



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

MISCELLANEOUS FIRST APPEAL NO. 1844 OF 2026 (CPC)

BETWEEN:

1. SMT DHANALAKHSMI @ RATHNAMMA
AGED ABOUT 59 YEARS,
W/O LATE S. A.PADMANABHA,
RESIDING AT NO.8/01,
1ST CROSS, 1ST MAIN,
DRC POST,
BANGALORE - 560 029.
2. SMT. S. P. USHA RANI,
AGED ABOUT 34 YEARS,
RESIDING AT NO. 8/11,
1ST CROSS, 1ST MAIN,
DRC POST,
BANGALORE - 560 029.

...APPELLANTS

(BY SRI. BHANUPRAKASH V G.,ADVOCATE)



AND:

SMT MADAMMA
W/O LATE S. R. ANANTHAPPA,
SINCE DECEASED BY LRS
ALREADY ON RECORD AS
PETITIONERS AND RESPONDENTS.

1. SRI. S. A. MOHAN BABU,
AGED ABOUT 50 YEARS,
S/O LATE S. R. ANANTHAPPA



2. SRI. S. R. UMESH KUMAR,
AGED ABOUT 40 YEARS
S/O LATE S. R. ANANTHAPPA.
RESPONDENTS 1 TO 3 ARE
RESIDING AT NO.8/04,
1ST CROSS, 1ST MAIN,
D.R.C. POST, S. G. PALYA,
BANGALORE - 560 029.
3. SMT. S. A. PREMA KUMARI,
AGED ABOUT 50 YEARS,
D/O LATE S. R. ANANTHAPPA,
RESIDING AT 2ND CROSS,
SIDDAGANGA EXTENSION,
TUMKUR - 572 102.
4. SRI. S. P. RAJESH,
AGED ABOUT 30 YEARS,
S/O LATE S.A.PADMANABHA,
RESIDING AT NO. 8/01,
1ST CROSS, 1ST MAIN,
DRC POST,
BANGALORE - 560 029.

...RESPONDENTS

THIS MFA IS FILED U/O.43 RULE 1(r) OF THE CPC,
AGAINST THE ORDER DT. 11.02.2026 PASSED ON IA NO.10
AND 11 IN FDP.NO. 90/2016 ON THE FILE OF THE XLII
ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU
CCH-43 REJECTING TH IA.NOS. 10 AND 11 FILED U/O 39
RULE 1 AND 2 R/W SEC.151 OF CPC, 1908.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

After arguing the matter for sometime, learned counsel for the appellants has filed a memo seeking to withdraw the present Miscellaneous First Appeal, which reads as under:

"It is most respectfully submitted that upon being made aware by this Hon'ble Court that a miscellaneous first appeal is not maintainable as against the impugned order, it is most respectfully prayed that this to withdraw this appeal and grant liberty to file the appropriate writ in the interest of justice and equity."

2. The said memo is taken on record.

3. In view of the memo, the appellants are permitted to withdraw the appeal. Accordingly, the Miscellaneous First Appeal is ***dismissed*** as withdrawn, with liberty as prayed for.

Sd/-

JUSTICE K.S. HEMALEKHA

PHM
List No.: 1 Sl No.: 10