



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR FIRST APPEAL NO. 2452 OF 2007 (PAR)

BETWEEN:

SRI A SEBASTIAN
AGED ABOUT 64 YEARS
S/O LATE AROGYAPPA
RESIDING AT NO.31, BLISS COTTAGE
DODDABASAVANAPURA CHURCH STREET
VIRGONAGAR POST,
BANGALORE – 560 049

...APPELLANT

(BY SRI SHASHANK GOWDA.N FOR
SRI M.RUDRAIAH AND SRI M.AJAY KUMAR, ADVOCATES)

AND:

1. SMT MARITHAYAMMA
AGED MAJOR,
W/O LATE AROGYAPPA
R/AT NO 31, DODDABASAVANAPURA
KRISHNARAJAPURA HOBLI,
BANGALORE
SINCE DECEASED
REPRESENTED BY LEGAL REPRESENTATIVES
NAMELY PLAINTIFF AND DEFENDANT NO.2 TO 9
2. SRI A MARISWAMY
AGED MAJOR
S/O LATE AROGYAPPA
SINCE DECEASED BY LRS
- (a) SMT REGINA





AGED ABOUT 50 YEARS,
W/O ANTHONY
D/O A MARISWAMY
C/O FATHIMA,
NEAR SEENAPPA FARM,
BEHIND STELLA SILK FACTORY
NARAYANAPURA, ANEKAL -562106

- (b) SMT SAROJA @ JHERASA
AGED ABOUT 46 YEARS
W/O JACOB, D/O A MARISWAMY
NO.203, 'B' BLOCK,
MADIWALA POLICE QUARTES
D.R.C POST,
BANGALORE -560 029
- (c) SMT AGNES MARY AND CHELLI
AGED ABOUT 40 YEARS
D/O A MARISWAMY
NO.5, DODDABASAVANAPURA
VIRGONAGAR POST,
BANGALORE -560 049
- (d) SMT VERONICA
AGED ABOUT 35 YEARS
W/O ANTHONY,
D/O A.MARISWAMY
NO.260, R H COLONY
D/O A MARISWAMY, AUDUGODI,
HOSUR ROAD
BANGLAORE -560 030
- (e) SRI BALARAJ
AGED ABOUT 30 YEARS
S/O LATE A MARISWAMY
NO.203, 'B' BLOCK
MADIWALA POLICE QUARTERS
D.R.C POST, BANGALORE -560 029



3. SMT PHILOMINAMMA
MAJOR W/O PAPANNA
SINCE DECEASED BY HER LRS

3(a) SMT.POULINE
W/O SRI WILLIAM
AGED ABOUT 55 YEARS

3(b) LOURD MARY
W/O BALRAJ
AGED ABOUT 56 YEARS

3(c) SMT.P.NAKSHATRA
W/O SRI PIUS
AGED ABOUT 56 YEARS

3(d) SMT.P.MICHEL RANI
W/O LATE R. RAJANNA
AGED ABOUT 62 YEARS

ALL THE PROPOSED RESPONDENTS 3(a) to 3(d) ARE
DAUGHTERS OF SRI LATE PAPANNA AND
SMT.PHILOMINAMMA (R3)

ALL ARE RESIDING AT SEEGHEHALLI VILLAGE
VIRGONAGAR POST
BANGALORE- 560 049

3(e) SRI P.ABRAHAM
AGED ABOUT 43 YEARS
S/O LATE PAPANNA AND LATE PHILOMINAMMA
R/AT DODDABASAVANAPURA VILLAGE
VIRGONAGAR POST
BANGALORE- 560 049

4. SRI RAJU
S/O LATE PAPANNA
SINCE DECEASED REPRESENTED BY LRS



- (a) SMT BABY @ SUSAI MARY
AGED ABOUT 45 YEARS,
W/O LATE RAJU
- (b) S/O MARI SUSAI
AGED ABOUT 28 YEARS
S/O LATE RAJU
- (c) SRI PRAKASH
AGED ABOUT 26 YEARS
W/O LATE RAJU
- (d) SRI PRAVEEN
AGED ABOUT 25 YEARS
S/O LATE RAJU

SL.NO.4 (a) to 4(d) ALL ARE
RESIDING AT NO.20,
DODDABASAVANAPURA
BOSCO STREET,
VIRGONAGAR POST
BANGALORE-560 049

- 5. SRI ANTHONY RAJ
MAJOR, S/O LATE PAPANNA
R/AT DODDABASAVANAPURA
KRISHNARAJAPURAM HOBLI
BANGALORE
- 6. SRI A CHINNAPPA
S/O LATE AROGYAPPA
SINCE DECEASED BY LRS
- (a) SMT JAYAMMA
AGED ABOUT 63 YEARS
W/O LATE A CHINNAPPA
- (b) SRI SAGAI RAJ
AGED ABOUT 48 YEARS
S/O LATE A CHINNAPPA



(SINCE DECEASED AND DID NOT LEAVE
ANY OTHER LRS EXCEPT 6(A) AND (C) WHO
ARE ALREADY ON RECORD)

