

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF NOVEMBER, 2016

BEFORE

THE HON' BLE MRS JUSTICE RATHNAKALA

R.S.A. NO.1923/2007 C/W R.S.A.NO.1924/2007

IN R.S.A.NO.1923/2007:

BETWEEN:

SRI PEER AHAMED
S/O HASAN SAB,
AGED ABOUT 66 YEARS,
AGRICULTURIST
R/O KEREBILCHI VILLAGE,
CHANNAGIRI TALUK,
DAVANAGERE TALUK-577213.

... APPELLANT

(BY SRI P.M.SIDDAMALLAPPA, ADV.)

AND:

SMT.BEEBIJAN,
W/O LATE MOHAMMED GHOUSE,
AGED ABOUT 50 YEARS,
R/AT BHADRAVATHI,
REP. BY HER P.A.HOLDER
SRI M.AHAMED SHERIF,
S/O RAZAK SAB,
AGED ABOUT 66 YEARS,
R/AT KEREBILCHI VILLAGE,
CHANNAGIRI TALUK-577213.

... RESPONDENT

THIS RSA FILED UNDER SECTION 100 OF CPC AGAINST THE JUDGMENT AND DECREE DATED 24.02.2007 PASSED IN R.A.NO.178/2006 ON THE FILE OF THE PRL. CIVIL JUDGE, (SR.DN.), DAVANAGERE, DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 29.06.2006 PASSED IN O.S.NO.15/1999 ON THE FILE OF THE ADDL. CIVIL JUDGE, (JR.DN.) CHANNAGIRI, DECREEEING THE SUIT FOR DECLARATION AND PERMANENT INJUNCTION.

IN R.S.A.NO.1924/2007:

BETWEEN:

SRI PEER AHAMED
S/O HASAN SAB,
AGED ABOUT 66 YEARS,
AGRICULTURIST
R/O KEREBILCHI VILLAGE,
CHANNAGIRI TALUK,
DAVANAGERE TALUK-577213.

... APPELLANT

(BY SRI P.M.SIDDAMALLAPPA, ADV., FOR
SRI MYLARAIH ASSOCIATES, ADVS.)

AND:

1. SRI AHAMED SHERIF
S/O RAZAK SAB
SINCE DEAD, REP. BY LRs.
- 1(A) SMT.REYAZ FATHIMA
W/O MUSTHAQ AHAMED,
D/O LATE AHAMED SHARIF
AGED ABOUT 35 YEARS
- 1(B) RASEEQ AHAMED
S/O LATE AHAMED SHARIF
AGED ABOUT 33 YEARS
- 1(C) SANIFULLA

S/O LATE AHAMED SHARIF,
AGED ABOUT 27 YEARS

ALL ARE R/AT KEREBILCHI VILLAGE,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT.

(AMENDMENT CARRIED OUT VIDE
COURT ORDER DATED 07.01.2010.)

... RESPONDENTS

(BY SRI R.KOTHWAL, ADV., FOR R-1(A-C);
PROPSED R-2 & R-3 ARE SERVED.

THIS RSA IS FILED UNDER SECTION 100 OF CPC
AGAINST THE JUDGMENT AND DECREE DATED 24.02.2007
PASSED N R.A.NO.177/2006 ON THE FILE OF THE PRL. CIVIL
JUDGE, (SR.DN.), DAVANAGERE, DISMISSING THE APPEAL
AND CONFIRMING THE JUDGMENT AND DECREE DATED
29.06.2006 PASSED IN O.S.NO.643/1997 ON THE FILE OF
THE ADDL. CIVIL JUDGE, (JR.DN.) CHANNAGIRI, DISMISSING
THE SUIT FOR DECLARATION AND CONSEQUENTIAL RELIEF
OF.

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

JUDGMENT

Office objection not complied as per order dated
11.3.2016. Hence, both the appeals are abated on the
death of the sole appellant.

**Sd/-
JUDGE**

PB