

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 KEREKILCHI 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 KEREKILCHI 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, DECREERING 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 KEREKILCHI VILLAGE,
CHANNAGIRI TALUK,
DAVANAGERE TALUK-577213.

... APPELLANT

(BY SRI P.M.SIDDAMALLAPPA, ADV., FOR
SRI MYLARAIAH 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 KEREKILCHI 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);
PROPOSED 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 IN 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