

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31st DAY OF MAY 2018

BEFORE

THE HON'BLE MR. JUSTICE S.N.SATYANARAYANA

REGULAR FIRST APPEAL NO.1926 OF 2016

BETWEEN:

CYBER POINT AND TRAVEL POINT
REP. BY PROPRIETOR
SRI CHANDAR
S/O LATE SRI SRINIVAS
AGED ABOUT 62 YEARS
SHOP NO.7, 1ST FLOOR
SHRUNGAR SHOPPING COMPLEX
CHURCH STREET, NO.80/1
M.G.ROAD, BENGALURU – 560 001

... APPELLANT

(BY SRI.R.B.SADASIVAPPA, ADV.)

AND:

1. MISS CHITRALEKHA THUMBOOCHETTY
D/O LATE SRI.F.THUMBOOCHETTY
AGED ABOUT 70 YEARS
NO.17, PROMENADE ROAD
FRAZER TOWN
BENGALURU – 560 005
2. SRI.JOHN RAVIKANTH THUMBOOCHETTY
S/O LATE SRI.F.THUMBOOCHETTY
AGED ABOUT 67 YEARS
NO.17, PROMENADE ROAD
FRAZER TOWN
BENGALURU – 560 005
3. MRS.MARY GEETHANJALI THUMBOOCHETTY
D/O LATE SRI.F.THUMBOOCHETTY
AGED ABOUT 66 YEARS
NO.13/4, BEALE STREET

LIVEPOOL NEW SOUTH EALES
AUSTRALIA

4. SRI.BERNARD VIKRAM THUMBOOCHETTY
S/O LATE SRI.F.THUMBOOCHETTY
AGED ABOUT 61 YEARS
NO.16, PROMENADE ROAD
FRAZER TOWN
BENGALURU – 560 005
5. M/s. DNL ENTERPRISES
NO.79/80, M.G.ROAD
SHRUNGAR SHOPPING COMPLEX
BENGALURU – 560 001
REP. BY ITS PARTNER
SRI.SHANKAR TAMRE ... RESPONDENTS

(SRI.ASHOK B.PATIL, ADV. FOR C/R2
SRI.K.M.JAGANATH, ADV. FOR R4)

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This RFA is filed under Section 96 of CPC against the judgment and decree dated 26.09.2016 passed on I.A.No.19 in Ex.Case No.142/2014 on the file of the XI Addl. City Civil Judge, Bengaluru rejecting the I.A.No.19.

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

JUDGMENT

Learned counsel for the appellant fairly submits that the respondents who are the plaintiffs in the Court below have taken possession of the property. Therefore, nothing survives for consideration in this appeal which is filed challenging the order of rejection of application in I.A.No.19 under Order 21 Rule 97 read

with Section 151 of CPC. His submission is placed on record.

2. Accordingly, the appeal is dismissed as it does not survive for consideration.

3. In view of the dismissal of the appeal, IA No.1/2016 does not survive for consideration and is accordingly dismissed.

**Sd/-
JUDGE**

RV