

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 29TH DAY OF JUNE, 2012,

: BEFORE :

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

M.F.A.NO. 3939 OF 2011 (CPC)

Between:

1. D.S.Uma Devi,
W/o. Late D.V.Shankar Narayan Rao,
Aged 83 years.
2. Smt. Archana.R.Shenoy,
@ D.S.Sushma,
Major,
W/o. Sri. K.Ramesh Shenoy,
No.57, 3rd Main, 4th Cross,
Arikeri, MICO Layout,
Bannerghatta Road,
Bangalore-96.
3. D.S. Ram Mohan,
S/o. Late Sri. D.V.S.N.Rao,
Aged about 55 years.
4. Radhika.R.Shenoy,
W/o. Sri. D.S.Ram Mohan,
Aged about 45 years.

The appellants Nos. 1, 2 & 4 are
Rep. by their GPA holder-3rd appellant.

1, 3 & 4 are R/at. No.440/28,
Main House (ground floor),
13th Main Road, 18th Cross,
M.C.Layout, Vijayanagar,
Bangalore-40.

... Appellants

(By Smt. P.C.Thriveni, Advocate)

And:

D.S.Aravind,
S/o. Late D.V.Shankar Narayan Rao,
Aged about 59 years,
R/at. No.440/28,
I Floor, 13th Main,
M.C.Layout, Vijayanagar,
Bangalore-40.

... Respondent

This MFA is filed U/o. 43 Rule 1(r) of CPC, against the Order dated 20/01/2011 passed on I.A.No.22 in O.S.No.472/93 on the file of the XLIII Additional City Civil and Sessions Judge, Bangalore, rejecting I.A.No.22 filed U/o. 39 Rule 4(2) R/w. Section 151 of CPC to set aside and vary the order of injunction passed on I.A. No.1 dated 10/06/1994.

This MFA coming on for Admission, this day, the Court delivered the following:

J U D G M E N T

This appeal is filed by the defendant Nos.2, 1(a), 3 and 5 is directed against the impugned order dated 20th January 2011 passed on I.A.No.22 in O.S.No.472/1993, by the XLIII Additional City Civil and Sessions Judge, Bangalore, seeking to set aside the same and to allow the said application, I.A.No.22, as prayed for.

2. Heard the learned counsel appearing for appellants, for quite sometime.

3. During the course of submission, learned counsel appearing for appellants submits that the instant appeal may be dismissed as withdrawn, reserving liberty to the appellants to redress their grievance before the Court below.

4. The said submission of the learned counsel for appellants is placed on record and the appeal filed by the appellants is dismissed as withdrawn, reserving liberty to the appellants to workout their remedy before the Court below, if they are so advised or need arises.

Ordered accordingly.

SD/-
JUDGE

BMV*