HC-KAR

NC: 2026:KHC:64287
RSA No. 1297 of 2019
C/W RSA No. 1296 of 2019

CNR: KAHC010205362019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

REGULAR SECOND APPEAL NO. 1297 OF 2019 (INJ)
C/W
REGULAR SECOND APPEAL NO. 1296 OF 2019 (INJ)

IN RSA No. 1297/2019

BETWEEN:

MR. PREM NEIL D CUNHA
S/O. LATE. GERGORY D CUNHA,
R/AT DENELI, NEAR KOTTARA SCHOOL,
ASHOK NAGAR, MANGALURU 575006.
REP BY HIS GPA HOLDER,
MRS. EVA D' CUNHA W/O. DENEIL,
AGED ABOUT 77 YEARS
NEAR KOTTARA SCHOOL,
ASHOK NAGAR,
MANGALURU 06.

…APPELLANT

(BY SRI. VIJAYA KRISHNA BHAT.M, ADVOCATE)

Digitally signed by VANDANA S
Location: High Court of Karnataka

AND:

SMT. LUCY NAZARETH
W/O. LATE. JOSEPH ANTONY NAZARETH,
AGED ABOUT 77 YEARS
R/AT: NEAR KOTTARA SCHOOL,
ASHOK NAGAR,
MANGALURU – 575 006.

…RESPONDENT

(BY SRI. SRIDHAR.H, ADVOCATE FOR C/R)

THIS RSA IS FILED UNDER SECTION 100 OF CPC, AGAINST THE JUDGMENT AND DECREE DATED 15.04.2019 PASSED IN R.A.NO.4/2018 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE, AND CJM MANGALURU.D.K., DISMISSING THE APPEAL AND FILED AGAINST THE JUDGMENT AND DECREE DATED 10.11.2017 PASSED IN O.S.NO.796/2007 ON THE FILE OF THE PRINCIPAL CIVIL JUDGE, MANGALURU.D.K.,

IN RSA NO. 1296/2019

BETWEEN:

MR. PREM NEIL D CUNHA
S/O LATE GREGORY D CUNHA,
RESIDING AT DENELI,
NEAR KOTTARA SCHOOL,
ASHOK NAGAR,
MANGALURU - 575 006.
REP BY HIS GPA HOLDER,
MRS. EVA D CUNHA,
AGED ABOUT 77 YEARS,
W/O LATE GREGORY D CUNHA,
R/AT DENEIL NEAR KOTTARA SCHOOL,
ASHOK NAGAR, MANGALURU-6

...APPELLANT

(BY SRI. VIJAYA KRISHNA BHAT M.,ADVOCATE)

AND:

SMT. LUCY NAZARETH
W/O LATE JOSEPH ANTONY NAZARETH,
R/AT NEAR KOTTARA SCHOOL,
ASHOK NAGAR POST,
MANGALURU - 575 006.

...RESPONDENT

BY SRI. SRIDHAR.H, ADVOCATE FOR C/R)

THIS RSA IS FILED UNDER SEC.100 OF CPC, AGAINST THE JUDGMENT AND DECREE DTD 15.04.2019 PASSED IN RA.NO.5/2018, ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND CJM., MANGALURU.D.K., DISMISSING THE APPEAL AND MODIFYING THE JUDGMENT AND DECREE DATED10.11.2017 PASSED IN OS.NO.796/2007 ON THE FILE OF THE PRINCIPAL CIVIL JUDGE, MANGALURU D.K.

THESE APPEALS ARE COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL JUDGMENT

Learned counsel for the appellant in both the appeals has filed memos dated 12.10.2026, which reads as under:

> *"The Appellant submits that in view of the settlement arrived at between the parties outside the court, the appellant is not intending to prosecute the above appeal any further and seeks leave of the Hon'ble Court to withdraw the same. Accordingly, it is prayed that the Hon'ble Court be pleased to dismiss the above appeal as withdrawn, in the ends of justice and equity."*

2. The said memos are taken on record.

3. In view of the aforesaid memos, the appeals are disposed of as withdrawn.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

BMC
List No.: 1 Sl No.: 13