



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JUNE, 2024

BEFORE

THE HON'BLE MR JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL NO. 401 OF 2011 (DEC/INJ)

BETWEEN:

K VENKATACHALAPATHI SETTY
DEAD BY LRS

1. SMT SUSHEELAMMA
W/O K VENKATACHALAPATHI
AGED ABOUT 84 YEARS
2. K VENKATARATHNAM
S/O K VENKATACHALAPATHI SETTY
AGED ABOUT 62 YEARS
3. VENKATESH BABU
S/O K VENKATACHALAPATHI SETTY
AGED ABOUT 48 YEARS

ALL ARE RESIDING AT NO 37,
FOURTH CROSS, 12TH MAIN,
VITTALNAGAR,
CHAMARAJPET
BANGALORE 560018

Digitally
signed by R
MANJUNATHA
Location:
HIGH COURT
OF
KARNATAKA

...APPELLANTS

(BY SRI L NARASIMHA MURTHY, ADVOCATE -ABSENT;

VIDE ORDER DATED 31.05.2022, APPELLANT NO.2 AND 3 ARE
LEGAL REPRESENTATIVES OF DECEASED APPELLANT NO.1;

VIDE ORDER DATED 12.10.2022, A2 IS DEAD;

SRI V VIJAYA SHEKARA GOWDA AND
SRI A S VENKAT KUMAR, ADVOCATES FOR A3)



AND:

K RADHAKRISHNAIAH SETTY
S/O LATE ABBAIAH SETTY
AGED ABOUT 71 YEARS
RESIDING AT NO.163/D/32,
KANAKAPURA ROAD
TATA SILK FARM,
BASAVANAGUDI
BANGALORE 560 004

...RESPONDENT

(BY SRI R ANIL KUMAR AND
SRI H T VASANTH KUMAR, ADVOCATES)

THIS RSA IS FILED UNDER SEC.100 OF CPC., AGAINST THE JUDGMENT AND DECREE DATED 21.10.2010 PASSED IN R.A.NO.218/2007 ON THE FILE OF THE II ADDL. CIVIL JUDGE (SR.DN) KOLAR, PARTLY ALLOWING THE APPEAL AND SETTING ASIDE THE JUDGMENT AND DECREE DATED 26.7.2007 PASSED IN O.S.NO.348/1995 ON THE FILE OF THE ADDL. CIVIL JUDGE (JR.DN) MALUR.

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

ORDER

Case called out. None present on behalf of the appellants. Even in the last date of hearing, there was no representation on behalf of the appellants. Appeal is of the year 2011, yet to be admitted.

Perused the records. Appeal is filed by defendants who suffered the decree in O.S.348/1995, whereby judgment and



decree passed in O.S.No.284/1992, dated 31.03.1995 was held null and void and not binding on the plaintiff.

Accordingly, appeal is dismissed for non prosecution.

Sd/-
JUDGE

MR
List No.: 2 SI No.: 33