Ors

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH DATED THIS THE 28TH DAY OF MARCH, 2025 BEFORE THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE REGULAR FIRST APPEAL NO. 200084 OF 2020 (DEC/INJ) C/W REGULAR FIRST APPEAL NO. 200083 OF 2020 R.F.A.NO.200084 OF 2020 BETWEEN: SRI VITHAL RAO AGED ABOUT: 46 YEARS, R/O: BHOPAL TEGNOOR VILLAGE TQ: & DIST: KALABURAGI - 585 103. APPELLANT

Digitally signed by (BY SRI VIKRAM VIJAY KUMAR, ADVOCATE) BASALINGAPPA SHIVARAJ DHUTTARGAON AND: Location: HIGH COURT OF KARNATAKA SRI PRABHU RAO S/O CHANBASSAPPA MALIPATIL TQ & DIST: KALABURAGI SINCE DECEASED THROUGH LRS

1. DEVAMMA W/O PRABHURAO AGE: 58 YEARS,

2. MALLAMMA -2- AGE: 31 YEARS,
3. KARAN KUMAR AGE:28 YEARS, ALL R/O: BHOPAL TEGNOOR, VILLAGE TQ & DIST: KALABURAGI - 585 103.
4. SRI. BASWARAJ AGED ABOUT: 61 YEARS,
5. CHANDRAKANTH
6. RAVINDRA AGED ABOUT: 35 YEARS,
7. MAHADEVI W/O GUNDAPPA VALADODDI AGED ABOUT: 65 YEARS, KASTURIBAI W/O KUPPANNA -3- AGED ABOUT: 52 YEARS, R/O: WAGDARGI, POST: KARAHARI TQ: ALAND DIST: KALABURAGI SINCE DECEASED THROUGH HER LRS
8. NAGARATNA W/O CHANDRAKANTH CHANDANKERI, AGED ABOUT: 28 YEARS, R/O: HALIKHED VILLAGE, TQ: HUMNABAD, DIST: BIDAR - 585 401.
9. RAJAMMA W/O MANIKRAO MALIPATIL AGED ABOUT: 26 YEARS,
10. PRABHULING AGED ABOUT: 24 YEARS, OCC: PVT. SERVICE.
11. SIDRAM AGED: 23 YEARS, OCC: PVT. SERVICE BOTH R/O: NEAR GANESH CO-OPERATIVE BANK NEHRU GUNJ KALABURAGI - 585 103.
12. LAXMIKANTH S/O CHANABASAPPA
13. KALAVATI -4- W/O LATE SHIVARAJ AGED ABOUT: 48 YEARS,
14. JAGADEVAPPA S/O CHANBASAPPA MALIPATIL AGED ABOUT: 41 YEARS, RESPONDENTS THIS REGULAR FIRST APPEAL IS FILED UNDER SECTION

96 R/W ORDER 41 RULE 1 OF CPC, PRAYING TO SET ASIDE THE JUDGMENT AND DECREE IN O.S.NO.141/2009, DATED 27.06.2019 PASSED BY THE II ADDITIONAL SENIOR CIVIL JUDGE AT KALABURAGI BY DISMISSING THE COUNTER CLAIM OF THE DEFENDANTS / RESPONDENTS

BY ALLOWING THE APPEAL AND ETC. R.F.A.NO.200083 OF 2020 BETWEEN:
SRI VITHAL RAO S/O CHANBASAPPA MALIPATIL, AGED ABOUT 46 YEARS,
TQ: AND DIST: KALABURAGI - 585 103. APPELLANT (BY SRI VIKRAM VIJAY
KUMAR, ADVOCATE) AND: SRI PRABHU RAO S/O CHANBASSAPPA
MALIPATIL SINCE DECEASED THROUGH LRS -5-

1. DEVAMMA W/O PRABHURAO AGE: 58 YEARS,

2. MALLAMMA AGE: 31 YEARS,

3. KARAN KUMAR AGE:28 YEARS, ALL R/O: BHOPAL TEGNOOR, VILLAGE
TQ & DIST: KALABURAGI - 585 103.

4. SRI. BASWARAJ AGED ABOUT: 61 YEARS,

5. CHANDRAKANTH

6. RAVINDRA AGED ABOUT: 35 YEARS,

7. MAHADEVI -6- W/O GUNDAPPA VALADODDI AGED ABOUT: 65 YEARS,
KASTURIBAI W/O KUPPANNA AGED ABOUT: 52 YEARS, R/O: WAGDARGI,
POST: KARAHARI TQ: ALAND DIST: KALABURAGI SINCE DECEASED
THROUGH HER LRS

8. NAGARATNA W/O CHANDRAKANTH CHANDANKERI, AGED ABOUT: 28
YEARS, R/O: HALIKHED VILLAGE, TQ: HUMNABAD, DIST: BIDAR - 585 401.

9. RAJAMMA W/O MANIKRAO MALIPATIL AGED ABOUT: 26 YEARS,

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GANESH CO-OPERATIVE BANK NEHRU GUNJ KALABURAGI - 585 103. -7-

12. LAXMIKANTH S/O CHANABASAPPA

13. KALAVATI W/O LATE SHIVARAJ AGED ABOUT: 48 YEARS,

14. JAGADEVAPPA

S/O CHANBASAPPA MALIPATIL AGED ABOUT: 41 YEARS, RESPONDENTS THIS REGULAR FIRST APPEAL IS FILED UNDER SECTION 96 R/W ORDER 41 RULE 1 OF CPC, PRAYING TO SET ASIDE THE JUDGMENT AND DECREE IN O.S.NO.141/2009, DATED 27.06.2019 PASSED BY THE II ADDITIONAL SENIOR CIVIL JUDGE AT KALABURAGI BY DECREETING THE SUIT OF THE PLAINTIFFS / APPELLANT BY ALLOWING THE APPEAL AND ETC. THIS REGULAR FIRST APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER: CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE -8-

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE) It is stated that, the sole appellant in both the appeals died on 01.12.2022. Applications are not filed to substitute the legal representatives of the deceased sole appellant in both the appeals. Hence, the appeals are dismissed as abated. Sd/- (ANANT RAMANATH HEGDE) JUDGE Sv/- List No.: 1 SI No.: 30

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