

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST 2016

BEFORE

THE HON'BLE MR.JUSTICE A.N.VENUGOPALA GOWDA

MISCELLANEOUS SECOND APPEAL No.95 OF 2015

BETWEEN :

SMT. MEHRUNNissa
SINCE DECEASED BY HER LRS

1. SYED AKBAR
S/O LATE SYED KARIM
AGED ABOUT 60 YEARS
2. ZIBA KUSAR
D/O SYED AKBAR
AGED ABOUT 33 YEARS
3. SYED IMRAN
S/O SYED AKBAR
AGED ABOUT 31 YEARS
4. SYED IRFAN
S/O SYED AKBAR
AGED ABOUT 30 YEARS
5. SYED RIZWAN
S/O SYED AKBAR
AGED ABOUT 29 YEARS
6. ABZA KUSAR
D/O SYED AKBAR

W/O NADEEM AHMED
AGED ABOUT 26 YEARS

7. SADATH KUSAR
D/O SYED AKBAR
W/O SIRAZ AHAMED
AGED ABOUT 24 YEARS

ALL ARE RESIDING AT WARD NO.29
HUNASINAKERE BADAVANE
G.M.SCHOOL ROAD
HASSAN TOWN
HASSAN DISTRICT – 573 201.

...APPELLANTS

(BY SRI.M.N.MADHUSUDHAN, ADV.,)

AND :

THE COMMISSIONER
CITY MUNICIPALITY
HASSAN – 573 201

...RESPONDENT

THIS MISCELLANEOUS SECOND APPEAL IS FILED UNDER SECTION 104(1) R/W ORDER XLIII RULE 1 (r) OF THE CPC., AGAINST THE JUDGMENT AND DECREE DATED: 07.09.2015 PASSED IN MA NO.9/2015 ON THE FILE OF THE PRL.DISTRICT JUDGE, HASSAN, DISMISSING THE MISCELLANEOUS APPEAL AND FILED AGAINST THE JUDGMENT AND DECREE DATED: 08.12.2014 PASSED IN HASSAN CITY MUNICIPALITY IN NASAHA/VATTUVAR1/01/2014-15.

THIS MISCELLANEOUS SECOND APPEAL COMING ON FOR ORDERS THIS DAY, THE COURT DELIVERED THE FOLLOWING:

JUDGMENT

Office having raised objection regarding maintainability of the Appeal, learned Advocate for the appellants filed a memo to permit conversion of the Appeal into a Writ Petition.

2. Upholding the office objection, appeal is disposed of. However, liberty is reserved to the appellants to convert this Appeal into a Writ Petition within a period of two weeks.

**Sd/-
JUDGE**

ckl