



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE K.NATARAJAN

MISCELLANEOUS FIRST APPEAL NO. 6021 OF 2024 (CPC)

BETWEEN:

1. SRI R RAJANNA,
S/O LATE B RAMAIAH,
AGED ABOUT 65 YEARS,
R/AT NISARGA NILAYA,
NAGENAHALLI MAIN ROAD,
SINGANAYAKANAHALLI POST,
YALAHANKA, BANGALORE-560064.
2. SRI NR KRISHNAMURTHY,
S/O LATE B RAMAIAH,
AGED ABOUT 62 YEARS,
R/AT KAUSHIK NILAYA,
3RD CROSS ROAD, NAGENAHALLI,
SINGANAYAKANAHALLI POST,
YELAHANKA, BANGALORE-560064.
3. SRI NR SURESH MURTHY,
S/O LATE B RAMAIAH,
AGED ABOUT 58 YEARS,
R/AT FLAT NO.C-24,
LEGACY ESTILLO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA, DODDABALLAPURA MAIN ROAD,
BANGALORE-560064.



APPELLANTS

(BY SRI. VISWANATH SABARAD., ADVOCATE)



AND:

1. SMT PRAMILA R,
D/O LATE B RAMAIAH,
W/O SRI. RAMACHANDRA H.S.,
AGED ABOUT 55 YEARS,
R/AT NO.3/5, SUBBANNA LAYOUT,
BEHIND SBM, HOODI,
BANGALORE-560048.
2. M/S ESTELLO PROPERTIES,
A REGISTERED PARTNERSHIP FIRM,
HAVING ITS OFFICE AT NO.37,
2ND MAIN ROAD, 2ND CROSS,
C-BOMMANASANDRA CROSS,
GKVK POST, YELAHANKA HOBLI,
BANGALORE-560065
1) MR N R SURESH MURTHY,
2) SMT LALITHA,
3) MR D RAMANAKUMAR.
3. M/S LEGACY GLOBAL PROPERTIES PVT LTD,
HAVING ITS OFFICE AT NO.333,
THIMMIAIAH ROAD,
BANGALORE-560052,
REPRESENTED BY ITS DIRECTOR,
MR KIRAN GOWDA.
4. MR.S.V. VENKATESH,
S/O MR. SHAMPUR VENKATAPPA,
AGED ABOUT 80 YEARS,
R/AT FLAT NO.A-01,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA,
DODDABALLAPURA MAIN ROAD,
BANGALORE-560064.
5. MR. DUSHTANTH SRIDHAR,
S/O MR. SRIDHAR,
AGED ABOUT 30 YEARS,
AND MRS. SUMITRA SRIDHARAN,
W/O MR. DUSHYANTH SRIDHAR,
AGED ABOUT 28 YEARS,



R/AT FLAT NO.A-04,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA,
DODDABALLAPURA MAIN ROAD,
BANGALORE-560064.

6. MR. MAHEMA BHUTIA,
W/O MR. ANKU T BHUTIA,
AGED ABOUT 52 YEARS,
MR ANKU T BHUTIA,
S/O LATE PHUP T BHUTIA,
AGED ABOUT 54 YEARS,
R/AT FLAT NO.A-11,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA,
DODDABALLAPURA MAIN ROAD,
BANGALORE-560064.
7. SMT. D MANJULA,
W/O D RAMANA KUMAR,
AGED ABOUT 51 YEARS,
R/AT FLAT NO.A-12 AND B-11,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA,
DODDABALLAPURA MAIN ROAD,
BANGALORE-560064.
8. MRS. D MOUNICA,
D/O RAMANA KUMAR,
AGED ABOUT 24 YEARS,
R/AT FLAT NO.A-23,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA,
DODDABALLAPURA MAIN ROAD,
BANGALORE-560064.
9. MR D KRANTHI KUMAR,
S/O D RAMANA,
AGED ABOUT 28 YEARS,



R/AT FLAT NO.A-34 AND B-31,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA,
DODDABALLAPURA MAIN ROAD,
BANGALORE-560064.

