HC-KAR

NC: 2026:KHC:61183
MFA No. 2575 of 2023

CNR: KAHC010200452023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 2575 OF 2023 (CPC)

BETWEEN:

SRI. DINESH A.U.,
S/O. LATE. UMESHAIAH GOWDA,
AGED ABOUT 47 YEARS,
R/O. SHIVARAJAPURA,
DOORVASAURAM POST,
KASABA HOBLI, THIRTHAHALLI TALUK,
SHIVAMOGGA DISTRICT - 577 432.

...APPELLANT

(BY SRI. CHANDRASHEKAR, ADVOCATE)

AND:

1. SRI VISHNAIAH GOWDA D.A.
S/O LATE DHARMAIAH GOWDA D.A.
AGED ABOUT 85 YEARS,
R/O. YELUMANE, DOORVASAURAM POST,
SURALIBALEBAILU VILLAGE,
KASABA HOBLI, THIRTHAHALLI TALUK,
SHIVAMOGGA DISTRICT - 577 432.

2. SMT. VEENA Y.V.
W/O. SRI. JAYARAM,
D/O. SRI. VISHNAIAH GOWDA D.A.,
AGED ABOUT 51 YEARS,
R/O. KOTEOORU, KOODHUVALLI POST,
CHIKKAMAGALURU TALUK,
CHIKKAMAGALURU DISTRICT - 577 101

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Location: HIGH COURT OF KARNATAKA

3. SRI. VINAY Y.V.
S/O. SRI. VISHNAIAH GOWDA D.A.,
AGED ABOUT 49 YEARS,
R/O. YELUMANE, DOORVASAURAM POST,
SURALIBALEBAILU VILLAGE,
KASABA HOBLI, THIRTHAHALLI TALUK,
SHIVAMOGGA DISTRICT - 577 432.

4. SRI. VIJAY Y.U.
S/O. SRI. VISHNAIAH GOWDA D.A.
AGED ABOUT 47 YEARS,
R/O. YELUMANE,
DOORVASAURAM POST,
SURALIBALEBAILU VILLAGE,
KASABA HOBLI, THIRTHAHALLI TALUK,
SHIVAMOGGA DISTRICT - 577 432.

5. SMT. SHARADA A.U.
W/O. SRINIVASA GOWDA,
AGED ABOUT 62 YEARS,
R/O. J.P.N.ROAD,
2ND CROSS, SHIVAMOGGA TOWN,
SHIVAMOGGA - 577 201.

6. SMT. NAGAVENI A.U.
W/O K.C. SATHISH
AGED ABOUT 60 YEARS,
R/O. KALEKOPPA,
DYAMAHALLI POST, KOPPA TALUK,
CHIKKAMAGALURU DISTRICT - 577 126

7. SMT. CHITHRA NAGARAJ.
W/O. LATE. NAGARAJ,
AGED ABOUT 58 YEARS,
R/O. BETTAMAKKI,

NEAR BOOTHARAYASWAMY TEMPLE,
SEEBINAKERE POST, THIRTHAHALLI TOWN,
SHIVAMOGGA DISTRICT - 577 432.

8. SRI.NIKHIL Y.N.
S/O. LATE. NAGARAJ.
AGED ABOUT 32 YEARS,
R/O. BETTAMAKKI,
NEAR BOOTHARAYASWAMY TEMPLE,
SEEBINAKERE POST, THIRTHAHALLI TOWN,
SHIVAMOGGA DISTRICT - 577 432

9. SRI.SIDDARTHA Y.N.
W/O. LATE. NAGARAJ.
AGED ABOUT 29 YEARS,
R/O. BETTAMAKKI,
NEAR BOOTHARAYASWAMY TEMPLE,
SEEBINAKERE POST, THIRTHAHALLI TOWN,
SHIVAMOGGA DISTRICT - 577 432

10. SRI.SHOVIK Y.N.
S/O. LATE. NAGARAJ.
AGED ABOUT 24 YEARS,
R/O. BETTAMAKKI,
NEAR BOOTHARAYASWAMY TEMPLE,
SEEBINAKERE POST, THIRTHAHALLI TOWN,
SHIVAMOGGA DISTRICT - 577 432

…RESPONDENTS

(BY SRI. SATISH R., ADVOCATE FOR R1 TO R4

SRI. N.K. RAMESH, ADVOCATE FOR R7 TO R10

R5 AND R6 ARE SERVED AND UNREPRESENTED)

CNR: KAHC010200452023

THIS MFA IS FILED U/O.43 RULE 1(r) OF CPC, AGAINST THE ORDER DATED 18.01.2023 PASSED ON IA NO.8 IN OS.NO.25/2022 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JUDICIAL MAGISTRATE OF FIRST CLASS, THIRTHAHALLI, DISMISSING IA NO.8 FILED U/O.39 RULE 1 AND 2 OF CPC.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

Learned counsel for the appellant and learned counsel for the respondents are present and submit that the matter has been settled before the trial Court on 17.12.2024 itself.

2. In view of the same, the present appeal does not survive for consideration as the suit has been disposed of by way of settlement. Hence, the appeal is ***dismissed as having become infructuous.***

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK, List No.: 1 Sl No.: 19