IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2024

PRESENT

THE HON'BLE MR JUSTICE K.SOMASHEKAR

AND

THE HON'BLE MR JUSTICE RAJESH RAI K

REGULAR FIRST APPEAL NO. 2316 OF 2019

BETWEEN:

SRI PRAKASH
S/O GANGABYLAIAH
AGED ABOUT 49 YEARS,
RESIDING AT SHANTHVERI VILLAGE,
LINGADHAHALLI HOBLI TARIKERE TALUK
CHIKKAMAGALURU DISTRICT-577 129.

ALSO RESIDING AT

PRAKASH
S/O GANGABYLAIAH
PEMMANAHALLI VILLAGE,
SOMPURA HOBLI, NELAMANGALA TALUK
BENGALURU RURAL DISTRICT-562 123

...APPELLANT

(BY SRI. ARUN KUMAR H., ADVOCATE)

Digitally signed by HARIKRISHNA V
Location: HIGH COURT OF KARNATAKA

AND:

SRI GANGABYLAIAH (DEAD)

1. SRI HANUMANTHARAJU
S/O LATE GANGABYLAIAH
AGED ABOUT 54 YEARS,
AGRICULTURAL COOLIE
SHANTHAVERI VILLAGE,

LINGADHAHALLI HOBLI
TARIKERE TALUK
CHIKKAMAGALURU DISTRICT-577 129

2. SMT ANUSUYA
W/O VENKATESH
AGED ABOUT 34 YEARS,
GONIBEEDU VILLAGE,
SHANKARAGHATTA POST
TARIKERE TALUK
CHIKKAMAGALURU DISTRICT-577 129

3. SRI K.G MANJUNATH
S/O LATE GANAPAIAH PATIL
AGED ABOUT 71 YEARS,
R/AT NEAR RAILWAY STATION ROAD,
BIRURU TOWN KADUR TALUK
CHIKKAMAGALURU DISTRICT-577 129

4. SMT GANGABYLAMMA
D/O LATE GANGABYLAIAH
W/O SATHAYNARAYANA
AGED ABOUT 64 YEARS,
PEMMANAHALLI VILLAGE,
SOPURA HOBLI, NELAMANGALA TALUK
BENGALURU RURAL DISTRICT-562 123

5. SMT GOWRAMMA
W/O GARUDAPPA
MAJOR, R/AT BOMMASARA VILLAGE,
BAVIKERE HOBLI, TARIKERE TALUK
CHIKKAMAGALURU DISTRICT-577 129

6. SMT DEEPA M PATEL
S/O K.G MANJUNATHA
AGED ABOUT 42 YEARS,
R/AT FOX-RUN-DRIVE
PLAINTS BORO-08536
NRE JERSEY (U.S.A.)

…RESPONDENTS

(BY SRI. S. RAJENDRA AND
SRI. UMESH MOOLIMANI, ADVOCATES)

THIS RFA IS FILED UNDER ORDER 41 RULE 1 R/W.SEC.96 OF CPC., AGAINST THE JUDGMENT AND DECREE DATED 22.10.2019 PASSED IN OS NO.928/2009 (OLD NO.1488/2007) ON THE FILE OF THE ADDL.SENIOR CIVIL JUDE AT NELAMANGALA DISMISSING THE SUIT FOR PARTITION, OF THE SUIT PROPERTY IN QUESTION, MESNE PROFITS AND FOR INCIDENTAL RELIEFS.

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

CORAM: HON'BLE MR JUSTICE K.SOMASHEKAR
and
HON'BLE MR JUSTICE RAJESH RAI K

ORAL JUDGMENT

(PER: HON'BLE MR JUSTICE K.SOMASHEKAR)

This appeal is directed against the judgment and decree passed in O.S.No.928/2009 (Old No.1488/2007) dated 22.10.2022 by the Additional Senior Civil Judge, Nelamangala.

2. Learned counsel, namely, Sri Arun Kumar H., for the appellant is present before the Court physically and submits that he has filed a memo seeking permission to withdraw the present appeal.

3. Memo is taken on record.

4. In terms of the memo, the present appeal is ***dismissed*** as withdrawn.

6. In view of disposal of the main appeal, the interlocutory application, if any, is pending for consideration and the same shall stand disposed of.

7. The appellant namely Sri Prakash is present before the Court physically and his presence is noted.

Sd/-
(K.SOMASHEKAR)
JUDGE

Sd/-
(RAJESH RAI K)
JUDGE

KTY
List No.: 1 Sl No.: 4