10. MRS. LEELA GOPI MANOHAR,
D/O KC GOPIMANOHAR,
AGED ABOUT 39 YEARS,
R/AT FLAT NO.C-23,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA,
DODDABALLAPURA MAIN ROAD,
BANGALORE-560064.
11. MR BALU SHANKARA NARAYANAN,
S/O S SHANKAR NARAYANAN,
AGED ABOUT 73 YEARS,
MRS. PADMINI NARAYANAN,
W/O MR. BALU SHANKAR NARAYANAN,
AGED ABOUT 65 YEARS,
MR. ARUN B SHANKAR,
S/O MR. BALU SHANKAR NARAYANAN,
AGED ABOUT 34 YEARS,
R/AT FLAT NO.A-44,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA,
DODDABALLAPURA MAIN ROAD,
BANGALORE-560064.
12. MRS KAVITHA Y,
W/O SHARATH KUMAR,
AGED ABOUT 47 YEARS,
R/AT FLAT NO.B-04,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA,
DODDABALLAPURA MAIN ROAD,
BANGALORE-560064.



13. MR. SRINIVAS GOVARDHAN NAIDU,
S/O LATE GOVARDHAN R NAIDU,
AGED ABOUT 40 YEARS,
R/AT FLAT NO.B-12,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA,
DODDABALLAPURA MAIN ROAD,
BANGALORE-560064.
14. SRI HARRY THOMAS MELCHIOR,
AND LEENA LIZBETH THOMAS,
R/AT FLAT NO.B-13,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA,
DODDABALLAPURA MAIN ROAD,
BANGALORE-560064.
15. MR. MATHEWS MAMMEN,
S/O LATE KM MEMMEN,
AGED ABOUT 53 YEARS,
AND MRS. ANILA ANNAMMA MATHEWS,
W/O MR. MATHEWS MEMMON,
AGED ABOUT 52 YEARS,
R/AT FLAT NO.B-14,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA,
DODDABALLAPURA MAIN ROAD,
BANGALORE-560064.
16. MR. DIXIT,
S/O MR. VB DIXIT,
AGED ABOUT 55 YEARS,
MRS. ANITA DIXIT,
W/O MR M K DIXIT,
AGED ABOUT 53 YEARS,
R/AT FLAT NO.B-23,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA,
DODDABALLAPURA MAIN ROAD,



BANGALORE-560064.

17. MR. SATHISH SHANKARANARAYAN UDPA,
S/O MR. S R UDPA,
AGED ABOUT 66 YEARS,
MRS. LALITHA UDPA,
W/O MR SATHISH SHANKARANARAYAN UDPA,
AGED ABOUT 63 YEARS,
R/AT FLAT NO.B-24,,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA,
DODDABALLAPURA MAIN ROAD,
BANGALORE-560064.
18. MR GANESH S POJARY,
S/O MR. SEETHARAMA POOJARY,
AGED ABOUT 42 YEARS,
AND MRS. SWATHI,
W/O MR. GANESH S POJARY,
AGED ABOUT 33 YEARS,
R/AT FLAT NO.B32,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA,
DODDABALLAPURA MAIN ROAD,
BANGALORE-560064.
19. MR ASHISH JOSHI,
S/O MR. ASHOK K JOSHI,
AGED ABOUT 45 YEARS,
AND MRS. RITU JOSHI,
AGED ABOUT 39 YEARS,
R/AT FLAT NO.B-33,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA,
DODDABALLAPURA MAIN ROAD,
BANGALORE-560064.
20. MR PRANAV KAUSHIK,
S/O MR. SANJAY KAUSHIK,
AGED ABOUT 30 YEARS,



AND MRS. NISHATA SINGH,
W/O MR PRANAV KAUSHIK,
AGED ABOUT 31 YEARS,
R/AT FLAT NO.B-42,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA,
DODDABALLAPURA MAIN ROAD,
BANGALORE-560064.

21. MR. PREETHAM BALLUPET VISHWANATH,
S/O MR B D VISHWANATH,
AGED ABOUT 36 YEARS,
R/AT FLAT NO.C-01,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA,
DODDABALLAPURA MAIN ROAD,
BANGALORE-560064.
22. MR DEEPAK MOHA PAI,
S/O LATE MR. MOHAN PAI,
AGED ABOUT 47 YEARS,
AND SWATHI DEEPAK PAI,
W/O MR DEEPAK MOHAN PAI,
AGED ABOUT 43 YEARS,
R/AT FLAT NO.C-03,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA,
DODDABALLAPURA MAIN ROAD,
BANGALORE-560064.
23. MR UAPAUDEYA,
AGED MAJOR,
RESIDING AT FLAT NO. C-12,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA, DODDABALLAPURA MAIN ROAD,
BANGALORE - 560064.
24. MR ARUN NAIR,
S/O MR NARAYANA NAIR,



AGED ABOUT 43 YEARS,
RESIDING AT FLAT NO. C-13,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA, DODDABALLAPURA MAIN ROAD,
BANGALORE - 560064.