- (c) SRI MICHEL
AGED ABOUT 46 YEARS
S/O LATE A CHINNAPPA

ALL ARE RESIDING AT
NO.5/40, MUNIVEERAPPA LANE
LINGARAJAPURAM,
BANGALORE -560 084

7. SRI A RAYAPPA
S/O LATE AROGYAPPA
SINCE DECEASED BY LRS

- (a) SMT RAJAMMA
W/O LATE RAYAPPA
SINCE DECEASED REPRESENTED BY LRS
RESPONDENT NO.7(b) AND (c) WHO ARE
ALREADY ON RECORD

- (b) SRI SAGAYA RAJ,
AGED ABOUT 43 YEARS
S/O LATE RAYAPPA

- (c) SRI MICHEL
AGED ABOUT 39 YEARS
S/O LATE A.RAYAPPA

ALL ARE RESIDING AT
VARADARAJANAGAR
BETTADAHALLI POST
BANGALORE NORTH TALUK
BANGALORE.

- 8 A GABRIEL
MAJOR
S/O LATE AROGYAPPA



SINCE DECEASED BY LRS

- (a) SMT LOURDU MARY
AGED ABOUT 60 YEARS
W/O LATE GABRIEL,
NO.22, MARUTHI EXTENSION
HENNUR CROSS, THOMAS TOWN POST
BANGALORE -560 084
- (b) SMT FATHIMA MARY
AGED ABOUT 45 YEARS
W/O ANTHONY RAJ
NEAR SEENAPPA FARM,
BEHIND STALLA SILK FACTORY,
NARAYANAPURA, ANEKAL
BANGALORE -562 106
- (c) SMT ANTHONY MARY @ JAYA
AGED ABOUT 44 YEARS
W/O CHOWRAPPA
C/O D/O LEELAMMA
NO.279, VAPSANDRA,
CHIKKABALLAPURA
WARD NO.1, KOLAR -562 101
- (d) SMT JACINTHA MARY
AGED ABOUT 42 YEARS
D/O LATE GABRIEL
NO.22, MARUTHI EXTENSION
HENNUR CROSS, THOMAS TOWN POST
BANGALORE -560 084
- (e) SRI BABU @ FRANK ANTHONY
AGED ABOUT 40 YEARS
S/O LATE GABRIEL,
SETHA NILAYA
KALAKOTTA MUNICIPAL COLONY
OPP. SAMAJA KALYAN MANTAPA
CHITRADURGA



- (f) SRI HARRY BERLINE
AGED ABOUT 38 YEARS
S/O LATE GABRIEL,
5/40, MUNI VEERAPPA LANE,
LINGARAJAPURAM,
BANGALORE -560 084
9. SMT ROSE MARY
W/O LATE LOURDAPPA
R/A NO.13, DODDABASAVANAPURA
VIRGONAGAR POST
K R PURAM
BANGALORE -560 049
SINCE DECEASED BY HER LRS.,
- (a) KANIK RAJ
S/O ROSE MARY
AGED MAJOR
- (b) JOHN BOSCO
S/O ROSE MARY
AGED MAJOR
- (c) LEENA BENEDICTA
D/O ROSE MARY
AGED MAJOR
- (d) LIZA BENEDICTA
D/O ROSE MARY
AGED MAJOR

ALL ARE RESIDENTS OF NO.13,
DODDABASAVANAPURA
VIRGONAGAR POST
K.R.PURAM
BANGALORE – 560 049

...RESPONDENTS

(R1 –DECEASED;
SRI B.RANGASWAMY FOR R2 (A, B, D AND E);



SRI V.LAKSHMAIAH, ADVOCATE FOR R3(A AND E);
SRI FAYAZ SAB B.G, ADVOCATE FOR R3(C AND D);
SRI V.B.SHIVAKUMAR, ADVOCATE FOR R2(A TO E), R7(B AND C) AND R8(B TI D);
SRI SHANMUKHAPPA BY KESVY CO., ADVOCATE FOR R4(A TO C);
SRI S.N.SAMEER, ADVOCATE FOR R5;
SRI K.SEENAPPA, ADVOCATE FOR R6(A);
SRI PRUTHVIRAJ R, ADVOCATE FOR R9 (A TO D);
VIDE ORDER DATED 29.06.2016, NOTICE TO R6(B) AND R7(A) IS DISPENSED WITH;
NOTICE TO R6(C), R8(A), R8(D) AND R8(E AND F) SERVED)

THIS RFA IS FILED UNDER ORDER XLI RULE 1 R/W SECTION 96 OF CODE OF CIVIL PROCEDURE AGAINST THE JUDGMENT AND DECREE DATED 1.9.2007 PASSED IN O.S.NO.627/1989 ON THE FILE OF THE XV ADDL. CITY CIVIL AND SESSIONS JUDGE, BANGALORE (CCH-3), PARTLY DECREETING THE SUIT FOR PARTITION AND POSSESSION.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL JUDGMENT

Matter was passed over once. Even in the second round of calling of cases, arguing counsel absent.

2. Sri Shashank Gowda N, advocate for Sri M.Rudraiah, learned counsel for appellant prays time.



NC: 2025:KHC:44171
RFA No. 2452 of 2007

3. Appeal is of the year 2007. Hence, prayer rejected.
4. Appeal stands ***dismissed*** for non prosecution.

Sd/-
(V SRISHANANDA)
JUDGE

kcm
List No.: 1 Sl No.: 73