

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 6TH DAY OF NOVEMBER, 2014

:PRESENT:

THE HON'BLE MR.JUSTICE N.K.PATIL

AND

THE HON'BLE MRS.JUSTICE RATHNAKALA

R.F.A.No. 177 of 2012 (PAR)

Between:

Smt. Gangadevi,
D/o. Late Sri. B. M. Lakshmanappa,
Aged about 50 years,
W/o. Sri. B. Jayaram,
R/at. No. 547, V. V. Nagar, Gangenahalli,
HMT Layout, Bangalore 560 032.
Presently R/at. No. 3 and 4, 9th B Cross,
Virupakshapuram, Kodigehalli,
Bangalore-97.

....Appellant

(By Sri. N. Sriram Reddy, Sri. Venkatappa
and Sri. Prakash.K.V, Advocates- **Absent**)

And:

1.Sri. B. L. Shankarappa,
S/o. Late Sri. B. M. Lakshmanappa,
Age: Major,
R/at. No. 572/35, 4th Cross,
Mahalakshmi Layout,
Bangalore -560 086.

2.Smt. Susheelamma,

Age: Major,
D/o. Late Sri. B. M. Lakshmanappa,
W/o. Sri. G. Narendra, R/at. No 180, 3rd Cross,
Someshwara Layout, Halasur,
Bangalore 560 008.

3.Sri. Vijay,
Age: Major,
Sri. Ganesh Stores,
No. 8, I Main Road, Gedalahalli,
Sanjaynagar, Bangalore 560 094.

4.Sri. Krishnappa,
Age: Major,
M/s. Karnataka Wines (Double Road),
No. 8, I Main Road,
Gedalahalli, Sanajayanagar,
Bangalore 94.

5.Sri. Umashankar,
Age: Major,
M/s. Vijaya Enterprises,
No. 8, I Main Road,
Gedalahalli, Sanajayanagar,
Bangalore 94.

6.Sri. Zia- Ul- Hug,
Age:Major,
M/s. Krishna Tailors,
No. 8, I Main Road,
Gedalahalli, Sanjayanagar,
Bangalore 94.

7.Sri. Ganesh,
Age: Major,
M/s. Roop Sangam Steel Centre,
No. 8, I Main Road,
Gedalahalli, Sanjayanagar,
Bangalore 94.

8.Sri. Narayanaswamy,
Age: Major,
M/s. Sunrise Textiles,
No. 8, I Main Road,
Gedalahalli, Sanjaynagar,
Bangalore 560 094.

9.Sri. Vishwanath Shetty,
Age: Major,
M/s. Banashanakari Provisions (Double
Road), No. 8, I Main Road,
Gedalahalli, Sanjaynagar,
Bangalore 560 094.

10.Sri. Shivanna
Age: Major,
R.M.V. I.I, No. 8, I Main Road,
Gedalahalli, Sanjaynagar,
Bangalore 560 094.

11.Dr. Jyothi Suresh,
Age: Major,
M/s. Dental Health Clinic,
No. 8, I Main Road,
Gedalahalli, Sanjaynagar,
Bangalore 560 094.

12.Smt. Indu Pathangi,
Age: Major,
M/s. V.I.P Varieties,
No. 8, I Main Road,
Gedalahalli, Sanjaynagar,
Bangalore 560 094.

13.Smt. V. Padmavathi,
Age: 48 years,
W/o. Sri. B. L. Shankarappa,
R/at No 572/35, 4th Cross,
Mahalakshmi Traders,
Bangalore 86.

14.Sri. B. S. Anil Kumar,
Aged About 21 Years,
S/O Sri. B. L. Shanarappa,
R/At No 160, 2nd Main,
West of Chord Road, Mahalakshmipuram,
Bangalore 86.

15.Sri B. L. Manohar,
Age: Major,
S/o. Late Sri B. M. Lakshmanappa,
R/At No 251, I Main Road,
Chamarajpet, Bangalore 18.

16.Sri. B. L. Nagaraj,
Age: Major,
S/O Late Sri B M Lakshmanappa,
R/At No 251, I Main Road,
Chamarajpet, Bangalore 18.

17.Smt. Uma Devi,
Aged about 46 Years,
D/o. Late Sri B. M. Lakshmanappa,
W/O Sri M Muniraju,
R/At No 179, Sy No 33/3a-1,
Geddalahali Bangalore North Taluk
Bangalore 94 .

... Respondents

(By Sri. R. Nataraj, Advocate for R1;
Sri. Mahabaleshwar, Advocate for R14;
Sri. Prakash.M.H, Advocate for R15 & R16)

This R.F.A. is filed under Section 96 R/w. order 41 of Rule 1 of CPC against the judgment and decree dated 27/08/2011 passed in O.S.No.4110/1995 on the file of the XXII Additional City Civil Judge, Bangalore, dismissing the suit for partition and separate possession.

This R.F.A. coming on for Orders this day,
N.K. PATIL J., delivered the following:

:JUDGMENT:

When this matter had come up for consideration before this Court on 31.10.2014 along with connected matter, the matter was called twice, there was no representation on behalf of the appellant and to give one more opportunity, the matters were ordered to be listed today. Today, when the matter is called, neither the appellant nor the counsel for the appellant is present. It shows that they are not diligent in prosecuting this case. Hence, the appeal filed by the appellant is dismissed for non prosecution.

SD/-
JUDGE

SD/-
JUDGE

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