NC: 2025:KHC:2731
RFA No. 404 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MS. JUSTICE JYOTI MULIMANI

REGULAR FIRST APPEAL NO. 404 OF 2018 (PAR)

BETWEEN:

1. SRI J KRISHNA MURTHY
S/O LATE JAVARAYAPPA,
AGED ABOUT 77 YEARS,
R/AT NO.84, SBI COLONY,
J.P.NAGAR I PHASE,
BANGALORE-560 078
SINCE DEAD REPRESENTED BY HIS LRS,

1(a) SMT. LEELAMMA,
W/O LATEJ.KRISHNA MURTHY,
AGED ABOUT 65 YEARS,
R/AT NO.84, 9TH D CROSS,
SBI COLONY, J.P.NAGAR,
1ST PHASE, BENGALURU-560 078.

Digitally signed by PREMCHANDRA M R
Location: High Court of Karnataka

1(b) SMT. SHARADHA DEVI.K.
D/O LATE J.KRISHNA MURTHY,
W/O G.N.KRISHNAPPA,
AGED ABOUT 49 YEARS,
R/AT JODIKRISHNAPURA
NARSAPURA HOBLI, KOLAR TALUK,
KOLAR-563 133.

1(c) SRI. SHUBHASHANKAR.K.
S/O LATE J.KRISHNA MURTHY,
AGED ABOUT 47 YEARS,
R/AT NO.84, 9TH D CROSS,
SBI COLONY, J.P.NAGAR, 1ST PHASE,
BENGALURU-560 078.

1(d) SRI. SREENIVASA MURTHY.K.
S/O LATE J.KRISHNA MURTHY,
AGED ABOUT 45 YEARS,
R/AT NO.84, 9TH D CROSS,
SBI COLONY, J.P.NAGAR, 1ST PHASE,
BENGALURU-560 078.

1(e) SMT. HAMSA.K.
D/O LATE J.KRISHNA MURTHY,
W/O G.M.NAGARAJA,
AGED ABOUT 40 YEARS,
R/AT: OLD NO.97, NEW NO.144,
ALLAMAPRABHU MANDIRA, GAVIPURA,
BENGALURU-560 019.

2. SRI. J.CHANDRAPPA,
S/O LATE JAVARAYAPPA,
AGED ABOUT 76 YEARS,
R/AT: NO.84, SBI COLONY,
J.P.NAGAR I PHASE,
BANGALORE-560 078.

SMT. RATHNAMMA,
W/O LATE NARAYANASWAMY,
SINCE DEAD, REPRESENTED BY HER LR'S

3. SRI. PADMANABHA
S/O LATE NARAYANASWAMY,
AGED ABOUT 53 YEARS,

4. SMT. SHANTHA
W/O LATE SURESH BABU,
AGED ABOUT 47 YEARS,

5. SMT. GEETHA
D/O LATE NARAYANASWAMY,
AGED ABOUT 52 YEARS,

ALL ARE R/AT:

THANISANDRA VILLAGE,
YELAHANKA HOBLI,
BANGALORE-560 077.

…APPELLANTS

(BY SRI. H.V.BHANUPRAKASH [ABSENT])

AND:

1. SRI J.LAXMAIAH,
S/O LATE JAVARAYAPPA,
AGED ABOUT 84 YEARS,
R/AT BIDARGUPPE VILLAGE,
ATTIBELE HOBLI, ANEKAL TALUK,
BANGALORE DISTRICT,
BANGALORE-562 107.
SINCE DEAD REPRESENTED BY HIS LRS,

1(a) SMT. LEELAMMA,
W/O LATE J.KRISHNAMURTHY,
AGED ABOUT 65 YEARS,
R/AT NO.84, 9TH D CROSS,
SBI COLONY, J.P.NAGAR, 1ST PHASE,
BENGALURU-560 078.

1(b) SMT. SHARADHA DEVI.K.
D/O LATE J.KRISHNA MURTY,
W/O G.N.KRISHNAPPA,
AGED ABOUT 49 YEARS,
R/AT: JODIKRISHNAPURA,
NARSAPURA HOBLI, KOLAR TALUK,
KOLAR-563 133.

1(c) SRI. SHUBHASHANKAR.K
S/O LATE J.KRISHNA MURTHY,
AGED ABOUT 47 YEARS,
R/AT: NO.84, 9TH D CROSS,
SBI COLONY, J.P.NAGAR, 1ST PHASE,
BENGALURU-560 078.

1(d) SRI. SREENIVASA MURTHY.K.
S/O LATE J.KRISHNA MURTHY,
AGED ABOUT 45 YEARS,
R/AT NO.84, 9TH D CROSS,
SBI COLONY, J.P.NAGAR, 1ST PHASE,
BENGALURU-560 078.

1(e) SMT. HAMSA.K.
D/O LATE J.KRISHNA MURTHY,
W/O G.M.NAGARAJA,
AGED ABOUT 40 YEARS,
R/AT: OLD NO.97, NEW NO.144,
ALLAMAPRABHU MANDIRA, GAVIPURA,
BENGALURU-560 019.

2. SRI. PRASANNA KUMAR,
S/O LATE J.RAMAIAH,
AGED ABOUT 51 YEARS,
R/AT CHINTAMANI TOWN,
KOLAR DISTRICT-563 125.

3. SMT. GAYATHRI DEVI
D/O LATE J.RAMAIAH,
AGED ABOUT 41 YEARS,
R/AT: K.R.PURAM,
BANGALORE-560 036

4. SRI.RAFIK AHMED
S/O SHAPIHALA,
AGED ABOUT 61 YEARS,
R/AT ATTIBELE VILLAGE,
ANEKAL TALUK,
BANGALORE DISTRICT,
BANGALORE-562 107.

