



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

MISCELLANEOUS FIRST APPEAL NO.609 OF 2024 (CPC)

BETWEEN:

1. SRI.V. RAMDAS HEGDE
AGED ABOUT 79 YEARS
2. V. JAYAKANTHI V.SHETTY, (SINCE DECEASED)
AGED ABOUT 71 YEARS
SINCE DEAD HER LRS
- 2(A) SRI. VISHWANATH SHETTY
AGED ABOUT 78 YEARS
HUSBAND OF LATE V. JAYAKANTHI SHETTY
- 2(B) SMT. ANURADHA R.SHETTY
AGED ABOUT 46 YEARS
- 2(C) SMT. AMITHA K.SHETTY
AGED ABOUT 44 YEARS
- 2(D) SRI. AJITH SHETTY
AGED ABOUT 43 YEARS

APPELLANTS NO.2(B) TO 2(D) ARE
THE CHILDREN OF LATE V.JAYAKANTHI SHETTY

3. V. SHRIKANTHI G.SHETTY (SINCE DECEASED)
AGED ABOUT 68 YEARS
SINCE DEAD HER LRS

APPELLANTS NO.1 TO 3 ARE THE CHILDREN OF LATE
KUSUMAVATHI HEGGADTHI
AND ALL ARE RESIDING AT "RAMA LEELA",





PARKALA-BADEGABETTU ROAD,
PARKALA, UDUPI TALUK & DISTRICT-576107.

3(A) SRI T. GOPALA SHETTY
AGED ABOUT 72 YEARS
HUSBAND OF LATE SMT. V. SHRIKATHI SHETTY

3(B) SMT. DIVYA SHETTY
AGED ABOUT 37 YEARS
D/O LATE SMT. V. SHRIKANTHI SHETTY

APPELLANTS NO.3(A) AND 3(B) ARE
RESIDING AT "DIVYA SHREE",
SHIVANAGARA,
PARKALA - BADEGABETTU ROAD,
PARKALA, UDUPI TALUK AND DISTRICT-576107

4. SMT. SUJATHA B.SHETTY
AGED ABOUT 67 YEARS

5. SUDEER SHETTY, (SINCE DECEASED)
AGED ABOUT 64 YEARS
SINCE DEAD HIS LRS

5(A) SRI. AISHWARYA SHETTY
AGED ABOUT 43 YEARS

5(B) ASHWATH SHETTY
AGED ABOUT 41 YEARS

APPELLANTS NO.5(A) AND 5(B) ARE
THE CHILDREN OF LATE SUDEER SHETTY AND
RESIDNG AT "SRI DURGE",
2ND MAIN ROAD, ISWARA NAGARA,
MANIPAL, UDUPI TALUK AND DISTRICT-576 104

6. SMT. SUNEETHA
AGED ABOUT 55 YEARS
APPELLANST NO.4 TO 6 ARE
THE CHILDREN OF LATE SARASWATHI HEGGADTHI
AND ALL ARE RESIDING AT "SRI DURGE",



2ND MAIN ROAD, ISWARA NAGARA,
MANIPAL, UDUPI TALUK
AND DISTRICT-576 104.

7. ARUNA P.HEGDE
AGED ABOUT 69 YEARS
8. PRAJWAL HEGDE
AGED ABOUT 43 YEARS
9. PRIYADARSHINI
AGED ABOUT 41 YEARS
10. PRIYANKA
AGED ABOUT 39 YEARS

APPELLANT NO.7 IS THE WIFE AND
APPELLANTS NOS.8 TO 10 ARE CHILDREN OF
LATE V PRABAKARA HEGDE AND
ALL ARE PERMANENTLY RESIDING AT
"PRABHARUNA", NEAR SUDDENDRA
KALYANA MANTAPA
POST: KUNJIBETTU
UDUPI TALUK AND DISTRICT - 576 102

APPELLANTS NO.8 TO 10 ARE
REPRESENTED BY THEIR GPA HOLDER
SMT. ARUNA P.HEGDE

...APPELLANTS

(BY SRI. Y RAJENDRA PRASAD SHETTY, ADVOCATE)

AND:

1. SMT. VISHALA V. SHETTY (SINCE DECEASED)
AGED ABOUT 88 YEARS
D/O LATE KRISHNAYYA HEGDE
SINCE DEAD HER LRS
- 1(A) ARUN SHETTY
AGED ABOUT 67 YEARS



- 1(B) AJITH SHETTY
AGED ABOUT 66 YEARS
- 1(C). ASHWIN VASU SHETTY
AGED ABOUT 64 YEARS
- 1(D). ROHITH VASU SHETTY
AGED ABOUT 53 YEARS

RESPONDENTS NO.1(A) TO 1(D) ARE
THE CHILDREN OF LATE VISHALA V.SHETTY
AND RESIDING AT 'GAUTAM NIVAS',
154, ST.PAUL ROAD, DADAR EAST,
DADAR, MUMBAI-400014.

