



IN THE HIGH COURT OF KARNATAKA

AT BENGALURU

DATED THIS THE 29TH DAY OF FEBRUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE V SRISHANANDA

REGULAR FIRST APPEAL NO. 1682 OF 2007 (INJ)

C/W

REGULAR FIRST APPEAL NO. 1982 OF 2005 (INJ)

&

REGULAR FIRST APPEAL NO. 2240 OF 2006 (INJ)

IN R.F.A NO. 1682 OF 2007

BETWEEN:

SRI P. MURTHY S/O. M. PAPAIH,
AGED ABOUT 36 YEARS
R/AT NO.1/3, 7TH MAIN,
JIABARATHNAGAR,
BANGALORE - 560033, AND
ALSO PROPRIETOR ,
KALPANA TABLE MOULD BRICKS,
NO.685, CHANNASANDRA VILLAGE,
BANASWADI ,BANGALORE - 560043.

Digitally signed
by SHILPA R
TENIHALLI
Location: High
Court Of
Karnataka

...APPELLANT

(BY SRI K. MURTHY, ADVOCATE)

AND:

1. SRI HANUMANTHA REDDY,
S/O. NALLAPPA REDDY,
AGED ABOUT 54 YEARS,
R/AT NO.255/2,
LALABAHADUR NAGARA,
CHANNASANDRA VILLAGE,



BANASWADI , BANGALORE - 560043.

2. BANGALORE MAHANAGARA PALIKE,
REP. BY ITS COMMISSIONER,
N.R. SQUARE, BANGALORE - 560002.
3. THE CHIEF ENGINEER,
BANGALORE MAHANAGARA PALIKE,
N.R. SQUARE, BANGALORE - 560002.
4. SRI P. LAKSHMIPATHI
S/O. LATE M. PAPAIH,
AGED ABOUT 40 YEARS,
R/AT NO.1/3, 7TH MAIN,
JIABARATHNAGAR BANGALORE- 560033.
5. SRI P. SRINIVASA,
S/O. LATE M. PAPAIH,
AGED ABOUT 31 YEARS,
R/AT NO.1/3, 7TH MAIN, JIABARATHNAGAR
BANGALORE - 560033.

...RESPONDENTS

(BY SRI. M RAMACHANDRA REDDY AND
SRI J. SRINIVAS, ADVOCATES FOR C/R1;
SRI B.S.SATYANAND, ADVOCATE FOR R2 & R3;
NOTICE TO R4 & R5 IS DISPENSED WITH)

THIS REGULAR FIRST APPEAL IS FILED U/S.96 R/W
ORDER 41 RULE 1 OF CPC AGAINST THE JUDGMENT AND
DECREE DATED 15.6.2007 PASSED IN O.S.NO.6369/2000 BY
THE IX ADDITIONAL CITY CIVIL JUDGE, BANGALORE CITY,
AND DISMISS THE SUIT WITH EXEMPLARY COSTS AND GRANT
SUCH OTHER RELIEF OR RELIEFS AS DEEMS FIR TO GRANT
UNDER THE CIRCUMSTANCES OF THE ABOVE CASE.

IN R. F. A. NO. 1982 OF 2005

BETWEEN:

SRI M. PAPAIH,
S/O LATE MUNIYAPPA,
MANAGING DIRECTOR,



NC: 2024:KHC:8756
RFA No. 1682 of 2007
C/W RFA No. 1982 of 2005
RFA No. 2240 of 2006

KALPANA TABLE MOULD BRICKS,
NO.685, CHANNASANDRA VILLAGE,
BANASWADI, BANGLORE-560043,

SINCE DEAD REPRESENTED BY HIS LEGAL HEIR,

SRI P.MURTHY S/O M. PAPAIAH,
PARTNER,
KALPANA TABLE MOULD BRICKS,
NO 685, CHANNASANDRA VILLAGE,
BANASWADI, BANGLORE-560043.

