



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

REGULAR SECOND APPEAL NO. 163 OF 2009 (DEC/INJ)

BETWEEN:

1. SRI PUTTASWAMY
S/O SRI SIDDIAIAH
AGED ABOUT YEARS
RESIDING AT THITTAHALLI VILLAGE,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK

2. SMT GANGAMMA
SINCE DECEASED 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,
THYAGARAJANAGAR,
BANGALORE 560 028

...APPELLANTS

(BY SRI. N R NAIK .,ADVOCATE, ABSENT)

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signed by
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Location:
HIGH COURT
OF
KARNATAKA





AND:

AROGYAPPA
SINCE DECEASED BY HIS LR'S

1. SRI CHELUVIAIAH
AGED ABOUT 60 YEAS,
R/AT AVALAHALLI VILLAGE,
ANJINAPURA POST
KANAKAPURA MAIN ROAD,
BANGALORE

SINCE DECEASED BY HIS LR'S

- 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
D/O LATE CHELUVAYYA,
AGE MAJOR,
R/AT AVALAHALLI VILLAGE,
ANJANAPURA POST,



BANGALORE- 560 062.

2. SRI MARIYAPPA
AGED ABOUT 55 YEARS,
R/AT NEETTAKERE, SOMANAHALLI,
KANAKAPURA ROAD,
UTTARAHALLI HOBLI, BANGALORE

3. SRI CHINNAPPA
AGED ABOUT 50 YEARS,
HOLLYWOOD HAIR DRESSES,
GYANANABHARATHI MAIN ROAD,
NAGARBHAVI 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
D/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) SRI. 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- 560056
- 5(C) SRI. SATISH KUMAR
S/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 TAHASILDAR,
BANGALORE SOUTH TALUK,
BANGALORE



7. THE VILLAGE PANCHAYATH,
NELAGULLI PANCHAYATH,
BANGALORE SOUTH TALUK,
REP 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 R2, R3, R4(B);
SRI. MILINO DANGE, HCGP FOR R6 AND R8;
SRI. C.M NAGABHUSHANA, ADVOCATE FOR R7;
V/O DT 25/3/19 APPEAL ABATED AS AGAINST R4(C)
V/O DT 12/03/24-R1(A), R1(B), R1(C), R1(D), R4(A),
R5(A) TO (E)- SERVED)

THIS RSA IS FILED U/S. 100 OF CPC AGAINST THE JUDGEMENT & DECREE DTD 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 DTD 02.11.2000 PASSED IN OS.534/1993 ON THE FILE OF THE ADDL. II ADDL. CIVIL JUDGE (JR. DN.), BANGALORE RURAL DIST., BANGALORE.

THIS APPEAL, COMING ON FOR FINAL HEARING THROUGH VIDEO CONFERENCING / PHYSICAL HAERING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN

ORAL JUDGMENT

Learned counsel for the appellants is absent. The appeal is of the year 2009. It appears that the appellants



are not interesting in prosecuting the appeal. The appeal is accordingly ***dismissed*** for non-prosecution.

**Sd/-
(M.I.ARUN)
JUDGE**

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List No.: 2 Sl No.: 10