



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 16<sup>TH</sup> DAY OF JULY, 2025**

**BEFORE**

**THE HON'BLE MR. JUSTICE H.P.SANDESH**

**MISCELLANEOUS SECOND APPEAL NO.58 OF 2019 (RO)**

**C/W**

**REGULAR SECOND APPEAL NO.1545 OF 2019**

**IN MSA NO.58/2019:**

**BETWEEN:**

1. SRI. NARAYANA  
S/O. VENKATRAMANA BHAT  
AGED ABOUT 51 YEARS
2. SRI. SHASHIDARA  
S/O. VENKATRAMANA BHAT  
AGED ABOUT 49 YEARS
3. SRI. UDAYAKUMAR  
S/O. VENKATRAMANA BHAT  
AGED ABOUT 47 YEARS

ALL ARE RESIDING AT VADYADAGAYA,  
PERNE VILLAGE AND POST,  
BANTWAL TALUK,  
D.K. DISTRICT - 574 325.

...APPELLANTS

(BY SRI. RAVISHANKAR SHASTRY G., ADVOCATE)

**AND:**

1. SRI. RAMAKRISHNA BHAT  
S/O. LATE VENKATRAMANA BHAT  
AGED ABOUT 65 YEARS





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RESIDING AT VADYADAGAYA  
PERNE VILLAGE AND POST  
BANTWAL TALUK  
D.K. DISTRICT - 574 325.

...RESPONDENT

(BY SRI. M. VISHWAJITH RAI, ADVOCATE)

THIS MSA IS FILED UNDER ORDER 43 RULE 1(u) OF CPC,  
AGAINST THE JUDGMENT AND DECREE DATED 20.04.2019  
PASSED IN R.A.NO.49/2010 ON THE FILE OF THE IV  
ADDITIONAL DISTRICT AND SESSIONS JUDGE, MANGALURU,  
PARTLY ALLOWING APPEAL AND FILED AGAINST THE  
JUDGMENT AND DECREE DATED 24.02.2010 PASSED IN  
O.S.NO.85/2007 ON THE FILE OF THE CIVIL JUDGE (SR.DN.)  
AND JMFC, BANTWAL, REMANDING BACK TO THE TRIAL COURT  
WITH A DIRECTION.

**IN RSA NO.1545/2019:**

**BETWEEN:**

1. SRI. RAMAKRISHNA BHAT  
S/O. LATE VENKATRAMANA BHAT  
AGED ABOUT 65 YEARS  
R/AT VADYADAGAYA  
PERNE VILLAGE AND POST  
BANTWAL TALUK  
D.K. DISTRICT-574 325.

...APPELLANT

(BY SRI. VISHWAJITH RAI M., ADVOCATE)

**AND:**

1. SMT. KAMALA  
AGED ABOUT 79 YEARS
2. SRI. NARAYANA  
AGED ABOUT 51 YEARS,.



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3. SRI. SHASHIDARA  
AGED ABOUT 49 YEARS,
4. SRI. UDAYAKUMAR  
AGED ABOUT 47 YEARS,

WIFE AND CHILDREN OF VENKATRAMANA BHAT,  
R/AT VADYADAGAYA, PERNE VILLAGE AND POST  
BANTWAL TALUK, D.K. DISTRICT-574325.

...RESPONDENTS

(BY SRI. G.RAVISHANKAR SHASTRY, ADVOCATE FOR  
R2 TO R4; R1 IS DEAD)

THIS RSA IS FILED UNDER SECTION 100 OF CPC,  
1908 AGAINST THE JUDGMENT AND DECREE DATED  
20.04.2019 PASSED IN R.A.NO.49/2010, ON THE FILE OF  
THE IV ADDL. DISTRICT AND SESSIONS JUDGE,  
D.K.MANGALURU, PARTLY ALLOWING THE APPEAL FILED  
AGAINST THE JUDGMENT AND DECREE DATED 24.02.2010  
PASSED IN O.S.NO.85/2007 ON THE FILE OF THE CIVIL  
JUDGE [SR.DN.] AND JMFC, BANTWAL, D.K.

THESE APPEALS COMING ON FOR ORDERS THIS DAY,  
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

### **ORAL JUDGMENT**

Both the counsels are present before the Court and  
submits that in view of the settlement arrived between the  
parties, memo dated 02.06.2025 and 14.07.2025 are filed  
and also an affidavit is filed in support of the memo and in  
view of the same, permitted to withdraw the suit in



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**MSA No. 58 of 2019**  
**C/W RSA No. 1545 of 2019**

O.S.No.85/2007 on file of Civil Judge, Bantwala. Memo is accepted.

2. The counsel for the appellant submits that in view of the settlement and withdrawal of suit, these appeals do not survive for consideration. Hence, both M.S.A.No.58/2019 and R.S.A.No.1545/2019 consequent upon the memo permitted to withdraw. Accordingly, both appeals are **dismissed** as withdrawn in view of the memo.

**Sd/-**  
**(H.P.SANDESH)**  
**JUDGE**

RHS  
List No.: 1 Sl No.: 38