HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

REGULAR SECOND APPEAL NO. 328 OF 2023 (PAR)

BETWEEN:

PRASHANTH D SOUZA
S/O. LATE ANTONY D'SOUZA AND CELINE CARMINE
D SOUZA,
AGED ABOUT 43 YEARS,
R/AT BEEDI HOUSE,
JAPPINAMOGARU VILLAGE,
MANGALURU TALUK-575 003.

...APPELLANT

(BY SRI. SYED AKBAR PASHA, ADVOCATE)

AND:

1. IRENE PEREIRA
   W/O. LATE OSWALD D'SOUZA,
   AGED ABOUT 59 YEARS,
   R/O. PERIRA VILLA,
   NEAR PERAR CHURCH,
   MUDUPERAR POST,
   MANGALURU TALUK-575 003.

2. JANET MARY D'SOUZA
   D/O. LATE OSWALD D'SOUZA,
   AGED ABOUT 41 YEARS,
   R/O. PERIRA VILLA,
   NEAR PERAR CHURCH,
   MUDUPERAR POST,
   MANGALURU TALUK-575 003.

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Location: HIGH COURT OF KARNATAKA

3. RITA RESHMA D'SOUZA
D/O. LATE OSWALD D'SOUZA,
AGED ABOUT 39 YEARS,
R/O. PERIRA VILLA,
NEAR PERAR CHURCH,
MUDUPERAR POST,
MANGALURU TALUK-575 003.

4. ALFRED D'SOUZA
S/O. ROSY D'SOUZA,
AGED MAJOR,
R/O. JYOTHI APPARELS,
SHYAM WADI,
RANADE ROAD,
DADAR MUMBAI-400 028.

5. RONALD D'SOUZA
S/O. LATE ANTONY D'SOUZA
AND CELINE CARAMINE D'SOUZA,
AGED ABOUT 46 YEARS,
R/AT BEEDI HOUSE,
JAPPINAMOGARU VILLAGE,
MANGALURU TALUK-575 003.

6. JECINTHA D'SOUZA
W/O. LATE RICHARD D'SOUZA,
AGED ABOUT 68 YEARS,
R/O. LAVEENA COMPOUND,
SWAMILA PADAVU,
SUTHUPUDEL,
BAJPE POST,
MANGALURU TALUK-575 003.

7. LAVINA MAINA ARANHA
W/O. CLIFFORD ARANHA,

D/O. LATE RICHARD D'SOUZA,
AGED ABOUT 41 YEARS,
OPP NARAYANA GURU MANDIR,
KOLY, KOTEKAR POST,
MANGALURU TALUK-575 003.

8. IDA D'SOUZA
W/O. LATE MARCEL D'SOUZA,
AGED ABOUT 61 YEARS,
R/O. RAIKATEE CHURCH ROAD,
KULOOR,
MANGALURU TALUK-575 003.

9. JYOTHI JANNET D'SOUZA
D/O. LATE MARCEL D'SOUZA
AND IDA D'SOUZA,
AGED ABOUT 31 YEARS,
R/O. RAIKATEE CHURCH ROAD,
KULOOR,
MANGALURU TALUK-575 003.

10. PHILOMENA D'SOUZA
W/O. LATE WALTER D'SOUZA,
AGED ABOUT MAJOR,
R/O. KUNTALAGUDDE HOUSE,
CHURCH ROAD,
BAJAL POST,
MANGALURU TALUK-575 003.

11. ASHA D'SOUZA
W/O. LATE WALTER D'SOUZA,
AGED ABOUT MAJOR,
R/O. KUNTALAGUDDE HOUSE,
CHURCH ROAD,
BAJAL POST,

MANGALURU TALUK-575 003.

12. ASHOK D'SOUZA
S/O. LATE WALTER D'SOUZA,
AGED ABOUT MAJOR,
R/O. KUNTALAGUDDE HOUSE,
CHURCH ROAD,
BAJAL POST,
MANGALURU TALUK-575 003.

13. DOLPHY D'SOUZA
S/O. LATE WALTER D SOUZA,
AGED ABOUT MAJOR,
R/O. KUNTALAGUDDE HOUSE,
CHURCH ROAD,
BAJAL POST,
MANGALURU TALUK-575 003.

…RESPONDENTS

(BY SRI. RAKESH KINI, ADVOCATE FOR C/R2 TO R4, R6 & R7)

THIS RSA IS FILED UNDER SECTION 100 OF CPC AGAINST THE JUDGMENT AND DECREE DATED 17.10.2022 PASSED IN RA.No.45/2016 ON THE FILE OF THE III ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, MANGALURU D.K., DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 16.10.2015 PASSED IN OS.No.265/2001 ON THE FILE OF THE II ADDITIONAL CIVIL JUDGE AND JMFC, MANGALURU.D.K., ACCEPTING THE COMMISSIONER REPORT.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

Learned counsel for the appellant has filed a memo dated 22.01.2026 seeking withdrawal of this appeal.

2. The memo reads as under:

> "*That the appellant most respectfully submits to this Hon'ble Court may kindly be please to allow the appellant to withdraw the above appeal, as he is not interested prosecute the aforementioned appeal in the interest of justice and equity.*"

3. In view of the memo and submission, the appeal is ***dismissed as withdrawn.***

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK, List No.: 1 Sl No.: 7