



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2025

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

REGULAR FIRST APPEAL NO. 2433 OF 2023

BETWEEN:

1. SRI K.L.NARAYAN MURTHY
SINCE DECEASED BY HIS LRS
- 1(A) ANAND THORAVE
S/O THORAVE
AGED ABOUT 61 YEARS,
R/AT NO. 1907, ANANDA NILAYA,
12TH CROSS, 1ST BLOCK,
RAJAJINAGAR, BENGALURU - 560 010.
- 1(B). K.S.SANJIV
S/O LATE K.N.SRIHARI
AGED ABOUT 60 YEARS,
R/AT NO. 21/K, 12TH CROSS,
1ST BLOCK, RAJAJINAGAR,
BENGALURU - 560 010.
- 1(C). K.N.MURALI
S/O K.NARAHARAIH
AGED ABOUT 70 YEARS,
R.AT NO. 100/1, 10TH CROSS,
MALLESHWARAM, BENGALURU-560 003.
- 1(D). K.N.VIJAYAVARDHANA
S/O K.NARAHARAIH
AGED ABOUT 72 YEARS,
R.AT NO. 100/1, 10TH CROSS,
MALLESHWARAM, BENGALURU-560 003.





1(E). B.SANTHOSH
S/O LATE BADRINATH K.N.,
AGED ABOUT 50 YEARS,
R/AT NO. 5, 1ST CROSS,
SRIRAMPURAM, BENGALURU-560 021.

1(F). K.N.KAMALAMMA
D/O NARAHARAIHAH,
AGED ABOUT 94 YEARS,

1(G). K.S.SUSHEELA RAO
D/O NARAHARAIHAH,
AGED ABOUT 83 YEARS,

APPELLANT NO.1(F) AND 1(G)
ARE R/AT NO. 26/949, 3RD MAIN
2ND STAGE, D BLOCK,
RAJAJINAGAR, BENGALURU-560 010.

...APPELLANTS

(BY SRI. SRIKANTH M.P., ADVOCATE)

AND:

1. SRI CHAYA PRAKASH
S/O K.O.RAMAKRISHNAPPA
AGED ABOUT 57 YEARS,
R/AT NO. 81/1, 3RD FLOOR,
4TH MAIN, MALLESHWARAM,
BENGALURU-560 003.
2. SMT. PRATHIBA PRAKASH
SINCE DECEASED BY HER LRS.,
- 2(A). SMT. SHWETHA C.,
D/O CHAYA PRAKASH
AGED ABOUT 43 YEARS,
- 2(B). KUMARI SWATHI C. PRAKASH
D/O CHAYA PRAKASH
AGED ABOUT 38 YEARS,



2(C). SRI. SACHIN PRAKASH
S/O CHAYA PRAKASH
AGED ABOUT 36 YEARS,

RESPONDENT 2(A) TO 2(C) ARE
R/AT NO.3, 'B' STREET,
SIRUR PARK ROAD,
SHESHADRIPURA,
BENGALURU-560 020.

...RESPONDENTS

THIS RFA IS FILED UNDER SECTION 96 OF THE CODE OF
CIVIL PROCEDURE, PRAYING TO SET ASIDE THE IMPUGNED
ORDER DATED 14.07.2023 PASSED IN MISC.PETITION
NO.209/2016 PASSED BY THE HON'BLE COURT OF XVIII
ADDITIONAL CITY CIVIL JUDGE AT BENGALURU CITY AND
ETC.,

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

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

Office has raised office objection regarding
maintainability of the present appeal under Section 96 of
the Code of Civil Procedure, 1908 ('CPC' for short).

2. The present appeal is preferred against the
order in Misc. Pet. No.209/2016 dated 14.07.2023 on the
file of the XVIII Additional City Civil Judge, Bengaluru City
(the Trial Court' for short), whereby, the miscellaneous



petition filed by the respondents/petitioners under Order IX Rule 9 CPC was allowed, and suit in O.S. No.1610/2010 was restored to file. The order passed in the miscellaneous petition is the restoration of the original suit and there is no decree under which the appellants can challenge under Section 96 CPC.

3. At this stage, learned counsel for the appellants seeks permission to convert the present appeal into Civil Revision Petition. A memo to that effect has been filed.

4. Memo is taken on record. Appellants are permitted to convert the present appeal into Civil Revision Petition.

For statistical purpose, this regular first appeal stands ***disposed of.***

Sd/-

JUSTICE K.S. HEMALEKHA