25. MRS ARUNA GOTTIPATI,
W/O MR SRINIVASA RAO KOLLI,
AGED ABOUT 53 YEARS,
MR SRINIVASA RAO KOLLI,
S/O MR KOTESWARA RAO KOLLI,
AGED ABOUT 56 YEARS,
RESIDING AT FLAT NO. C-22,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA, DODDABALLAPURA MAIN ROAD,
BANGALORE - 560064.
26. MRS BHANU R SHAH,
W/O SRI RAMESH K SHAH,
AGED ABOUT 64 YEARS,
RESIDING AT FLAT NO. C-31,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA, DODDABALLAPURA MAIN ROAD,
BANGALORE – 560064.
27. MR AKSHAY PHADKE,
S/O MR RAMESH VISHWANATH PHADKE,
AGED ABOUT 49 YEARS,
MRS VASUDHA PHADKE,
W/O MR AKSHAY PHADKE,
AGED ABOUT 44 YEARS,
RESIDING AT FLAT NO. C-31,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA, DODDABALLAPURA MAIN ROAD,
BANGALORE – 560064.
28. MR GOPINATHAN RAJASEKAHAR,
S/O MR GOPINATHAN R,
AGED ABOUT 48 YEARS,



AND PREETHA RAJASHEKHAR,
W/O MR RAJASHEKHAR GOPINATHAN,
AGED ABOUT 47 YEARS,
RESIDING AT FLAT NO. C-34,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA, DODDABALLAPURA MAIN ROAD,
BANGALORE – 560064.

29. MR MOHTI SAXENA,
S/O MR KRISHNA PAT RAI SAXENA,
AGED ABOUT 47 YEARS,
AND MRS SHWETA SAXENA,
W/O MR MOHIT SEXENA,
AGED ABOUT 44 YEARS,
RESIDING AT FLAT NO. C-44,
LEGACY ESTILO APARTMENTS,
NEAR BMSIT, AVALAHALLI,
YALAHANKA, DODDABALLAPURA MAIN ROAD,
BANGALORE – 560064.
30. M/S NESTCON SHELTERS PVT LTD,
A COMPANY INCORPORATED UNDER THE
COMPANIES ACT, 1956,
HAVING ITS OFFICE AT PLOT NO.2,
DURGA VIHAR, RTC COLONY MAIN ROAD,
TRIMULGHERRY, SECUNDERABAD 500015,
REPRESENTED BY ITS MANAGING DIRECTOR,
MR R SATYANARAYANA,
S/O MR R VENKATESHWARLU.
31. SMT GIRIJA KRISHNAMURTHY,
W/O N R KRISHNAMURTHY,
AGED ABOUT 54 YEARS,
32. SRI KG KOUSHIK,
S/O NR KRISHNAMURTHY,
AGED ABOUT 28 YEARS,
RESPONDENT NOS.33 AND 34 ARE
RESIDING AT "SAMRUDHI NILAYA",
SURYA VAMSHI LAYOUT,
3RD CROSS ROAD, NAGENAHALLI,



SINGANAYAKANAHALLI POST,
YALAHANKA,
BANGALORE - 560064.

33. SRI KAMALAKARA HR,
S/O RANGAPPA GOWDA,
AGED ABOUT 55 YEARS,
34. SMT DUGGAMMA T,
W/O KAMALAKARA HR,
AGED ABOUT 49 YEARS,

RESPONDENT NO.35 AND 36 ARE
RESIDING AT NAGENAHALLI VILLAGE,
SINGANAYAKANAHALLI POST, YALAHANKA,
BANGALORE - 560 064.

RESPONDENTS

THIS MFA IS FILED U/O 43 RULE 1(r) R/W SECTION 151 OF CPC, AGAINST THE ORDER DATED 22.06.2024 PASSED ON I.A.NO.1 IN OS.NO.1158/2021 ON THE FILE OF THE VIII ADDITIONAL SENIOR CIVIL JUDGE, BENGALURU RURAL DISTRICT, BENGALURU, ALLOWING THE IA.NO.1 FILED UNDER ORDER 39 RULE 1 AND 2 OF CPC AND ETC.,

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

CORAM: HON'BLE MR JUSTICE K.NATARAJAN

ORAL JUDGMENT

1. Learned counsel for the appellants has filed a memo for withdrawing the appeal.
2. The memo and submission is placed on record.



3. In view of the above submission, the appeal is dismissed as withdrawn.
4. Pending interlocutory application does not survive for consideration.

Sd/-
(K.NATARAJAN)
JUDGE

PNV
List No.: 1 Sl No.: 1