HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MS. JUSTICE JYOTI MULIMANI

REGULAR FIRST APPEAL NO. 590 OF 2019 (PAR)

BETWEEN:

1. SRI. MUNIYELLAPPA
S/O LATE KIVUDU MUNIGA,
AGED ABOUT 77 YEARS,

2. SMT. MADHAVI
D/O SRI. MUNIYELLAPPA,
AGED ABOUT 49 YEARS,

3. SRI. KRISHNA
D/O SRI. MUNIYELLAPPA,
AGED ABOUT 47 YEARS,

SRI. GUNDAPPA
S/O SRI. MUNIYELLAPPA
SINCE DEAD REP. BY HIS LR'S,

Digitally signed by PREMCHANDRA M R
Location: HIGH COURT OF KARNATAKA

4. SMT. KUSUMA
W/O LATE GUNDAPPA,
AGED ABOUT 22 YEARS,

5. MASTER. RAKESH
S/O LATE GUNDAPPA,
AGED ABOUT 12 YEARS,

6. KUMARI. ARCHANA
D/O LATE GUNDAPPA,
AGED ABOUT 10 YEARS,

APPELLANT NO.5 AND 6 ARE
MINORS REPRESENTED BY THEIR
MOTHER AS NATURAL GUARDIAN

APPELLANT NO.4.

7. SMT. MUNIRATHNA
D/O SRI. MLUNIYELLAPPA,
AGED ABOUT 37 YEARS,

8. SMT. ROOPA
D/O SRI. MUNIYELLAPPA,
AGED ABOUT 40 YEARS,

9. SRI. RAMACHANDRA
S/O SRI. MUNIYELLAPPA,
AGED ABOUT 32 YEARS,

10. SMT. DEEPA
D/O SRI. MUNIYELLAPPA,
AGED ABOUT 31 YEARS,

ALL ARE R/AT NO.220,
NEAR PILLEKAMMA TEMPLE,
MURALI COLONY, LALBAGH, SIDDAPURA,
JAYANGAR 1ST BLOCK, BENGALURU-560 011.

…APPELLANTS

(BY SRI. N.R.NAIK &
SRI. M.PRAKASHA., ADVOCATES [ABSENT])

AND:

1. SRI. K.RAMAIAH
S/O SRI. KALAPPA,
AGED ABOUT 84 YEARS,
SINCE DEAD RESPONDENTS 2 TO 9 ARE
LEGAL HEIRS OF RESPONDENT NO.1 WHO
ARE ALREADY ON RECORD.
AS PER ORDER DATED:17.03.2021.

2. SRI. C.R.CHANDRASHEKAR
S/O LATE SHARADAMMA,
AGED ABOUT 65 YEARS,

3. SRI. C.R. GOPAL
S/O LATE SHARADAMMA,
AGED ABOUT 63 YEARS,

4. SRI. C.R.KESHAVAMURTHY
S/O LATE SHARADAMMA,
AGED ABOUT 61 YEARS,

5. SMT. C.R. SHASHIKALA
D/O LATE SHARADAMMA,
AGED ABOUT 58 YEARS,

6. SRI.C.R. PRAKASH
S/O LATE SHARADAMMA,
AGED ABOUT 56 YEARS,

7. SMT. C.R.USHA
S/O LATE SHARADAMMA,
AGED ABOUT 63 YEARS,

8. SRI. C.R.GUNDARAJ
S/O LATE SHARADAMMA,
AGED ABOUT 63 YEARS,
SINCE DIED BY HIS LR'S,

8(a) SMT. G.GAYATHRI,
D/O LATE C.R.GUNDURAJ,
AGED ABOUT 32 YEARS,

8(b) SMT. G.SHRUTHI
D/O LATE C.R. GUNDARAJ,
AGED ABOUT 27 YEARS,

8(c) SRI. SUDARSHAN
S/O LATE C.R.GUNDARAJ,
AGED ABOUT 33 YEARS,

8(a) TO 8(c) ARE RESIDING AT
NO. 107, 2ND MAIN ROAD,
CHIKKAADUGODI,
BENGALURU-560 029.

