



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

REGULAR SECOND APPEAL NO. 2165 OF 2008

BETWEEN:

SRI DEYANDA SUBBAIAH
AGED ABOUT 44 YEARS
S/O LATE KARUMBIAIAH
BALLIAMANDLOOR VILLAGE & POST
SOUTH KODAGU-571 218.

...APPELLANT

(BY SRI UDAY KUMAR, ADVOCATE FOR
SRI. S R SREE PRASAD., ADVOCATE)

AND:

1. DEYANDA MEDAPPA
S/O LATE THAMMAIAH
MAJOR
2. MR. DEYANDA ACHIAIAH
S/O LATE BIDDAPPA
MAJOR
3. MR. DEYANDA THIMMAIAH
S/O LATE KARUMBIAIAH
MAJOR
4. DEYANDA PONNAPPA
S/O LATE KARUMBIAIAH
MAJOR
ALL ARE R/OF BALLIAMANDLOOR VILLAGE & POST
SRIMANGALA NAD, SOUTH KODAGU-571 218.
5. MADIVALARA NARAYANA SHETTY
AGED 40 YEARS





S/O LATE CHINNA SHETTY
PRESIDENT
BETTERMENT COMMITTEE
GOVT. LOWER PRIMARY SCHOOL
BALLIAMANDOUR VILLAGE & POST
SOUTH KODAGU

6. ASSISTANT EDUCATION OFFICER
VIRAJPET TALUK
SOUTH KODAGU-571 218.
7. DEPUTY DIRECTOR OF PUBLIC INSTRUCTION
MADIKERI, SOUTH KODAGU-571 218.
8. THE SECRETARY
TO THE EDUCATION DEPARTMENT
GOVERNMENT OF KARNATAKA
BANGALORE-560 001.
9. TEH BLOCK EDUCATION OFFICER
VIRAJPET TALUK,SOUTH KODAGU-571 218.
10. DEYANDA CHENGAPPA
AGED ABOUT 38 YEARS
S/O LATE KARUMBIAIAH
BALLIAMANDOUR VILLAGE & POST
SRIMANGALA NAD
SOUTH KODAGU-571 218

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE N, HCGP FOR R7:
R3 TO R6, R8 TO R10 ARE SERVED
APPEAL DISMISSED AS ABATED AGAINST
R1 & R2 V/O DATED: 03.01.2023)

THIS RSA IS FILED UNDER SECTION 100 OF CPC TO
ALLOW THE ABOVE APPEAL BY SETTING ASIDE THE JUDGMENT
& DECREE PASSED IN OS NO 83/1997 DATED: 18.03.2002
PASSED BY THE PRL. CIVIL JUDGE, JUNIOR DIVISION
VIRAJPET AND THE JUDGMENT AND DECREE DATED:
03.07.2008 PASSED BY THE ADHOC DISTRICT JUDGE, FAST
TRACK COURT, VIRAJPET IN RA.NO.8/2002 BY DECREETING THE
SUIT.



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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL JUDGMENT

1. Learned HCGP has filed a memo on 22.11.2019 reporting the death of the sole appellant.
2. The memo is taken on record.
3. Learned counsel appearing for the appellant submits that, in spite of his best efforts, he could not get instructions regarding the legal representatives of the deceased appellant. Therefore, he is unable to take steps in respect of the deceased appellant.
4. The submission of the learned counsel for the appellant is taken on record.
5. It appears that the appellant is not interested in prosecuting the appeal. Hence, the appeal is ***dismissed for non-prosecution.***

**Sd/-
(H.T. NARENDRA PRASAD)
JUDGE**