

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 27th day of January 1999

B E F O R E

THE HON'BLE MR. JUSTICE H. RANGAVITTALACHAR

MISCELLANEOUS FIRST APPEAL No. 2787/1998

BETWEEN :

Sri. Yelkoteppa Mobjappa

Mirajkar

Age : Major, Occ: Business
Resident of Chikkerur village,
Taluk: Hirekerur,
Dist: Haveri.

.. APPELLANT

(By Sri F.V. Patil, Adv)

AND :

1. Sri. Venkannanik
Sheshagirinik Mallehalli
Age : Major.
Occ: Agriculture.
2. Sri. Nagarajappa Lachappa
Shirigeri,
Age : Major,
Occ: Agriculture.
3. Sri. Fakirappa Krishnappa
Arkachari
Age : Major,
Occ: Agriculture
4. Sri. Mallehappa Puttappa
Haveri,
Age : Major,
Occ: Agriculture.

5. Sri. Rudrappa Basavanappa
~~Pattasbhaty~~, *Pattanasbhaty*,
Age : Major,
Occ: Agriculture
6. Sri. Holebasappa Channa-
basappa Warad,
Age : Major,
Occ: Business,
resident of Yellapur
Taluk: Hirekerur,
Dist: Haveri.
7. Sri. Subbarayappa Ganapatrappe
Channagiri
Age : Major,
Occ : Agriculture
8. Sri. Krishnappa Malojappa
Mirajkar,
Age : Major,
Occ: Agriculture.
9. Sri. Dattappa Muniyappa
Holakeri
Age : Major,
Occ : Agriculture
10. Sri. Govindappa Raghappa
Guttal,
Age : Major,
Occ : Agriculture
11. Basavaraj Bheemanagouda
Chavati
Age : 50 years,
Occ : Agriculture
resident of Yellapur
Taluk : Hirekerur
Dist : Haveri.
12. Sri. Mhantappa Nagappa
Muggalageri
Age : Major,
Occ : Agriculture.

13. Sri Shivappa Chanbasappa
Baligar,
Age : Major,
Occ : Agriculture
14. Murigeppa Chanaveerappa
Yenni
Age : Major,
Occ : Agriculture
15. Sri. Rudrappa Virupaxappa
Dandur,
Age : Major,
Occ : Business
16. Sri. D.M. Sali
Age : Major,
Occ : Advocate
resident of Tavargi
Taluk ; Hirekerur
Dist : Haveri
17. Smt. Rukminibai
w/o. Vittalappa Gokarnkar
Age : Major,
Occ : Household
18. Sri. Shreekant Y Gokarnkar
Age : Major
Occ : Business
19. Sri. B.C. Divagihalli
Age : Major,
Occ : High School Teacher
20. Sri. Fakirappa Jadar
Age : Major,
Occ : Agriculture
21. Sri. Manjappa Mallappa
Halemani
Age : Major
Occ : Agriculture
22. Ramappa Chandrappa
Kannar,
Age : Major,
Occ : Carpentry

23. Sri. Parashuramappa
Tukkappa Sakhare
Age : Major,
Occ : Tailor
 24. Sri. Pandappa Sarwade,
Age : Major,
Occ : Agriculture
 25. Sri Narayan Bodke
Age : Major,
Occ : Tailor
 26. Sri Nagappa Chindi
Age : Major,
Occ : Agriculture
 27. Sri. Hanumantappa
Bhimappa Muttalli,
Age : Major,
Occ : Agriculture
 28. Sri. Suresh Virupaxappa
Dixit
Age : Major,
Occ: Agriculture
 29. Sri Chandrappa Virupaxappa
Dixit
Age : Major,
Occ : Agriculture.
- Respondents 23 to 29 are
residents of Hirekerur,
Dist : Haveri.
30. Sri Ashokappa R. Mirajkar
Age : Major, Occ : Tailor
 31. Sri Krishnappa Venkappa
Sarwade,
Age : Major,
Occ : Agriculture
 32. Sri Gopalappa Raghappa
Guttal,
Age : Major,
Occ : Agriculture.

33. The Charity Commissioner,
Belgaum.

Respondents 1 to 5, 7 to 10
12 to 15, 17 to 22 & 30 to 32
are residents of Chikkerur
village, Taluk: Hirekerur,
Haveri District.

..Respondents

(By Sri. R.B. Sathenahalli, Adv. for R-1 to 5,
R-6 - 13, 16 - 23, 25, 26 , 30 - 33 Sd.)

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Miscellaneous First Appeal against the ~~Judgment~~
^{order} ~~and decree~~ passed by the District Judge, Dharwad
in O.S. No. 1/91 on his file dated 26.6.98.

This Appeal coming on for orders this day,
the Court delivered the following:-

J U D G M E N T

Learned counsel appearing for the appellant
has filed a memo stating that since no relief is
claimed against R-6 to 33, they are not necessary
parties to this appeal and hence they may be
deleted.

Similarly he has also prayed that since
respdts. 2 and 3 claim to be the members of the
trust and since they have died, question of bringing

their legal representatives does not arise. Therefore they may be deleted from this appeal.

Memo is accepted.

Appellant is permitted to delete respdts. 2, 3 & 6 to 33 to this appeal.

Appellant to amend the cause title.

In view of the orders on the memo being passed, I.As III, IV & V are rejected as un-necessary for consideration.

Sd/-

JUDGE

Appellant has filed an affidavit dated 9.7.98 alongwith his application - I.A.I for grant of stay undertaking to handover vacant possession of the sites in question to the Trust after removing the superstructure at his own cost in the event the plaintiffs succeed in the suit.

This affidavit of undertaking is taken on record.

With the consent of the learned counsel appearing for the parties, the following order is passed in modification of the impugned order.

(a) Appellant is permitted to put up such super structures as he is required to in the land in question in accordance with the directions of the District Magistrate issued under the Provisions of the Karnataka Cinematographic Acts and the Rules thereunder.


In the event the plaintiffs succeed in the suit, appellant herein shall remove all the superstructure and handover vacant possession of the land in the condition as purchased by him in the year 1976 without claiming any compensation.

Learned Judge is directed to dispose off the suit 1/91 including the interim applications expeditiously.

Appeal disposed off in terms of the above.

Sd/-
JUDGE

T. BY: AJ

R. BY: 

C. BY: 