



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

REGULAR SECOND APPEAL NO.1291 OF 2023 (PAR)

BETWEEN:

1. SRI. NARAYANASWAMY
S/O CHIKKA KONAPPA
AGED ABOUT 57 YEARS
R/AT GANGAREKALUVE VILLAGE
KASABA HOBLI
CHIKKABALLAPURA TALUK
AND DISTRICT-562 101.

...APPELLANT

(BY SRI. ARVIND C. DESAI, ADVOCATE)

AND:

1. SMT. NARAYANAMMA
(DEAD BY LRS)
- 1(a) SMT. NANEKKA W/O NANJAPPA
AGED ABOUT 48 YEARS
R/AT GAVANAHALLI VILLAGE
BASHETTIHALLI HOBLI
SHIDLAGHATTA TALUK
CHIKKABALLAPURA DISTRICT-562105.
- 1(b) SMT. VENKATALAKSHMAMMA
W/O LAKSHMINARAYANA
AGED ABOUT 45 YEARS
R/AT MUDDAREDDYHALI VILLAGE
VARLAKONDA POST
GUDIBANDE TALUK
CHIKKABALLAPURA DISTRICT-561207.

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Location: HIGH
COURT OF
KARNATAKA



2. SRI. NARAYANASWAMY
S/O LATE NARAYANAPPA
AGED ABOUT 64 YEARS
3. SRI. NANEPPA
S/O LATE NARAYANAPPA
AGED ABOUT 67 YEARS
4. SRI. VENKATARAYAPPA
S/O LATE NARAYANAPPA
AGED ABOUT 60 YEARS
5. SRI. BYRAREDDY
S/O LATE NARAYANAPPA,
AGED ABOUT 58 YEARS,
6. SRI. VENKATANARAYANAPPA
S/O LATE NARAYANAPPA,
AGED ABOUT 56 YEARS,
7. SRI. SEETHA BYRAPPA,
S/O LATE NARAYANAPPA,
AGED ABOUT 44 YEARS,
8. SMT. RATHNAMMA
D/O LATE CHIKKA KONDAPPA,
AGED ABOUT 55 YEARS,
9. SRI. BYRAREDDY
S/O LATE CHIKKA KONDAPPA,
AGED ABOUT 50 YEARS,

RESPONDENTS NO.2 TO 9 ARE
R/AT GANGAREKALUVE VILLAGE,
KASABA HOBLI,
CHIKKABALLAPURA TALUK
AND DISTRICT-562101.

10. KEMPANNA
SINCE DECEASED BY HIS LRS.



- 10(a) SMT. LAKSHMAINARASAMMA,
D/O LATE KEMPANNA,
MAJOR,
W/O VENKATAREDDY,
R/AT MANCHANAHALLI VILLAGE,
GUDIBANDE TALUK,
CHIKKABALLAPURA DISTRICT-561209.
- 10(b) SMT. BYRAMMA
D/O LATE KEMPAMMA,
MAJOR,
W/O SUBRAMANI,
R/AT KESHAVARA VILLAGE,
NANDI HOBLI,
CHIKKABALLAPURA TALUK
AND DISTRICT - 561209.
- 10(c) SMT. LAKSHMIDEVAMMA
D/O LATE KEMPANNA,
MAJOR,
W/O SHIVACHENNAPPA,
R/AT KADASIGENAHALLI VILLAGE,
NANDI HOBLI,
CHIKKBALLAPURA TALUK
AND DISTRICT-561209.
- 10(d) SMT. SARASWATHAMMA
D/O LATE KEMPANNA
MAJOR,
W/O SREERAMAPPA,
R/AT MEGLAPPAREDDYPALLI VILLAGE,
VARLAKONDA HOBLI,
GUDIBANDE TALUK
CHIKKABALLAPURA DISTRICT-561207.
- 10(e) SMT. PADMA
D/O LATE KEMPANNA,
MAJOR,
W/O RAMANJI,
R/AT GANGREKALUVE VILLAGE,
KASABA HOBLI



CHIKKABALLAPURA TALUK
AND DISTRICT-561209.

...RESPONDENTS

(BY SRI. SUDHINDRA S.A., ADVOCATE FOR C/R7)

THIS RSA IS FILED UNDER SECTION 100 OF CPC, AGAINST THE JUDGMENT AND DECREE DATED 19.04.2023 PASSED IN R.A.NO.77/2020 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, CHIKKABALLAPURA, DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 13.02.2020 PASSED IN O.S.NO.103/2009 ON THE FILE OF THE PRINCIPAL CIVIL JUDGE AND JMFC, CHIKKABALLAPURA.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL JUDGMENT

This matter is listed for admission. The learned counsel for the appellant sought time in the morning session and this Court declined to grant time. On perusal of the order sheet, though this appeal was filed in 2023, even listed for admission on several occasions, the appellant's counsel did not assist the Court for admission. On 03.09.2025, this Court noted that none appears for the appellant, however, adjourned the matter to 22.09.2025 and on 22.09.2025 on behalf of the appellant, time was



prayed, however, this Court granted time to list the matter in the 3rd week of October-2025 and accordingly, matter is listed before the Court today and instead of assisting the Court, counsel for appellant again sought time in the morning and when the same is refused, in the afternoon at 03.29 p.m., no representation. On perusal of the records, this R.S.A is filed against concurrent finding of dismissal of the suit and the same is confirmed by the Appellate Court and hence, no grounds to even again adjourn the matter. Hence, the appeal is ***dismissed*** for non-prosecution.

Sd/-
(H.P.SANDESH)
JUDGE

RHS
List No.: 1 Sl No.: 43