- 2. VILASHA J.SHETTY
AGED ABOUT 72 YEARS
D/O LATE SUGUNA HEGGADTHI,
- 3. SAROJA SHETTY
AGED ABOUT 70 YEARS
- 4. SURAJ SHETTY,(SINCE DECEASED)
AGED ABOUT 49 YEARS
SINCE DEAD BY HIS LRS
- 4(A) LAXMI KIRAN SHETTY
AGED ABOUT 54 YEARS
W/O LATE SURAJ SHETTY
- 4(B). BRIJESH SHETTY
AGED ABOUT 27 YEARS
- 4(C). BHAVITH SHETTY
AGED ABOUT 22 YEARS

RESPONDENTS NO.4(A) TO 4(C) ARE
THE CHILDREN OF LATE SURAJ SHETTY AND
RESIDING AT FLAT NO.212,
BLUE BERRY WOODS MANIPAL,
UDUPI TALUK AND DISTRICT-576104



5. CHAYA SHETTY
AGED ABOUT 45 YEARS

RESPONDENT NO.3 IS THE WIFE AND
RESPONDENTS NOS.4 AND 5 ARE
THE CHILDREN OF LATE SUDAKAR SHETTY.
6. NARENDRA SHETTY
AGED ABOUT 57 YEARS
7. BEENA SHETTY
AGED ABOUT 53 YEARS
8. MAHENDRA SHETTY
AGED ABOUT 48 YEARS,

RESPONDENTS NO.6 TO 8 ARE
THE CHILDREN OF LATE MANORAMA SHETTY,
9. NAINA
AGED ABOUT 69 YEARS,
10. DEEPIKA
AGED ABOUT 42 YEARS,
11. SHILPA
AGED ABOUT 39 YEARS,

RESPONDENTS NO.9 IS THE WIFE AND
RESPONDENTS NO.10 AND 11 ARE
THE CHILDREN OF LATE LOKANATHA SHETTY,
AND RESPONDENT NO.1 TO 11 ARE
RESIDING AT "SANNAKKI BETTU HOUSE",
SANNAKKI BETTU, PARKALA,
UDUPI TALUK AND DISTRICT-576107
12. SABITHA RAI
AGED ABOUT 74 YEARS,
13. SURENDRA SHETTY
AGED ABOUT 71 YEARS,



14. KRISHNAMMA
AGED ABOUT 69 YEARS,
15. HEMALATHA
AGED ABOUT 66 YEARS,
16. MAMATHA
AGED ABOUT 64 YEARS,
17. SHALINI
AGED ABOUT 62 YEARS,
18. DINESH HEGDE
AGED ABOUT 59 YEARS,

RESPONDENTS NO.12 TO 18 ARE
THE CHILDREN OF LATE SHANTHA HEGGADTHI
AND ALL ARE RESIDING AT KONDADI HOUSE,
BOMMARABETTU VILLAGE,
HIRIYADKA POST,
UDUPI TALUK AND DISTRICT-576113

19. VEENA SHETTY
AGED ABOUT 65 YEARS,
20. PRASANNA HEGDE (SINCE DECEASED)
AGED ABOUT 61 YEARS,
SINCE DEAD BY HIS LRS
- 20(A) SMT SUMANA HEGDE,
AGED ABOUT 49 YEARS,
W/O LATE PRASANNA HEGDE,
- 20(B) MISS APOORVA HEGE
AGED ABOUT 23 YEARS,
D/O LATE PRASANNA HEGDE,

RESPONDENTS NO. 20(A) AND 20(B) ARE
RESIDING AT "NARASINGE HOUSE",
HERGA VILLAGE, PRAKALA POST,
UDUPI TALUK AND DISTRICT - 576107



21. PRASAD HEGDE
AGED ABOUT 60 YEARS,

22. VIDYA
AGED ABOUT 59 YEARS,

RESPONDENTS NO.19 TO 22 ARE
THE CHILDREN OF LATE DASAPPA HEGDE.

