



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL NO. 82 OF 2017 (DEC)

BETWEEN:

THE UNITED BASEL MISSION CHURCH
TRUST ASSOCIATION, SOUTH KANARA
AND COORG, REP. BY ITS PASTOR
AND ATTORNEY AGENT REV. G.T. MALEKAR
S/O LATE THOMAS MALEKAR
AGED ABOUT 64 YEARS
RESIDING AT MISSION COMPOUND,
MADIKERI TOWN
KODAGU DISTRICT - 28.

...APPELLANT

(BY SRI. VISHWANATH R. HEGDE, ADVOCATE)

AND:

MISS. HEBSHIBA SHAVENTHI KOTIAN
D/O LATE S.A. KOTIAN
RESIDING AT DOOR NO.16-20(1)
MISSION COMPOUND, MADIKERI TOWN
KODAGU DISTRICT - 28.

...RESPONDENT

(BY SRI. B.N. SURESH BABU, ADVOCATE)

THIS RSA IS FILED U/S. 100 OF CPC., AGAINST THE
JUDGEMENT & DECREE DTD 10.06.2016 PASSED IN R.A.NO.
14/2011 ON THE FILE OF THE THE SENIOR CIVIL JUDGE,
MADIKERI, DISMISSING APPEAL AND CONFIRMING THE
JUDGEMENT AND DECREE DTD 23.04.2011 PASSED IN OS.NO.

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Location:
HIGH
COURT OF
KARNATAKA



297/1993 ON THE FILE OF THE ADDL. CIVIL JUDGE AND JMFC.,
MADIKERI.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

A memo is filed by learned counsel for the appellant
signed by the appellant. Memo reads as under:

"The appellant submits that, the above appeal has been preferred challenging the Judgment and Decree dated 10-06-2016 in R.A.No.14/2011 passed by the Court of Senior Civil Judge at Madikeri confirming the judgement and decree dated 23-04-1993 in O.S.No.297/1993 passed by the Additional Civil Judge, Madikeri on various grounds.

It is submitted that the Suit Schedule Property is also one of the properties belonging to the appellant and the same is also subject matter of the dispute between the appellant and Church of South India which is pending consideration before the Hon'ble Supreme Court of India in SLP No. 13670/2012, in which petition, the Hon'ble Supreme Court has passed an Interim Order dated 10-05-2012 directing the parties to maintain status-quo in all respects concerning the subject matter of the dispute. The Hon'ble Supreme Court having granted leave, the petition has been numbered as Civil Appeal No.4813/2017 and the said appeal is pending consideration.

The appellant submits that in view of the pendency of C.A. No.4813/2017 and the Interim Order dated 10-05-2012 passed by the Hon'ble Supreme Court, the appellant seeks leave to withdraw the Suit O.S. No. 297/1993 on the file of the Court of the Addl. Civil Judge, Madikeri and consequently, the above Second appeal, with liberty to



initiate appropriate proceedings against the respondent before the competent Court depending upon the outcome of the case C.A. No. 4813/2017 pending before the Hon'ble Supreme Court of India.

WHEREFORE, the appellant above named seeks leave of this Hon'ble Court to withdraw the Suit O.S. No. 297/1993 on the file of the Court of the Addl. Civil Judge, Madikeri and consequently, the above Second appeal, with liberty to initiate appropriate proceedings against the respondent before the competent Court depending upon the outcome of the case C.A. No. 4813/2017 pending before the Hon'ble Supreme Court of India, in the interest of justice."

Placing the memo on record, appeal stands ***dismissed*** as the suit itself is withdrawn subject to result of Civil Appeal No.4813/2017 before the Hon'ble Apex Court.

**Sd/-
(V SRISHANANDA)
JUDGE**

KAV
List No.: 1 Sl No.: 49