HC-KAR

NC: 2026:KHC:60535
RFA No. 263 of 2019

CNR: KAHC010031952019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

REGULAR FIRST APPEAL NO. 263 OF 2019 (INJ)

BETWEEN:

SMT. R. CHANDRIKAMMA
AGEDA BOUT 58 YEARS
W/O LATE M.K BHARGAVAN PILLAI
R/AT NO.520, "KALPAVADY"
4TH CROSS, 11TH MAIN
HAL II STAGE
BENGALURU-560 038

REP. BY HER SON AND GPA HOLDER
MR. MB KAILASH NATH
AGED ABOUT 39 YEARS
S/O LATE M.K BHARGAVAN PILLAI
R/AT NO.520, "KALPAVADY"
4TH CROSS, 11TH MAIN
HAL II STAGE
BENGALURU-560 038

...APPELLANT

(BY SRI. SABASTIAN M.A, ADVOCATE - ABSENT)

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

AND:

1. M/S MODEL ENCLAVE OWNERS WELFARE ASSOCIATION
MODEL ENCLAVE APARTMENT
1ST A KEMPANNA MAIN ROAD
VIGANANAGAR
BENGALURU-560 037
REP. BY ITS SECRETARY

2. MRS AMBAREEN QADRI
MAJOR IN AGE
HUSBAND'S NAME NOT KNOWN
TO THE APPELLANT
R/AT NO.17
MODEL ENCLAVE APARTMENT
1ST A KEMPANNA MAIN ROAD
VIGANANAGAR
BENGALURU-560 037

3. MR SHANKAR
MAJOR IN AGE
FATHER'S NAME NOT KNOWN
TO THE APPELLANT
R/AT NO.13
MODEL ENCLAVE APARTMENT
1ST A KEMPANNA MAIN ROAD
VIGANANAGAR
BENGALURU-560 037

…RESPONDENTS

(BY SRI. PRAMOD NAIR, ADVOCATE FOR R1 TO R3,
SMT. AKHILA T HEBBAR,
SRI. AKSHAY A,
SMT. ANANYA GUDIHAL, ADVOCATES FOR R1 & R3)

THIS RFA IS FILED U/S.96 R/W ORDER XLI RULE 1 OF CPC,AGAINST THE JUDGMENT AND DECREE DTD 01.12.2018 PASSED IN OS NO 3502/2014ON THE FILE OF THE XIV ADDL.CITY CIVIL JUDGE,BANGALORE DISMISSING THE SUIT FOR PERMANENT INJUNCTION.

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

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

On 08.10.2026, this Court has passed the following order:

> *"Despite matter being called out twice, there is no representation for the appellant.*
>
> *However, the learned counsel for the respondent is present. This appeal is of the year 2019. There is no good reason to grant further adjournment in the matter. However, in the interest of justice, as a last chance, re-notify 15.10.2026 for 'dismissal'."*

2. This matter is listed today for dismissal. Despite granting sufficient opportunity to the appellant, there is no representation for the appellant. In such circumstances, since this appeal is of the year 2019, it could be presumed that the appellant is not interested to pursue the appeal. Accordingly, the petition is ***dismissed for non-prosecution***.

3. If an application is filed to recall this order, the same shall be considered subject to payment of costs of Rs.15,000/-.

4. This order has been passed in the presence of the learned counsel for the respondent.

SD/-
(RAJESH RAI K)
JUDGE

CR
List No.: 1 Sl No.: 10