HC-KAR

NC: 2026:KHC:23684
MFA No. 1155 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

MISCELLANEOUS FIRST APPEAL NO. 1155 OF 2026 (CPC)

BETWEEN:

SRI VASUDEVA M
S/O OF LATE MUSTAYYA @ MUSTAPPA
REPRESENTED BY POWER OF
ATTORNEY HOLDER AKSHAY V,
AGED ABOUT 68 YEARS,
RESIDING AT:
NO.205, WARD NO.7,
BIDARAGERE ROAD,
NEAR GELAYARA BALAGA,
MUNITAPPA LAYOUT,
ANEKAL TOWN,
BANGALORE URBAN DISTRICT,
PINCODE - 562 106.

...APPELLANT

Digitally signed by
MAHALAKSHMI B M
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. HARSHITH N BALAKRISHNA.,ADVOCATE)

AND:

1. SMT. VARAMAHALAXMI M
WIFE OF JAGADEESWARAIAH,
AGED ABOUT 58 YEARS,
NO.6/210, 2ND CROSS,
NRUPUTUNGA ROAD,
NARAYANA SWAMY LAYOUT,
WARD NO.6,

ANEKAL TOWN,
BENGALURU URBAN DISTRICT,
PIN CODE - 562 106.

2. SMT. MEENAKSHAMMA,
WIFE OF LATE MUSTAYYA @ MUSTAPPA,
AGED ABOUT 88 YEARS,
NEAR GOVT SCHOOL,
AVADADENAHALLI POST,
KASABA HOBLI,
ANEKAL TALUK,
BANGALORE URBAN DISTRICT
PIN CODE - 562 106.

3. SMT. PADMAVATHI,
D/O LATE MUSTAYYA @ MUSTAPPA
WIFE OF NAGARAJ,
AGED ABOUT 66 YEARS,
NO.3/410,
BHARATHIYAR NAGAR,
AVALAPALLI,
HOSUR TALUK,
KRISHNAGIRI DISTRICT,
TAMILNADU - 635 109.

4. SMT. KANAKAMMA
D/O LATE MUSTAYYA @ MUSTAPPA
WIFE OF KRISHNAPPA,
AGED ABOUT 63 YEARS,
NO.7/77, 2ND FLOOR,
NEAR EXCEL RUBBER
PRODUCTS,
SAI SERA SAMITHI,
INDIRA NAGAR,
100 FEET ROAD,

SRI NAGAR,
HOSUR - 635 109.

5. SRI. KRISHNARAJU A M,
SON OF LATE MUSTAYYA @ M,USTAPPA,
AGED ABOUT 59 YEARS,
RESIDING AT KAMAKSHI NILAYA MODERN LAYOUT,
BEHIND MODERN RICE MILL,
HOSANAGAR ROAD,
RIPPONPET,
SHIVAMOGGA - 577 426.

6. SRI. A M SHIVARAJU,
SON OF MUSTAYYA @ MUSTAPPA,
AGED ABOUT 49 YEARS,
NEAR GOVT SCHOOL,
BEHIND DEVARAKONDAPPA OLD HOUSE,
AVADADENAHALLI VILLAGE
BYAGADADENAHALLI POST,
KASABA HOBLI,
ANEKAL TALUK,
BANGALURU URBAN DISTRICT
PIN CODE - 562 106.

…RESPONDENTS

(BY SRI. VENUGOPAL M S.,ADVOCATE FOR R/R1)

THIS MFA IS FILED UNDER ORDER 43 RULE 1(r) OF CPC, PRAYING TO SET ASIDE THE ORDER DATED 09.12.2025 PASSED ON I.A.NO.1 IN O.S.NO. 1745/2025 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND JMFC, ANEKAL.

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

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

Learned counsel appearing for the appellant has filed a memo stating that the present Miscellaneous First Appeal has become infructuous and seeks to withdraw the appeal. The said memo reads as under:

> *" It is submitted that the present Appeal was filed challenging the non-passing of orders on temporary injunction and the application for vacating the order of temporary injunction filed under Order XXXIX Rule 1 and 2 and Order XXXIX Rule 4 of the Code of Civil Procedure, 1908.*
>
> *It is submitted that during the pendency of the present appeal, the Trial Court in OS 1741/2025 has passed the orders under the said application vide order dated 16.03.2026 and hence the present appeal has become infructuous. Hence this memo for withdrawal.*
>
> *It is humbly submitted that the present memo may kindly be taken on record in the interest of justice and equity."*

2. The said memo is taken on record.

3. In view of the memo, the Miscellaneous First Appeal is ***dismissed*** as having become infructuous.

Sd/-

JUSTICE K.S. HEMALEKHA

PHM
List No.: 1 Sl No.: 5