



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2023

BEFORE

THE HON'BLE MR JUSTICE H.T. NARENDRA PRASAD
REGULAR FIRST APPEAL NO. 2338 OF 2006 (PAR)

BETWEEN:

1. SMT SATHYABHAMA
W/O LATE KESHAVAMURTHY
AGED ABOUT 59 YEARS
NO 318, CHANDRA 8 MAIN
RAILWAY LAYOUT
MUNEESWARANAGA
ULLAL MAIN ROAD
JNANABHARATHI
BANGLAORE-560068.
2. SRI DHIRUVAKUMAR
AGED ABOUT 60 YERAS
S/O LATE GUNDAPPA
R/O NO 28, I CROSS
SRIRAMPURAM, BANGALORE 21.
3. SMT THEJAMANI
AGED ABOUT 67 YEARS
W/O B R RAMASWAMYNO 1644
12 CROSS,MARIYAPANAPALYA
RAJAJINAGAR, II BLOCK
BANGALORE 560021.
4. SMT SWARNALATHA
AGED ABOUT 38 YEARS
W/O LATE SAMPATHKUMAR
C/O NANJUNDASWAMY

Digitally signed
by
DHANALAKSHMI
MURTHY

Location: High
Court of
Karnataka



K BETTAHALLYPANDAVAPURA
MANDYA-571401.

...APPELLANTS

(BY SRI.G.JAYASHREE AND
SRI.H.M. MANJESH., ADVOCATES [ABSENT])

AND:

1. SRI MANJUNATHA
S/O LATE GUNDAPPA
AGED ABOUT 43 YEARS
NO 70 LAGGERE MAIN ROAD
KAVERI NAGARA QUARTERS
III PHASE, PEENYA POST
BANGALORE-560058.
2. SMT ANITHA
AGED ABOUT 42 YEARS
W/O SHANKARMURTHY
NO 12/3, ASIAN GLASS AND PLY WOOD
BANASHANKARI I PHASE
BANGALORE-560 050.
3. SMT PRABHAVATHI
AGED ABOUT 52 YEARS
W/O NANJUNDA SWAMY
NO 70, LAGGERE MAIN ROAD
KAVERINAGARA, QUARTERS
III PHASE, PEENYA POST
BANGALORE-560058.
4. SRI JAYAKEERTHI
AGED ABOUT 35 YEARS
S/O LATE KESHAVAMURTHY
NO 318, CHANDRA 8TH MAIN
RAILWAYLAYOUT
MUNEESHWARA NAGAR
ULLAL MAIN ROAD
JNANABHARATHI, BANGALORE-560058



5. SMT CHITRAVATHI
AGED ABOUT 50 YEARS
W/O SHANKARANARAYANA
R/O NO 572, IV MAIN
12 BLOCK, NAGARBHAVI II STAGE
BDA LAYOUT, BANGALORE-560072.

6. SRI NAVEEN
AGED ABOUT 24 YEARS
S/O LATE SAMPATH KUMAR
BOYS HOSTEL
BEHIND SRI DEVI INSTITUTION OF TECHNOLOGY
SIRA ROAD, TUMKUR-572101.

...RESPONDENTS

(BY SRI. VARDHAMAN V GUNJAL., ADVOCATE FOR R1:
SRI. K SREEDHAR, ADVOCATE FOR R2:
NOTICE TO R4 & R6 SERVED AND UNREPRESENTED:
NOTICE TO R5 IS D/W V/O DATED: 28.01.2013)

THIS RFA IS FILED UNDER SECTION 96 OF CPC AGAINST
THE JUDGMENT AND DECREE DATED:17.8.2006 PASSED IN
O.S.NO.161/99 ON THE FILE OF THE PRL. CIVILJUDGE
(SR.DN), RAMANAGARAM, DISMISSING THE SUIT FOR
PARTITION, SEPARATE POSSESSION AND MESNE PROFIT.

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

JUDGMENT

1. None appears for the appellants.
2. When the matter was posted on 13.12.2022,
none appeared for the appellants. Again on 19.06.2023,
when the matter was called out, none appeared for the
appellants. Hence, the matter was adjourned by next



week. Even on 27.06.2023 when the matter was called out, none appeared for the appellants. Hence, the matter was ordered to be listed on 28.06.2023 on top of the list for orders. Even on 28.06.2023 when the matter was called out, none appeared for the appellants. Hence the matter was directed to be listed on 30.06.2023 on top of the list under the caption "for dismissal".

3. Even today when the matter is called out, none appears for the appellants. It appears that the appellants are not interested in prosecuting the case. Hence, the appeal is ***dismissed for non-prosecution.***

Sd/-
JUDGE