23. KANCHANA
AGED ABOUT 56 YEARS,

24. SINDOORA
AGED ABOUT 30 YEARS,

25. SHIVANI
AGED ABOUT 28 YEARS,

RESPONDENT NO.23 IS THE WIFE AND
RESPONDENTS NO.24 AND 25 ARE
THE CHILDREN OF LATE PRADEEP HEGDE,
RESPONDENTS NO.19 TO 25 ARE
RESIDING AT NARASINGE HOUSE,
PARKALA POST,
UDUPI TALUK AND DISTRICT-576107.

26. PRATAP SHETTY
AGED ABOUT 63 YEARS,

27. PRAMILA SHETTY
AGED ABOUT 61 YEARS,

28. PRASAD SHETTY
AGED ABOUT 58 YEARS,

RESPONDENTS NO.26 TO 28 ARE
THE CHILDREN OF LATE VEDAVATI HEGGADTHI
AND ALL ARE RESIDING AT KOMBE HOUSE,
PARKALA, UDUPI - 576107.



29. NIRUPAMA HEGDE
AGED ABOUT 81 YEARS,
D/O LATE SADASHIVA HEGDE,
R/AT HIREBETTU HOUSE,
ATHRADY, UDUPI-576107.
30. SUJATHA HEGDE
AGED ABOUT 75 YEARS,
W/O LATE RATHNAKAR HEGDE,
31. MANISH
AGED ABOUT 48 YEARS,
32. ASHISH
AGED ABOUT 37 YEARS,

RESPONDENT NO.30 IS THE WIFE AND
RESPONDENTS NO.31 AND 32 ARE
THE CHILDREN OF LATE RATHNAKAR HEGDE,
33. APPANNA HEGDE
AGED ABOUT 84 YEARS,
34. SABITA HEGDE
AGED ABOUT 78 YEARS,
35. SARALA HEGDE
AGED ABOUT 75 YEARS,

RESPONDENTS NO.33 TO 35 ARE
THE CHILDREN OF LATE RAMANNA HEGDE.
36. ROHAN ALVA
AGED ABOUT 56 YEARS,
37. DHEERAJ ALVA
AGED AVBOUT 47 YEARS
38. PALLAVI
AGED ABOUT 36 YEARS



RESPONDENTS NO.36 TO 38 ARE
THE CHILDREN OF LATE SAROJA AND
RESPONDENTS NOS.30 TO 38 ARE
RESIDING AT "BASRUR HOUSE",
BASRUR, KUNDAPURA TALUK,
UDUPI DISTRICT-576211.

39. RAMANANDA HEGDE
AGED ABOUT 84 YEARS

40. RADHALAKSHMI
AGED ABOUT 79 YEARS

41. DEVIPRASAD HEGDE
AGED ABOUT 73 YEARS

42. UMESH HEGDE
AGED ABOUT 72 YERS

43. RAMESH HEGDE
AGED ABOUT 69 YEARS

44. SATISHCHANDRA HEGDE,
AGED ABOUT 66 YEARS

RESPONDENTS NO.39 TO 44 ARE
THE CHILDREN OF LATE JALAJAKSHI HEGGADTHI.

