



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 03RD DAY OF SEPTEMBER, 2022

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

REGULAR FIRST APPEAL NO.285 OF 2018 (INJ)

C/W

RFA NO.451/2018 (INJ) & RFA NO.721/2018 (INJ)

IN RFA NO.285 OF 2018

BETWEEN:

SRI. M.S. SHANKAR
S/O SHIVALINGAIAH,
AGED ABOUT 38 YEARS,
R/AT NO.86/1,
THALAGHATTAPURA,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGLAORE SOUTH TALUK,
BANGALORE - 560 062.

...APPELLANT

(BY SRI. P.M. GOPI, ADVOCATE FOR
SRI. P.M. SIDDAMALLAPPA, ADVOCATE)

AND

1. DR. B.K. ARUN KUMAR
S/O LATE B.C. KRISHNAN,
AGED ABOUT 70 YEARS,
R/AT NO.642, 16TH "B" MAIN,
4TH CROSS, 3RD BLOCK,
KORAMANGALA,
BANGALORE - 560 034.
2. DR. RAMA ARUN KUMAR
W/O B.K. ARUN KUMAR,
AGED ABOUT 68 YEARS,
R/AT NO.642, 16TH "B" MAIN,
4TH CROSS, 3RD BLOCK,
KORAMANGALA,
BANGALORE - 560 034.



3. SRI. CHANDRAMOHAN H.
FATHER NAME NOT KNOWN
AGED ABOUT 42 YEARS,
R/AT NO.51,
PATEL MUNIVENKATAPPA LAYOUT,
DODDAKALLASANDRA,
UTTARAHALLI HOBLI,
KANAKAPURA MAIN ROAD,
BANGALORE - 560 062.

4. SMT. R. BHARATHI
W/O S.H. RAJASHEKAR,
AGED ABOUT 44 YEARS,
R/AT NO.3, 14/1,
SUBRAMANYAPURA MAIN ROAD,
UTTARAHALLI,
BANGALORE - 560 061.

... RESPONDENTS

(BY SRI. K. VIJAYA KUMAR, ADV. FOR C/R1 & R2;
SRI. R.S. RAVI, ADVOCATE FOR R3;
SRI. C.S. HIEMATH, ADVOCATE FOR R4)

IN RFA NO.451 OF 2018

BETWEEN:

SMT. R. BHARATHI
W/O S.H. RAJASHEKAR,
AGED ABOUT 44 YEARS,
R/AT NO.3, 14/1,
SUBRAMANYAPURA MAIN ROAD,
UTTARAHALLI,
BANGALORE - 560 061.

...APPELLANT

(BY SRI. C.S. HIEMATH, ADVOCATE)

AND

1. DR. B.K. ARUN KUMAR
S/O LATE B.C. KRISHNAN,
AGED ABOUT 70 YEARS,
R/AT NO.642, 16TH 'B' MAIN,
4TH CROSS, 3RD BLOCK,
KORAMANGALA,
BANGALORE - 560 034.

2. DR. RAMA ARUN KUMAR
W/O B.K. ARUN KUMAR,



AGED ABOUT 68 YEARS,
R/AT NO.642, 16TH 'B' MAIN,
4TH CROSS, 3RD BLOCK,
KORAMANGALA,
BANGALORE - 560 034.

3. SRI. M.S. SHANKAR
S/O SHIVALINGAIAH,
R/AT NO.86/1,
THALAGHATTAPURA,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
BANGALORE - 560 062.
4. SRI. CHANDRAMOHAN H.
FATHER NAME NOT KNOWN,
AGED ABOUT 42 YEARS,
R/AT NO.51,
PATEL MUNIVENKATAPPA LAYOUT,
DODDAKALLASANDRA,
UTTARAHALLI HOBLI,
KANAKAPURA MAIN ROAD,
BANGALORE - 560 062.

...RESPONDENTS

(BY SRI. K. VIJAYA KUMAR, ADVOCATE FOR C/R1 & R2)

THESE RFA'S ARE FILED UNDER ORDER 41 RULE 1
R/W SEC.96 OF CPC., AGAINST THE JUDGMENT AND DECREE
DATED 12.01.2018 PASSED IN O.S. NO.3433/2013 ON THE
FILE OF THE XXXIX ADDITIONAL CITY CIVIL AND SESSIONS
JUDGE, BENGALURU, CITY, DECREETING THE SUIT FOR
PERMANENT INJUNCTION.

IN RFA NO.721 OF 2018

BETWEEN:

SRI. CHANDRAMOHAN H.
S/O LATE PANJU POOJARI,
AGED ABOUT 43 YEARS,
R/AT NO.51,
PATEL MUNIVENKATAPPA LAYOUT,
DODDAKALLASANDRA,
UTTARAHALLI HOBLI,
KANAKAPURA MAIN ROAD,
BANGALORE - 560 062.

...APPELLANT



(BY SRI. R.S. RAVI, ADVOCATE)

AND

1. DR. B.K. ARUN KUMAR
S/O LATE B.C. KRISHNAN,
AGED ABOUT 71 YEARS,

2. DR. RAMA ARUN KUMAR
W/O B.K. ARUN KUMAR,
AGED ABOUT 69 YEARS,

BOTH ARE R/AT NO.642,
16TH B MAIN, 4TH CROSS,
3RD BLOCK, KORAMANGALA,
BANGALORE - 560 034.

3. M.S. SHANKAR
S/O SHIVALINGAIAH,
AGED ABOUT 39 YEARS,
R/OF NO.86/1,
THALAGHATTAPURA,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
BANGALORE - 560 062.

4. SMT. R. BHARATHI
W/O S.H. RAJASHEKAR,
AGED ABOUT 45 YEARS,
R/AT NO.3, 14/1,
SUBRAMANYAPURA MAIN ROAD,
UTTARAHLLI,
BANGALORE - 560 061.

...RESPONDENTS

(BY SRI. K. VIJAYA KUMAR, ADVOCATE FOR C/R1 & R2)

THIS RFA IS FILED UNDER SEC.96 OF CPC., AGAINST
THE JUDGMENT AND DECREE DATED 12.01.2018 PASSED IN
OS.NO.3433/2013 ON THE FILE OF THE XXXIX ADDITIONAL
CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY,
DECREEING THE SUIT FOR PERMANENT INJUNCTION.

THESE APPEALS COMING ON FOR *ORDERS*, THIS DAY,
THE COURT DELIVERED THE FOLLOWING:

**J U D G M E N T**

Heard the learned counsel Sri. P.M. Gopi appearing for the appellant and Sri. K. Vijaya Kumar, learned counsel appearing for caveator/ respondent Nos.1 and 2.

2. All these appeals are filed by the defendant aggrieved by the impugned Judgment and Decree of injunction granted by the trial Court. It is submitted by the learned counsel for respondents that they are in possession of the building and residing in the same. Vide order dated 27.02.2022, this Court granted eight weeks time to file paper book, failing which, the appeal would stand dismissed. This order was passed in all the three appeals.

3. Today, after two and half years, we are in the same stage of non-filing of paper book and learned counsel for the appellant in these matters seeks time to file paper book. I do not find any cogent bonafide reason to grant further time to file paper book as the appellant having taken sufficient time has not bothered to file paper book, despite two and half years on the peremptory order granted on 27.02.2022.



2022:KHC:44204

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In view of the above, these appeals are dismissed
for non-prosecution.

**Sd/-
JUDGE**

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