



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF MAY, 2025

BEFORE

THE HON'BLE MR JUSTICE M.I.ARUN

MISCELLANEOUS FIRST APPEAL NO. 3364 OF 2025 (CPC)

BETWEEN:

1. SRI. NANJAPPA D.E.,
S/O LATE ERANNA @ KANI ERANNAGOWDA,
AGED ABOUT 80 YEARS,
2. SMT. JANAKAMMA,
W/O NANJAPPA.D.E,
AGED ABOUT 70 YEARS,

BOTH ARE RESIDING AT
NO.17, 1ST CROSS,
EX-SERVICEMEN COLONY,
JAYAMAHAL,
BENGALURU – 560 032.

...APPELLANTS

(BY SRI. MUKUNDA P., ADVOCATE)

AND:

1. SRI. LAKKANAGOWDA D.L.,
S/O LATE LAKKANNA @ KANI MOTAIAH,
AGED ABOUT 58 YEARS,
2. SMT. RADHA,
W/O LAKKANAGOWDA D.L.,
AGED ABOUT 51 YEARS,

BOTH ARE RESIDING AT NO.93,
2ND CROSS, BHASHYA NAGAR,
BENGALURU NORTH, SRIRAMPURA,
BENGALURU – 560 021.





3. SRI. SHIVA,
S/O. LAKKANNA @ KANI MOTAIAH,
AGED ABOUT 54 YEARS,

4. SMT. T.N.SHANTHA,
W/O SHIVA,
AGED ABOUT 50 YEARS,

BOTH ARE RESIDING AT
L.I.G. 9, 3RD STAGE, HUDCO,
HANUMANTHA NAGAR,
BANNIMANTAPA,
MYSURU – 570 015.

5. SRI. RAMAKRISHNA,
S/O. LAKKANNA @ KANI MOTAIAH,
AGED ABOUT 51 YEARS,

6. SMT. LAKSHMAMMA,
W/O RAMAKRISHNA,
AGED ABOUT 55 YEARS,

BOTH ARE RESIDING AT
DODDHAMADHURE VILLAGE
AND POST, YEDIYURU HOBLI,
KUNIGAL TALUK,
TUMKUR DISTRICT – 572 142.

7. SRI.RAJU.M,
S/O LAKKANNA @ KANI MOTAIAH,
AGED ABOUT 49 YEARS,

8. SMT. PREMA H.P.,
W/O RAJU M,
AGED ABOUT 42 YEARS,

BOTH ARE RESIDING AT
DODDHAMADHURE VILLAGE
AND POST, YEDIYURU HOBLI,
KUNIGAL TALUK, TUMKUR DISTRICT – 572 142.



9. SMT. JAYANTHI,
W/O LATE LAKKANNA,
AGED ABOUT 40 YEARS,
RESIDING AT KUPPE VILLAGE,
AMRUTHUR HOBLI, KUNIGAL TALUK,
TUMKUR DISTRICT - 572 111.
10. SMT. LAKAMMA,
D/O LATE CHANNAVEERAIHAH,
W/O MANDIMANE GOWDA,
AGED ABOUT 45 YEARS,
RESIDING AT
BEVOOR MANDYA VILLAGE,
MALURU HOBLI, CHANNAPATANA TALUK,
TUMKUR DISTRICT - 562 108.
11. SIR. CHANNAKESHAHA.C,
S/O LATE CHANNAVEERAIHAH
KANI MOTAIAH,
AGED ABOUT 42 YEARS,
12. SMT. C.R. BHAGYAMMA,
W/O CHANNAKESHAHA C,
AGED ABOUT 38 YEARS,

BOTH ARE RESIDING AT
NO.104/B, TUNGA NAGAR,
HETIGE CONVENTIONAL HALL,
VISHWANEEDAM POST,
BENGALURU - 560 091.
13. SMT. MAYAMMA,
W/O LATE CHANNAVEERAIHAH,
AGED ABOUT 75 YEARS,
RESIDING AT DODDHAMADHURE
VILLAGE AND POST,
YEDIYURU HOBLI,
KUNIGAL TALUK,
TUMKUR DISTRICT - 572 142.



14. SMT. D.C PREMA,
D/O LATE CHANNAVEERAAIAH,
AGED ABOUT 30 YEARS,
RESIDING AT KODAVATTHI VILLAGE,
MARKONAHALLI POST,
AMRUTHURU HOBLI, KUNIGAL TALUK,
TUMKUR DISTRICT – 572 111.
15. SRI. PUNITHRAJU,
S/O LATE CHANNAVEERAAIAH,
AGED ABOUT 25 YEARS,
RESIDING AT DODDHAMADHURE
VILLAGE AND POST,
YEDIYURU HOBLI, KUNIGAL TALUK,
TUMKUR DISTRICT – 572 142.
16. SMT. LAKKAMMA,
W/O LATE KANI ERANNA,
AGED ABOUT 61 YEARS,
RESIDING AT DODDHAMADHURE
VILLAGE AND POST,
YEDIYURU HOBLI, KUNIGAL TALUK,
TUMKUR DISTRICT – 572 142.
17. SMT. SHIVAMMA D.E,
D/O LATE KANI EERANNA,
AGED ABOUT 48 YEARS,
RESIDING AT DODDHAMADHURE
VILLAGE AND POST,
YEDIYURU HOBLI, KUNIGAL TALUK,
TUMKUR DISTRICT – 572 142.
18. SRI. BASAVARAJU D.E,
S/O LATE KANI ERANNA,
AGED ABOUT 44 YEARS,
RESIDING AT NO.166,
AANDRAHALLI MAIN ROAD,
5TH CROSS, KALIKANAGAR,
BENGALURU – 560 021.



19. SRI. PARAMESHA D.E,
S/O LATE KANI EERANNA,
AGED ABOUT 39 YEARS,
RESIDING AT DODDHAMADHURE
VILLAGE AND POST,
YEDIYURU HOBOLI, KUNIGAL TALUK,
TUMKUR DISTRICT – 572 142.

...RESPONDENTS

THIS MFA IS FILED U/O.43 RULE 1(r) OF THE CPC,
AGAINST THE ORDER DATED 17.03.2025 PASSED ON IA
NO.VII IN O.S.NO.173/2022 ON THE FILE OF THE SENIOR
CIVIL JUDGE ADN JMFC, KUNIGAL, DISMISSING THE IA.NO.VII
FILED U/O.39 RULE 1 AND 2 OF CPC, 1908.

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

CORAM: HON'BLE MR JUSTICE M.I.ARUN

ORAL JUDGMENT

1. Learned counsel for the **appellants* has filed a memo dated 27.05.2025 with a prayer to withdraw the **appeal*.
2. Memo is taken on record.
3. The **Appeal* is hereby ***dismissed*** as withdrawn.

**Sd/-
(M.I.ARUN)
JUDGE**

PK
List No.: 1 Sl No.: 56

*Corrected vide Chamber Order dated 04.09.2025.