



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH 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





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,.



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



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