



**NC: 2023:KHC:24631**  
**RFA No. 683 of 2017**  
**C/W RFA No. 729 of 2018**

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 14<sup>TH</sup> DAY OF JULY, 2023**

**BEFORE**

**THE HON'BLE DR. JUSTICE H.B.PRABHAKARA SASTRY**

**REGULAR FIRST APPEAL NO. 683 OF 2017 (DEC/INJ)**

**C/W**

**REGULAR FIRST APPEAL NO. 729 OF 2018**

**IN REGULAR FIRST APPEAL NO. 683 OF 2017 (DEC/INJ)**

**Between:**

1. P. Thammayanna  
by his LRs

1(a) Smt Madamma,  
W/o. Late Thammaianna,  
Aged About 79 Years,  
Residing at No.24, 8th Cross,  
Jakkasandra Road, Malleshwaram,  
Bangalore 560 003.

1(b) Sri Ramachandra  
S/o. Late Thammaianna  
Aged About 48 Years,  
Residing at No.24, 8th Cross,  
Jakkasandra Road, Malleshwaram,  
Bangalore 560003.

1(c) Smt Prameela  
W/o. B. Srinivasan  
D/o. Late Thammaianna,  
Aged About 44 Years,  
Residing At No.64, Elza Enclave  
Cauvery Nagar, Vaddarapalya,



**NC: 2023:KHC:24631**  
**RFA No. 683 of 2017**  
**C/W RFA No. 729 of 2018**

Agra Main Road  
Bangalore 560 043.

1(d) Kumari  
D/o. Late Thammaianna  
Aged About 39 Years,  
Residing at No.24, 8th Cross,  
Jakkasandra Road,  
Malleshwaram  
Bangalore 560003

...Appellants

(By Sri. B Srinivas, Advocate)

**And:**

1. Sri Ramareddy  
Hindu Major,  
Managing Partner,  
Padmanabha Brick Works,  
Ulsoor, Bangaluru.
2. M/S Padmanabha Brick Works ,  
by its Managing Partner,  
Sri K Balakrishna Reddy,  
Having its Factory and Office  
At Kundalahalli Village  
Doddanekkundi Post,  
Bengaluru 560 037.
3. M/s. Karnataka State Financial  
Corporation,  
Asset Re-Construction,  
Department No.1,  
Thimmaiah Road,  
Bangaluru 52.  
Represented by its  
General Manager.

...Respondents

(By Sri. C M Nagabushana, Advocate for Caveator/  
Respondent Nos.1 to 3)

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**NC: 2023:KHC:24631**  
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This Regular First Appeal is filed under Section 96 of the Code of Civil Procedure, 1908, praying to set aside the judgment and decree dated 20-02-2017 passed by the Court of the XL Additional city civil and Sessions Judge (CCH-41) at Bangalore, dismissing the suit of the plaintiff in O.S.No.2501/1985 and consequently allow this appeal in the interest of justice and equity.

**IN REGULAR FIRST APPEAL NO. 729 OF 2018**

**Between:**

1. P. Thammayanna  
by his LRs  
S/o. late Pachappa

1(a) Smt Madamma. B,  
W/o. Late Thammayanna,  
Aged About 79 Years,  
Residing at No.24, 8th Cross,  
Jakkasandra,  
Malleshwaram,  
Bangalore 560 003.

1(b) Sri Ramachandra  
S/o. Late Thammayanna  
Aged About 48 Years,  
Residing at No.24, 8th Cross,  
Jakkasandra,  
Malleshwaram,  
Bangalore 560003.

1(c) Smt Premaleela  
W/o. B. Srinivasan  
D/o. Late Thammayanna,  
Aged About 44 Years,  
Residing At No.64, "Elza Enclave"  
Cauvery Nagar, Vaddarapalya,  
Agra Main Road  
Bangalore 560 043.



**NC: 2023:KHC:24631**  
**RFA No. 683 of 2017**  
**C/W RFA No. 729 of 2018**

1(d) Kumari  
D/o. Late Thammayanna  
Aged About 39 Years,  
Residing at No.24, 8th Cross,  
Jakkasandra,  
Malleshwaram,  
Bangalore 560003

...Appellants

(By Sri. B Srinivas, Advocate)

**And:**

1. Sri Rama Reddy  
Hindu Major,  
Managing Partner,  
Padmanabha Brick Works,  
Ulsoor, Bangaluru-560 008.
2. M/S. Padmanabha Brick Works  
By Its Managing Partner,  
Sri.K.Balakrishna Reddy,  
Having Its Factory And Office,  
At Kundalahalli Village,  
Doddanekkundi Post,  
Bangaluru-560 037.
3. M/S. Karnataka State Financial  
Corporation,  
Asset Re-Construction,  
Department No.1,  
Thimmaiah Road,  
Bangaluru-560 052.  
Represented By  
its Ganeral Manager.

...Respondents

By Sri. C.M. Nagabushana, Advocate for Caveator/  
Respondent No.1)

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**NC: 2023:KHC:24631**  
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This Regular First Appeal is filed under Section 96 of the Code of Civil Procedure, 1908, praying to allow this appeal and set aside the order/decreed under Section 144 r/w. Section 151 of the CPC dated 03-04-2017 passed upon I.A.No.11 in Ex.No.1715/2002 on the file of the XL Addl. City civil and Sessions Judge (CCH-41) Bangalore in the interest of justice and equity.

These Regular First Appeals coming on for Orders through Physical Hearing/Video Conferencing, this day, the Court made the following:

### **ORDER**

Learned counsel for the appellants not present.  
Learned counsel for the caveator/respondents alone physically present before the Court.

On the date 27-03-2023, this Court had made the following observation:

*"Learned counsel for the appellants is absent.  
No representation.*

*The appeals are of the year 2017 and 2018.*

*Learned counsel for the respondents submits  
that the suit is of the year 1985 and he has moved a  
memo for early hearing.*

*I do not find any reason to adjourn the  
matter. However, to afford final opportunity, list the  
matter after two weeks."*



In spite of the above, the appellants are not evincing any interest to appear and address their argument in these appeals of the years 2017 and 2018. Hence, I do not find any reason to grant any further adjournment. Accordingly, both these appeals stand dismissed for non-prosecution.

**Sd/-**  
**JUDGE**

BMV\*  
List No.: 1 Sl No.: 56