



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31<sup>ST</sup> DAY OF MAY, 2024

BEFORE

THE HON'BLE MR JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL NO. 1492 OF 2012 (INJ)

**BETWEEN:**

SRI B SHIVANNA  
AGED ABOUT 61 YEARS,  
S/O LATE BOREGOWDA,  
RESIDENT OF MAHADESHWARA ROAD,  
KUMBARA KOPPALU,  
MYSORE-570021

...APPELLANT

(BY SRI. V MANJUNATH PRASAD, ADVOCATE-ABSENT)

**AND:**

1. SMT SUDHA  
AGED ABOUT 48 YEARS,  
W/O S SIDDEGOWDA,  
RESIDING AT JHANJAR NO. 382,  
HEBBAL EXTENSION,  
MYSORE-570021.
2. SRI B SWAMY  
AGED ABOUT 57 YEARS,  
S/O LATE BOREGOWDA,  
RESIDING OF MAHADESHWARA ROAD,  
KUMBARA KOPPALU,  
MYSORE-570 021
3. SMT. DODDATHAYAMMA @ KEMPADEVAMMA  
AGED ABOUT 54 YEARS,

Digitally  
signed by  
MALATESH  
K C  
Location:  
HIGH  
COURT OF  
KARNATAKA



W/O THIMMEGOWDA,  
D/O LATE BOREGOWDA,  
RESIDING AT MEGALA RAMA  
MANDIRA,  
KUMBARA KOPPALU,  
MYSORE-570021

4. SMT. UMA DEVI  
AGED ABOUT 57 YEARS,  
W/O SRI B SHIVANNA,  
RESIDENT OF MAHADESHWARA ROAD,  
KUMBARA KOPPALU,  
MYSORE-570 021

...RESPONDENTS

THIS RSA IS FILED UNDER SECTION 100 CPC AGAINST THE JUDGMENT & DECREE DATED 02.09.2011 PASSED IN R.A.NO.736/2010 ON THE FILE OF III ADDITIONAL DISTRICT JUDGE, MYSORE, DISMISSING THE APPEAL FILED AGAINST THE JUDGMENT AND DECREE DATED 16.06.2007 PASSED IN O.S.NO.329/1996 ON THE FILE OF PRINCIPAL FIRST CIVIL JUDGE (JR.DN.), MYSORE.

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



**JUDGMENT**

None present on behalf of the appellant.

2. As per order dated 03.12.2019 process fees is not paid for issuance of notice to respondents 1 to 4.

3. There is a delay of 218 days in filing the appeal as well. The decree that is under challenge in an injunction decree confirmed by first appellate Court. Appeal is of the year 2012. Till today no proper steps has been taken for service of notice to respondents. Accordingly appeal is dismissed for non-prosecution.

**Sd/-  
JUDGE**

SBN