...APPELLANT

(BY SRI K. MURTHY, ADVOCATE)

AND:

SRI HANUMANTHA REDDY
S/O NALLAPPA REDDY,
AGED ABOUT 54 YEARS,
R/A NO.255/2, LALBAHADUR NAGARA,
CHANNASANDRA VILLAGE,
BANASWADI, BANGALORE-560043.

...RESPONDENT

(RESPONDENT SERVED)

THIS REGULAR FIRST APPEAL IS FILED UNDER SECTION 96 AND READ WITH ORDER 41 RULE 1 OF THE CIVIL PROCEDURE CODE PRAYING TO CALL FOR THE ENTIRE RECORDS IN O.S.NO.5119/1995 AND SET ASIDE THE JUDGMENT AND DECREE DATED 7.11.2005 IN SO FAR AS THE ISSUE NO.2 AND DECREE THE SUIT FOR THE PLAINTIFF BY GRANTING PERMANENT INJUNCTION AS PRAYED FOR AND GRANT SUCH OTHER ORDER OR ORDERS AS DEEMS FIT TO GRANT UNDER THIS CIRCUMSTANCES OF THE ABOVE CASE.

IN R.FA.NO.2240 OF 2006

BETWEEN:

SRI M. PAPAIAH,
S/O LATE MUNIYAPPA,



NC: 2024:KHC:8756
RFA No. 1682 of 2007
C/W RFA No. 1982 of 2005
RFA No. 2240 of 2006

MANAGING DIRECTOR,
KALPANA TABLE MOULD BRICKS,
NO 685, CHANNASANDRA VILLAGE,
BANASWADI, BANGLORE-560043,

SINCE DEAD REPRESENTED BY HIS LEGAL HEIR
SRI. P MURTHY S/O M. PAPAIH
PARTNER KALPANA TABLE MOULD BRICKS,
NO 685, CHANNASANDRA VILLAGE,
BANASWADI, BANGLORE-560043.

(BY SRI K. MURTHY, ADVOCATE)

...APPELLANT

AND:

SRI HANUMANTHA REDDY,
S/O NALLAPPA REDDY,
AGED ABOUT 54 YEARS,
R/AT NO 255/2, LALBAHADUR NAGARA,
CHANNASANDRA VILLAGE,
BANASWADI, BANGALORE-560043.

...RESPONDENT

(BY SRI M RAMACHANDRA REDDY, ADVOCATE)

THIS REGULAR FIRST APPEAL IS FILED U/S.96 R/W ORDER 41 RULE 1 OF CPC AGAINST THE JUDGMENT AND DECREE DATED 25.9.2006 PASSED IN O.S.NO.8720/1997 ON THE FILE OF THE XVII ADDL. CITY CIVIL JUDGE AND SESSION JUDGE BANGALORE INSOFAR AS ISSUES NO. 2 AND 3 ARE CONCERNED AND DECREE THE SUIT OF THE PLAINTIFF BY GRANTING PERMANENT INJUNCTION AS PRAYED FOR AND GRANT SUCH OTHER RELIEF OR RELIEFS AS DEEMS FIR TO GRANT UNDER THE CIRCUMSTANCES OF THE ABOVE CASE.



THESE APPEALS ARE COMING ON FOR FURTHER HEARING, THIS DAY, THE COURT DELIVERED THE FOLLOWING:

JUDGMENT

Heard the learned counsel for the appellants and the learned counsel for the respondents.

The affidavit filed by respondent No.2 – Bengaluru Mahanagar Palike dated 13.12.2023 is perused. The same would quell the apprehensions expressed by the appellants. Therefore, no further orders are necessary and the appeals can be disposed of by placing the affidavit on record. Accordingly, the following order is passed:

ORDER

The appeals stand disposed of by placing the affidavit of respondent No.2 – Bengaluru Mahanagar Palike dated 13.12.2023 on record.

**Sd/-
JUDGE**

CT:SI
SRT
List No.: 19 SI No.: 2