



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2023

BEFORE

THE HON'BLE MR JUSTICE RAJENDRA BADAMIKAR
REGULAR SECOND APPEAL NO.163 OF 2009 (DEC/INJ)

BETWEEN:

1. SRI. PUTTASWAMY,
S/O SRI. SIDDAIAH,
AGED ABOUT MAJOR,
RESIDING AT THITTAHALLI VILLAGE,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK.
2. SMT. GANGAMMA,
SINCE DEAD BY HER LR'S,
- 2(a). SRI. B. SHIVAKUMAR,
S/O LATE BORAIAH,
AGED ABOUT 38 YEARS,
- 2(b). SMT. SARASWATHI,
D/O LATE BORAIAH ,
AGED ABOUT 35 YEARS,
- 2(c). SRI. B. MANJUNATH,
S/O LATE BORAIAH,
AGED ABOUT 33 YEARS,
- 2(d). SRI. B. SHANKAR,
S/O LATE BORAIAH ,
AGED ABOUT 30 YEARS,
NO. 211, SRI RAMA ROAD,

Digitally signed by
RENUKAMBA K G
Location: HIGH
COURT OF
KARNATAKA



THYAGARAJANAGAR,
BANGALORE - 560 028.

...APPELLANTS

(BY SRI. N.R. NAIK AND SRI. M. PRAKASH, ADVOCATES)

AND:

AROGYAPPA,
SINCE DECEASED BY HIS LR'S,

1. SRI. CHELUVIAIAH,
AGED ABOUT 60 YEARS,
RESIDING AT AVALAHALLI VILLAGE,
ANJINAPURA POST,
KANAKAPURA MAIN ROAD,
BANGALORE.

SINCE DECEASED BY HIS LRS

- 1(a). SMT. RITHAMMA,
D/O LATE CHELUVAYYA,
AGE MAJOR,
R/AT AVALAHALLI VILLAGE,
ANJANAPURA POST,
BANGALORE - 560 062.
- 1(b). SMT. MARIYAMMA,
D/O LATE CHELUVAYYA,
AGE MAJOR,
R/AT CHIKKEGOWDANAPALYA,
KENGARI HOBLI,
BENGALURU - 560 062.
- 1(c). SMT. RAJAMMA,
D/O LATE CHELUVAYYA,
AGE MAJOR,



R/AT AVALAHALLI VILLAGE,
ANJANAPURA POST,
BANGALORE - 560 062.

- 1(d). SMT. AROGYASWAMU,
S/O LATE CHELUVAYYA,
AGE MAJOR,
R/AT AVALAHALLI VILLAGE,
ANJANAPURA POST,
BANGALORE - 560 062.
2. SRI. MARIYAPPA,
AGED ABOUT 55 YEARS,
RESIDING AT NEETTAKERE,
SOMANAHALLI,
KANAKAPURA ROAD,
UTTARAHALLI HOBLI,
BANGALORE.
3. SRI. CHINNAPPA ,
AGED ABOUT 50 YEARS,
HOLLYWOOD HAIR DRESSES,
GYANANABHARATHI MAIN ROAD,
NAGARABHAVI, BANGALORE - 560 072.
4. SRI. PAPAIAH,
SINCE DECEASED BY HIS LR'S,
- 4(a). SRI. ANTHONY RAJU,
S/O LATE PAPAIAH,
AGED ABOUT 40 YEARS,
- 4(b). SRI. ANTHONY MARY,
S/O LATE PAPAIAH,
AGED ABOUT 37 YEARS,



- 4(C). SRI. ULLAS KUMAR,
S/O LATE PAPAIAH,
AGED ABOUT 32 YEARS,

ALL ARE RESIDING AT NO. 16,
1ST MAIN, 1ST CROSS,
ANNAPOORNESHWARI NAGAR,
BANGALORE - 560 072.

5. SRI. ANTHAPPA,
S/O LATE AROGYAPPA ,
SINCE DECEASED BY HIS LR'S,

- 5(a). SMT. ANTHONY MARY,
D/O LATE ANTHAPPA,
AGED ABOUT 40 YEARS,
RESIDING AT NO. 29, 5TH CROSS,
PRIYADARSHINI LAYOUT,
MOUDALA PALAYA,
BANGALORE

- 5(b). SRI. ANTHONY RAJU,
S/O LATE ANTHAPPA,
AGED ABOUT 35 YEARS,
RESIDING AT NO.11, 2ND CROSS,
3RD MAIN, CHIKBASTI,
BANGALORE - 560 056.

- 5(c). SRI. SATISH KUMAR,
D/O LATE ANTHAPPA,
AGED ABOUT 32 YEARS,
RESIDING AT NO.20,
SHANKARANILAYA, 1ST MAIN,
3RD CROSS, NANJARASAPPA LAYOUT,
BEHIND CANARA BANK COLONY,



NAGARABAVI ROAD,
BANGALORE - 560 072.

- 5(d). SMT. JASINTHA RANI,
D/O LATE ANTHAPPA,
AGED ABOUT 30 YEARS,
RESIDING AT NO.816,
4TH MAIN, 4TH CROSS,
GOONDALAHALLI,
BANGALORE.
- 5(e). MARY SUNITHA,
D/O LATE ANTHAPPA,
AGED ABOUT 27 YEARS,
RESIDING AT NO.128, 5TH CROSS,
T.T. PALYA,
BANGALORE.
6. THE THASILDHAR,
BANGALORE SOUTH TALUK,
BANGALORE.
7. THE VILLAGE PANCHAYATH,
NELAGULLI PANCHAYATH,
BANGALORE SOUTH TALUK,
REPRESENTED BY ITS VILLAGE ACCOUNTANT.
8. STATE OF KARNATAKA ,
BY ITS REVENUE SECRETARY,
VIDHANA SOUDHA,
BANGALORE - 560 001.

...RESPONDENTS

(BY SRI. M.S. VARADARAJAN, ADVOCATE FOR R1 (A TO D), R2,
R3 & R4 (A AND B) AND R5(A TO E);
SRI. JAIRAM SIDDI, HCGP FOR R6 AND R8)

THIS RSA IS FILED U/S. 100 OF CPC AGAINST THE
JUDGEMENT & DECREE DATED 18.10.2008 PASSED IN
R.A.NO.1/2001 ON THE FILE OF THE PRESIDING OFFICER,



FAST TRACK COURT-II, BANGALORE (R) DISTRICT, BANGALORE, ALLOWING THE APPEAL AND SETTING ASIDE THE JUDGEMENT AND DECREE DATED 02.11.2000 PASSED IN OS.534/1993 ON THE FILE OF THE ADDL. II ADDL. CIVIL JUDGE (JR. DN.), BANGALORE RURAL DIST., BANGALORE AND ETC.,

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

JUDGMENT

There is no representation on behalf of the appellants.

The matter is pending since 2009. The report discloses that all along there is no representation. It appears that the appellants are not interested in prosecuting the matter. Hence, appeal stands dismissed for non-prosecution.

**Sd/-
JUDGE**

MS*
List No.: 2 SI No.: 2
CT: BHK