

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF OCTOBER, 2017

BEFORE

THE HON'BLE MRS. JUSTICE B.V. NAGARATHNA

R.S.A.NO. 233 OF 2016 (DEC/INJ)

BETWEEN:

T.C. GOVINDE GOWDA
S/O CHINNE GOWDA
AGED 64 YEARS
AGRICULTURIST
ULUVALLI VILLAGE,
THYAVANA POST,
SRINGERI TALUK,
CHIKKAMAGALURU DISTRICT

... APPELLANT

(BY SHRI. RAVINDRANATH KAMATH, ADVOCATE)

AND:

1. T.C. CHINNEGOWDA
SINCE DEAD BY L.Rs.

2. RAVINDRAGOWDA
SINCE DEAD BY LRs.

- a) SHRUTHI
AGED 30 YEARS,
- b) NAGASHAYANA
AGED 27 YEARS
- c) SRIMATHI
AGED 40 YEARS
- d) MADHUSUDHANA
AGED 16 YEARS

NO.2(c) IS WIFE , 2(d) IS SON OF NO.2,
SINCE 2 (d) IS MINOR , REPRESENTED BY HIS
MOTHER NATURAL GUARDIAN NO.2(c).

ALL ARE RESIDENTS OF THYAVANA VILLAGE
SRINGERI TALUK

3. SAVITHRAMMA
SINCE DEAD BY L.Rs.

4. CHNADRASHEKARA
S/O LATE CHINNEGOWDA
AGED 48 YEARS
ULUVALI VILLAGE
THYAVANA POST
SRINIGERI TALUK,
CHIKKAMAGALURU DISTRICT

5. SHAILAKSHI
W/O NAGARAJ,
AGED 55 YEARS,
HOUSE WIFE
GLAMUDI VILLAGE,KIGGA POST
SRINGERI TALUK.

6. SULOCHANA
W/O VASAPPA GOWDA,
AGED 57 YEARS,
DONUR VILLAGE,
KIGGA POST,SRINIGERI TALUK.

7. SRIDEVI,
W/O DEVARAJ,
AGED 48 YEARS,
HONNALI VILLAGE,
MALAGODU POST,
BALEHONNUR HOBLI,
N.R. PURA TALUK.

NOS. 4 TO 7 ARE ALREADY ON RECORD
EXCEPT THESE NO OTHER HEIRS TO
R1 TO R3.

... RESPONDENTS

THIS RSA IS FILED UNDER SECTION 100 OF CPC AGAINST THE JUDGMENT AND DECREE DATED 06.11.2015 PASSED IN R.A. NO.113/2013 ON THE FILE OF THE PRL. DISTRICT JUDGE, CHIKAMAGALUR, DISMISSING THE APPEAL FILED AGAINST THE JUDGMENT AND DECREE DATED 27.03.2003 PASSED IN O.S.NO.4/1996 ON THE FILE OF THE CIVIL JUDGE(SD) AT CHIKAMAGALUR. TRIAL COURT DISMISSED THE SUIT. APPELLATE COURT DISMISSED THE SUIT. APPELLATE COURT DISMISSED THE APPEAL. THE SUIT IS FOR DECLARATION AND PERMANENT INJUNCTION.

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

JUDGMENT

Though, the matter is called out twice, none appears on behalf of the appellant. This appeal was filed on 08.12.2015. This Court on 17.10.2017 had granted time till 27.10.2017 for removal of office objections, failing which to list the appeal for dismissal for non-compliance of office objections.

Today, though the matter is called out twice, there is no appearance on behalf of the appellant. The office objections have also not been removed. In the circumstances, the appeal is ***dismissed*** for non-removal of office objections and for non-appearance.

**Sd/-
JUDGE**

Psg*