

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF NOVEMBER, 2020

BEFORE

THE HON'BLE MR.JUSTICE ASHOK G. NIJAGANNAVAR

REGULAR FIRST APPEAL NO.60 OF 2012 (DEC)

BETWEEN:

S HEMANTHA RAO,
AGED ABOUT 40 YEARS,
S/O SHIVAJI RAO NO.16/1,
8TH CROSS, DASRAHALLI
MAGADI ROAD,
BANGALORE - 560 079.

...APPELLANT

(BY SRI VIGNESHWARA U BY
DHARMASHREE ASSOCIATES - ABSENT)

AND:

1. H INBAVALLI,
W/O K HARIKRISHNAN,
AGED ABOUT 64 YEARS,
2. H RAVINCHANDRAN,
S/O K HARIKRISHNAN,
AGED ABOUT 45 YEARS.
3. SHANKAR,
H S/O K HARIKRISHNAN,
AGED ABOUT 44 YEARS,
ALL ARE RESIDENTS OF
MATADAHALLI,
FURTHER EXTN.,
IST CROSS, R T NAGAR,
BANGALORE – 32.

4. S RAGHAVNEDRA,
S/O S SRINIVAS,
MAJOR, 5TH MAIN,
3RD CROSS, M C LAYOUT,
VIJAYANAGAR,
BANGALORE – 560 040.
5. S SAKKUBAI,
W/O H M SHIVALINGAIAH,
MAJOR, NO.1025/A,
12TH MAIN, M C LAYOUT,
VIJAYANAGAR,
BANGALORE – 560 040.
6. SAMPATH RAJ,
S/O JAITMALGI,
MAJOR, NO.45,
MAHAJAN PROVISION STORE,
VENKU SAHOJI LANE CROSS,
CHIKKAPETE,
BANGALORE – 53.

...RESPONDENTS

(BY SRI V JAVAHAR BABU, ADVOCATE FOR C/R1, R2, R3,
V/O/D: 01.07.2016 – APPEAL AGAINST R4, R6 – DISMISSED,
R5 - SERVED)

THIS REGULAR FIRST APPEAL IS FILED UNDER
SECTION 96 R/W O-41, RULE-1 OF CPC, AGAINST THE
JUDGMENT AND DECREE DATED: 01.10.2011 PASSED IN
O.S.4459/2003 ON THE FILE OF THE XL III-ADDL. CITY CIVIL
AND SESSIONS JUDGE, CCH-44, BANGALORE, PARTLY
DECREEING THE SUIT FOR THE DECLARATION.

THIS APPEAL COMING ON FOR HEARING THIS DAY,
THE COURT DELIVERED THE FOLLOWING THROUGH VIDEO
CONFERENCE:

ORDER

Heard learned counsel for respondent Nos.1 to 3.

2. No representation by learned counsel for the appellant.

3. The learned counsel for the appellant has remained absent on several dates. On two occasions, this matter was adjourned as last chance, but the learned counsel for the appellant has not appeared. On 26.11.2020, it was ordered that if the learned counsel for the appellant fails to appear for final hearing, this appeal would be dismissed. Despite the said order, the learned counsel for the appellant has not appeared.

4. In view of the peremptory order dated 26.11.2020, the Regular First Appeal is dismissed for non-prosecution.

**Sd/-
JUDGE**