5. SRI. KALIMYLLYA
S/O RAIK AHMED,
AGED ABOUT 41 YEARS,

R/AT ATTIBLEL VILLAGE,
ANEKAL TALUK,
BANGALORE DISTRICT,
BANGALORE-562 107.

6. SMT. K.SHANTHA,
W/O KUMAR,
AGED ABOUT 33 YEARS,
R/AT: NO.1, ANEKAL ROAD,
ATTIBELE VILLAGE,
BEHIND BERESHWARA TEMPLE,
ANEKAL TALUK,
BANGALORE DISTRICT,
BANGALORE-562 107.

7. SRI.K.R.VIJAYA KUMAR,
S/O K.L.RAMAPPA,
AGED ABOUT 69 YEARS,
R/AT NO.40, ADUGODI
SECURITY COLONY,
NANJAPPA LAYOUT, 4TH CROSS,
BANGALORE-560 036.

8. SRI. SABUSAB,
S/O B.BASHA,
AGED ABOUT 66 YEARS,
R/AT ATTIBELE VILLAGE, ANEKAL TALUK,
BANGALORE DISTRICT, BANGALORE-562 107.

9. SMT. V.PADMAVATHI
W/O VENKATAGIRI,
AGED ABOUT 56 YEARS,
R/AT: NO.1 VENUGOPALASWAMY TEMPLE ROAD,
LINGRAJAPURA,
BANGALORE-560 084.

10. SRI. THIMARAJU,
S/O LATE RAMA RAJU,
AGED ABOUT 56 YEARS,
R/AT ATTIBELEL VILALGE, ATTIBLEL HOBLI,

BEDARAGAPPA POST, ANEKAL TALUK-562 106.

11. SMT. HEMALATHA,
D/O NARAYANA REDDY,
AGED ABOUT 49 YEARS,
R/AT BEDARAGAPPA, POST,
ANEKAL TALUK,
BANGALORE DISTRICT,
BANGALORE-562 106.

12. SRI. M.SHAIK HUSSAIN
S/O MUSTAN SAB,
AGED ABOUT 71 YEARS,
R/AT: ATTIBELE VILLAGE,
ANEKAL TALUK,
BANGALORE DISTRICT,
BANGALORE-562 107.

13. SRI. JNANAMURTHY,
S/O R.NARAYANAPPA,
AGED ABOUT 49 YEARS,
R/AT: ATTIBELE VILLAGE,
ATTIBELE HOBLI, ANEKAL TALUK,
BANGALORE DISTRICT,
BANGALORE-562 107.

14. SRI. A.B.UDAYASHANKAR,
S/O LATE BASAVASHETTY,
AGED ABOUT 78 YEARS,
R/AT NO.11, ATTIBELE VILLAGE,
BAZAR STREET, ANEKAL TALUK,
BANGALORE DISTRICT,
BANGALORE-562 107.

15. SMT. V.PADMAVATHI,
W/O VENKATAGIRI,
AGED ABOUT 48 YEARS,
RESIDING AT NO.1,
VENUGOPALASWAMY TEMPLE ROAD,
LINGIRAJAPURA, BANGALORE-560 084.

16. SRI. THIMARAJU,
S/O LATE RAMARAJU,
AGED ABOUT 56 YEARS,
RESIDING AT: NO.1,
VENUGOPALASWAMY TEMPLE ROAD,
LINGIRAJAPURA, BANGALORE-560 084.

17. SMT. HEMALATHA
D/O NARAYANA REDDY,
AGED ABOUT 49 YEARS,
R/AT BEDARAGAPPA VILLAGE,
ANEKAL HOBLI,
BANGALORE DISTRICT,
BANGALOARE-562 106.

18. SRI. BASHA
S/O SHABU SAB,
AGED ABOUT 61 YEARS,
R/AT ATTIBELE VILLAGE,
ATTIBELE TALUK,
BANGALORE DISTRICT,
BANGALORE-562 107.

…RESPONDENTS

(BY SRI. C.SHANKAR REDDY., ADVOCATE FOR R1 (c,g,h,j,l);
R6, 9, 11, 15, 16, 17-SERVED;
NOTICE TO R1(b)-HELD SUFFICIENT V/O DATED:15.03.2023;
R1(d & e) ARE MINORS REP. BY R1(c) AS PER CAUSE TITLE;
NOTICE TO R1(a), R1(f), R(k), R1(i), R2 TO 5, 7, 8, 10, 12 TO 14 & 18 -HELD SUFFICIENT V/O DATED:20.02.2024)

THIS REGULAR FIRST APPEAL IS FILED UNDER SECTION 96 READ WITH ORDER 41 RULE 1 OF THE CPC, 1908.

THIS REGULAR FIRST APPEAL IS LISTED FOR FURTHER ORDERS, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

When the case is called, the appellants are not represented. When the case is listed and called out, the advocate must be present. The absence may affect the case.

As could be seen from the daily order sheet, the appeal was listed on 20.01.2025, on that day, when the matter is called, there was no representation on behalf of the appellants, either personally or through video conferencing. Hence, for appearance of counsel for the appellants it was ordered to be listed on 22.01.2025.

The appeal is listed today for appearance of counsel of the appellants. As already noted above, when the case is called, the appellants are not represented. It appears that the appellants are not interested in prosecuting the appeal. Hence, the Regular First Appeal is ***dismissed for non-prosecution.***

Sd/-
(JYOTI MULIMANI)
JUDGE

MRP
List No.: 1 Sl No.: 41