



RFA No.917/2007

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 26TH DAY OF AUGUST, 2022

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

REGULAR FIRST APPEAL NO.917/2007 (PAR)

BETWEEN:

SAVITRI,
W/O VENKATRAMAN NAIK,
AGED ABOUT 53 YEARS,
HOUSEHOLD AND AGRICULTURIST,
R/O DOMBE IN ATTIMURDU VILLAGE,
SIDDAPUR, KARWAR DISTRICT-581 355.

...APPELLANT

(BY SRI VIJAY KUMAR B. HORATTI, ADVOCATE FOR
SRI RAVI G. SABHAHIT, ADVOCATE)

AND:

1. PARAMESHWAR MANJA NAIK,
AGED ABOUT 56 YEARS,
RYOT, R/O KEREKADDE,
SIDDAPUR TALUK,
KARWAR DISTRICT-581 355.

2. VENKATRAMAN MANJA NAIK,
AGED ABOUT 63 YEARS,
OCC: RYOT,
R/O DOMBE IN ATTIMURDU VILLAGE,
SIDDAPUR, KARWAR DISTRICT-581 355.

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3. MADEVI KOM NARAYAN NAIK,
AGED ABOUT 73 YEARS,
OCC: HOUSEHOLD,
R/O CHIBBANOORU, GODAVEMANE POST,
SIDDAPUR TALUK,
KARWAR DISTRICT-581 355.
4. SAVITRI,
W/O RAMA NAIK,
AGED ABOUT 70 YEARS,
OCC: HOUSEHOLD,
R/O BALAKANDA, HASARGOD POST,
SIDDAPUR TALUK,
KARWAR DISTRICT-581 355.
5. SEETA,
W/O RAMA NAIK,
AGED ABOUT 61 YEARS,
OCC: HOUSEHOLD,
R/O KEREKADDE, SIDDAPUR TALUK,
KARWAR DISTRICT-581 355.
6. KAMALA TIMMA NAIK,
AGED ABOUT 53 YEARS,
OCC: HOUSEHOLD,
R/O ATTIMURDU, SIDDAPUR TALUK,
KARWAR DISTRICT-581 355.
7. PARVATI ISHWAR NAIK,
AGED ABOUT 43 YEARS,
OCC: HOUSEHOLD,
R/O ATTIMURDU, SIDDAPUR TALUK,
KARWAR DISTRICT-581 355.

...RESPONDENTS

(BY SRI VISHWANATH HEGDE, ADVOCATE FOR R-1,
R-2 TO R-7 ARE SERVED)



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THIS RFA IS FILED UNDER SECTION 96 OF CPC AGAINST THE JUDGEMENT AND DECREE DATED 31.01.2007 PASSED IN O.S.NO.13/1999 ON THE FILE OF THE CIVIL JUDGE, SR.DN., SIRSI, DECREERING THE SUIT OR DECLARATION, PARTITION AND POSSESSION.

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

J U D G M E N T

It was submitted by the learned counsel for respondent No.1 before the Court on 26.10.2021, that FDP No.3/2008 are concluded and in pursuance of the execution petition, the suit schedule property has been divided by metes and bounds and the parties to the suit have already been put in possession of their respective shares. The learned counsel submitted that nothing survives for consideration in the present appeal. The learned counsel for the appellant had sought two days time to verify and submit regarding taking of possession and till date, nothing is reported to the Court and the appellant is also no more and the same is reported on 29.10.2021 and the learned counsel had sought two weeks time to take necessary steps and this Court had granted



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two weeks time on 01.07.2022 to take steps and till date, no steps are taken.

2. Having taken note of FDP is concluded, execution is filed, possession is delivered and the appellant is no more and no steps are taken for bringing the legal heirs from 29.10.2021, there is no point in again granting time as sought by the learned counsel for the appellant.

3. Hence, the appeal is dismissed.

**(Sd/-)
JUDGE**

MD