45. SARALA B HEGDE
AGED ABOUT 75 YEARS
W/O LATE BALAKRISHNA HEGDE

46. SHAILA HEGDE
AGED ABOUT 69 YEARS
W/O LATE MOHANDAS HEGDE

47. INDIRA T HEGDE
AGED ABOUT 60 YEARS
W/O TARANATH HEGDE



48. SHAKEELA
AGED ABOUT 43 YEARS
W/O LATE HARIPRASAD
 49. ANURADHA
AGED ABOUT 39 YEARS
D/O LATE BALAKRISHNA HEGDE
 50. DHARMARAJA
AGED ABOUT 44 YEARS
 51. JINARAJA
AGED ABOUT 39 YEARS
 52. RAKSHA
AGED ABOUT 37 YEARS
 53. SHAILA M HEGDE
AGED ABOUT 65 YEARS
- RESPONDENTS NO.50 TO 53 ARE
THE CHILDREN OF LATE MOHANDAS HEGDE
54. H.PRATHAM HEGDE
AGED ABOUT 42 YEARS
 55. H.MAYURA HEGDE
AGED ABOUT 40 YEARS
 56. H.MAHAVEER HEGDE
AGED ABOUT 38 YEARS
 57. SUNAINA
AGED ABOUT 39 YEARS
 58. TARANA
AGED ABOUT 34 YEARS
RESPONDENTS NO.57 AND 58 ARE
THE CHILDREN OF LATE TARANATH HEGDE
RESPONDENTS NO.39 TO 58 ARE RESIDING AT
"EESHAKRIAPA", KABYADI, NO.80,



BADAGABETTU VILLAGE,
UDUPI TALUK AND DISTRICT - 576 107

- 59 V SHUBHAVATHI M SHETTY
AGED ABOUT 74 YEARS
D/O LATE KUSUMAVATHI
R/A "SHUBA NILAYA"
MAHADEVI GULLY, POST ALANDA
ALANDA - 585302.
GULBARGA
60. THE SUB-REGISTRAR
OFFICE OF THE SUB -REGISTRAR
AT UDUPI, BANNANJE
UDUPI TALUK AND DISTRICT - 576101.
61. THE PDO
NO.80, BADAGABETTU VILLAGE PANCHAYAT
HIREBETTU, UDUPI TALUK - 576 107.
62. THE PDO
HIREBETTU VILLAGE PANCHAYAT
HIREBETTU UDUPI TALUK - 576 107.
63. SMT SOUMYA NAYAK
AGED ABOUT 32 YEARS
W/O SRI MADHUKAR NAYAK
64. SRI MADHUKAR NAYAK
AGED ABOUT 37 YEARS
S/O SRI GOVINDA NAYAK
- RESPONDENTS NO.63 AND 64 ARE
RESIDING AT ARANTHABETTU, HIRIYADKA POST,
ANJAR VILLAGE, UDUPI TALUK
AND DISTRICT-576 113.
65. SMT K MAMATHA SHETTY
AGED ABOUT 65 YEARS
W/O LATE SUKESH SHETTY



66. SRI AMEYA SHETTY
AGED ABOUT 36YEARS
S/O LATE SUKESH SHETTY
67. SRI NISHANTH SHETTY
AGED ABOUT 34 YEARS
S/O LATE SUKESH SHETTY

RESPONDENTS NO.65 TO 67 ARE
RESIDING AT 4-165, "KRISHNA",
5TH CROSS ROAD, DASHARATHA NAGAR,
MANIPAL POST,
UDUPI TALUK AND DISTRICT-576 104.

...RESPONDENTS

(BY SRI. KRISHNA MOHANA REDDY C., ADVOCATE FOR
R26, R63 AND R64;
SMT. ASHA SHETTY, ADVOCATE FOR R28;
SMT. LAKSHMI, ADVOCATE FOR
SRI. PRASANNA V.R., ADVOCATE FOR R40 TO R42,
R44 TO R47 AND 54;
R27, R33, R34, R35, R39, R43, R52, R55, R56, R58, R60,
R61, R62 AND R65 ARE SERVED AND UNREPRESENTED;
VIDE COURT ORDER DATED 09.02.2024,
NOTICE TO R1 TO R25 ARE DIPENSED WITH)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER
ORDER 43 RULE 1(r) OF THE CODE OF CIVIL PROCEDURE.

THIS MISCELLANEOUS FIRST APPEAL IS LISTED FOR
ORDERS, THIS DAY, THE JUDGMENT IS DELIVERED AS UNDER:



ORAL JUDGMENT

Sri.Y.Rajendra Prasad Shetty, counsel for the appellants and Smt.Lakshmi, counsel on behalf of Sri.Prasanna V.R., counsel for respondent Nos.40 to 42, 44 to 47 and 54 appeared in person.

2. Counsel for the respective parties jointly submit that the appeal may be dismissed as having become infructuous.

3. When queried, counsel submits that a conscious decision is taken about the submission as the appeal having become infructuous.

4. The oral submission is placed on record.

5. Resultantly, the appeal is dismissed as having become infructuous.

SD/-
(JYOTI M)
JUDGE

SS
List No.: 1 Sl No.: 25