9. SRI.C.R. LOKESH
S/O LATE SHARADAMMA,
AGED ABOUT 62 YEARS,

RESPONDENT NO.1 TO 9 ARE
RESIDING AT NO.107,
2ND MAIN ROAD, CHIKKADUGODI,
BENGALURU-560 029.

10. SMT. GANGA
D/O LATE MUNISWAMY,
MAJOR,

11. SRI. DODDAYELLAPPA
S/O LATE MUNISWAMY,
MAJOR,

12. SRI. DODDAGUNDAPPA
S/O LATE GUNDAPPA,
MAJOR,

13. SRI. SHIVASHANKARA
S/O LATE. YELLAPPA,
MAJOR,

14. SRI. G.RAVISHANKAR
S/O SRI. GUNDAPPA,
MAJOR,

15. SRI. PILLARAJU
S/O SRI. DODDA YELLAPPA,
MAJOR,

SRI. M. GUNDAPPA
S/O SRI. MARISWAMAPPA,
SINCE DECEASED
REPRESENTED BYHIS LR'S,

16. SMT. DASAMMA
S/O LATE GUNDAPPA,
AGED ABOUT 77 YEARS,

SINCE DIED RESPONDENT 17 TO 23 ARE LEGAL HEIRS OF RESPONDENT NO. 16 WHO ARE ALREADY ON RECORD.
AS PER ORDER DATED: 08.01.2025 AMEND CAUSE TITLE

17. SRI. RAMACHANDRA
S/O LATE GUNDAPPA,
AGED ABOUT 57 YEARS,

18. SRI. LOKANATH @ LOKI
S/O LATE GUNDAPPA,
AGED ABOUT 48 YEARS,

19. SRI. RAJA @ KAMAL
S/O LATE GUNDAPPA
AGED ABOUT 46 YEARS,

20. SRI. NARAYANA
S/O LATE GUNDAPPA,
AGED ABOUT 40 YEARS,

21. SRI. KRISHNA @ KITTY
S/O LATE GUNDAPPA,
AGED ABOUT 51 YEARS,

22. SRI. RAGHU
S/O LATE GUNDAPPA,
AGED ABOUT 42 YEARS,

23. SRI. SEENA
S/O LATE GUNDAPPA
AGED ABOUT 47 YEARS,

RESPONDENTS NO.16 TO 23
ARE R/AT JAIBHEEMANAGAR,
4TH MAIN, OLD MADIVALA,
BTM LAYOUT, 1ST STAGE,
BENGALURU-560 068.

24. SRI. MUNIRAJU
S/O LATE CHIKKA GUNDAPPA,
MAJOR

25. SRI. MUNIYELLAPPA
S/O SRI. KIVUDU YELLAPPA,
MAJOR,
RESPONDENT NO. 10 TO 15, 24 & 25
ARE RESIDING AT NO.220,
JAIBHEEMANAGAR, 4TH MAIN,
OLD MADIVALA, BTM LAYOUT,
1ST STAGE, BENGALURU-560 068.

…RESPONDENTS

(BY SRI. CHANDAN.K., ADVOCATE FOR R2 TO 7 & 9;
R15, 17, 18, 19, 20, 21, 22 & 23-SERVED;
R10 TO 14, 24 & 25-DISPENSED WITH V/O DTD: 17.03.2021;
R2 TO 9 ARE TREATED AS LR'S OF DECEASED R1-V/O DATED:17.03.2024;
R17 TO 23 ARE LR'S OF DECEASED R16-V/O DTD:03.12.2024;
R8(a, b & c)-SERVED AND UNREPRESENTED)

THIS REGULAR FIRST APPEAL IS FILED UNDER SECTION 96 OF THE CPC.

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 05.06.2025. On that day, there was no

representation on behalf of the appellants. Hence, for appearance of counsel for the appellants, the appeal was ordered to be listed on 12.06.2025.

The appeal is listed today for appearance of counsel for 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 appeal is ***dismissed*** for non-prosecution.

In view of dismissal of the appeal, interim order granted if any is discharged and pending interlocutory applications if any are disposed of.

Sd/-
(JYOTI MULIMANI)
JUDGE

TKN
List No.: 1 Sl No.: 45