



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 3388 OF 2019 (CPC)

BETWEEN:

1. SRI H. SREE BALAJI
AGED ABOUT 39 YEARS
S/O. K. HANUMANTHAPPA.

2. SMT. PRIYANKA BHAGAT
AGED ABOUT 38 YEARS
W/O. H. SREE BALAJI.

THE APPELLANT NO.1 AND 2
RESIDE TOGETHER #H4, BLOCK-2
SAMHITA SQUARE APARTMENT
BASAVANAGAR MAIN ROAD
BANGALORE - 560 037.

3. SRI HARSHAVARDHANA BHAGAT
AGED ABOUT 32 YEARS
S/O. BIJAY KUMAR BHAGAT
#G4, BLOCK-2
SAMHITA SQUARE APARTMENT
BASAVANAGAR MAIN ROAD
BANGALORE - 560 037.

4. SRI K. HANUMANTHAPPA
AGED ABOUT 69 YEARS
S/O. N. KRISHNAPPA.

5. SMT. ALAMELU
AGED ABOUT 64 YEARS
W/O. K. HANUMANTHAPPA.

THE APPELLANT NO.4 AND 5
RESIDE TOGETHER #8, 14TH CROSS



I BLOCK, AKSHAYANAGAR LAYOUT
RAMAMURTHYNAGARA
BENGALURU - 560 016.

...APPELLANTS

(BY SRI SUYOG HERELE E., ADVOCATE)

AND:

SMT. LATHA CHOODIAIAH
AGED ABOUT 40 YEARS
R/AT NO.203, 4TH 'C' MAIN
2ND CROSS, OMBR LAYOUT
BENGALURU - 560 043.

...RESPONDENT

(NOTICE TO RESPONDENT PARTY-IN-PERSON SMT. LATHA CHOODIAIAH IS HELD SUFFICIENT VIDE ORDER DATED 29.01.2021)

THIS MFA IS FILED UNDER ORDER XLIII RULE 1(R) OF CPC, 1908, PRAYING TO SET ASIDE ORDER DATED 18.01.2019 PASSED ON I.A.NO.I IN OS.NO.5350/2017 BY V ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU AND ETC.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

Learned counsel for appellants has filed a memo, which reads as under:

"The Appellants most humbly submits that the suit in O.S.5350/2017 is decreed in favour of the Appellants vide order dated: 22/04/2024 and the



present appeal has become infructuous. Wherefore, this Hon'ble Court may kindly be pleased to take the memo on record and dismiss the present appeal as infructuous."

Placing the memo on record, the appeal is ***dismissed*** as having become *infructuous*.

**Sd/-
(PRADEEP SINGH YERUR)
JUDGE**

CPN
List No.: 1 Sl No.: 35