



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF NOVEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE V SRISHANANDA

REGULAR FIRST APPEAL NO.709 OF 2008 (RES)

BETWEEN:

MRS LYNETTE FERNANDES
W/O C.G.F. FERNANDES
AGED ABOUT 60 YEARS
R/AT NO 41, CHARLES CAMP BELL ROAD
COX TOWN, BANGALORE-5

...APPELLANT

(BY MRS. LYNETTE FERNANDES., ADVOCATE)

AND:

1. MRS GERTIE MATHIAS
SINCE DEAD BY LRS
- 1(A) JANETTE MATHIAS,
D/O RICHARD P MATHIAS
AGED ABOUT 62 YEARS
RESIDING OPP TARANATH STORES
BEJAI KAPIKAD, MANGALORE 4
2. BENNET MATHIAS
S/O RICHARD MATHIAS
AGED ABOUT 60 YEARS
R/AT HIGHLANDS, CHURCH ROAD
BOLAR, MANGALORE 1

...RESPONDENTS

(BY SRI. N. RAJANNA., ADVOCATE FOR M/S. HOLLA AND
HOLLA, ADVOCATE FOR C/R2, R1(A) IS SERVED)



THIS RFA IS FILED U/S 96 OF THE CPC AGAINST THE JUDGEMENT AND DECREE DT. 4.2.08 PASSED IN OS NO. 1/99 ON THE FILE OF THE III ADDL. DISTRICT & SESSIONS JUDGE, D.K., MANGALORE, DISMISSING THE SUIT FOR PROBATE AND ETC.,

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

JUDGMENT

The court notice issued to the appellant returned with an endorsement "service insufficient" on account of correct address of the appellant. The appellant was earlier represented by Smt. Jyoti Mulimani, Advocate who has been elevated as the Judge of this High Court.

2. By way of an abundant caution, this court issued the court notice to the appellant. Since the court notice has been returned with an endorsement as stated supra, left with no alternative, appeal stands dismissed for non-prosecution.

Sd/-
JUDGE

KLY
List No.: 1 Sl No.: 4