HC-KAR

NC: 2026:KHC:64537
WP No. 14170 of 2023

CNR: KAHC010333282023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 14170 OF 2023 (GM-CPC)

BETWEEN:

KEMPAKKA
D/O. HUCHANARASAIAH
AGED 83 YEARS,
R/AT. KYATHASANDRA VILLAGE,
URDIGERE HOBLI
TUMKUR TALUK AND DISTRICT.

...PETITIONER

(BY SRI. T.A. KARUMBAIAH, ADVOCATE)

AND:

1. GOWRAMMA
W/O. LATE GANGAIAH @ GANGANNA
AGED 74 YEARS
R/AT. S.L.N NAGAR, KYATHASANDRA
TUMKUR CITY - 572 101.

2. LAKSHMAMMA
W/O. SHIVANNA
D/O. LATE GANGAIAH
AGED ABOUT 54 YEARS
R/AT. NERALEKERE VILLAGE
NITUR HOBLI, GUUBBI TALUK
TUMKUR DISTRICT - 572 101.

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3. HANUMANTHARAYAPPA
S/O LATE GANGAIAH @ GANGANNA
AGED 51 YEARS
R/AT S.L.N NAGAR, KYATHASANDRA
TUMKUR CITY - 572 104.

4. RAVIKUMAR
S/O. LATE GANGAIAH @ GANGANNA
AGED 47 YEARS
R/AT S.L.N NAGAR, KYATHASANDRA
TUMKUR CITY - 572 104.

5. MANJUNATH
S/O. LATE GANGAIAH @ GANGANNA
AGED 41 YEARS
R/AT. S.L.N NAGAR, KYATHASANDRA
TUMKUR CITY - 572 104.

6. GEETHA
W/O. GOVINDARAJAU
D/O LATE GANGAIAH @ GANGANNA
AGED 39 YEARS
R/AT SIDDARTHA NAGARA
KASABA HOBLI, TUMKUR TALUK - 572 104.

7. KALLTHIMAIAH
S/O. NARASAMMA AND DODDATHIMMAIAH
AGED ABOUT 69 YEARS
R/AT ERANAYAKANAHALLI VILLAGE
HEBBUR HOBLI, TUMKUR TALUK - 572 102.

8. KEMPAKKA
D/O. NARASAMMA AND DODDATHIMMAIAH
AGED ABOUT 67 YEARS
R/AT. ERANAYAKANAHALLI VILLAGE

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HEBBUR HOBLI, TUMKUR TALUK - 572 102.

9. MARAKKA
W/O. LATE MAHALINGAIAH
AGED ABOUT 79 YEARS
YATHENAHALLI VILLAGE
GULUR HOBLI, TUMKUR TALUK - 572 101.

10. GANGAMMA
W/O. THOPAIAH
AGED ABOUT 62 YEARS
SINGANAHALLI VILLAGE
MUDIGERE MAJARE
M.H. PATTANA POST, GUBBI TALUK
TUMKUR DISTRICT - 572 101.

11. NARASIMMAMURTHY
S/O. LATE PUTTANARASAIAH
AGED ABOUT 59 YEARS
R/AT. KALIPALYA VILLAGE
ADGUR POST, GUBBI TALUK
TUMKUR TALUK - 572 101.

12. JAYAMMA
W/O. LAKSHMAIAH
AGED ABOUT 54 YEARS
R/AT MADAPURA VILLAGE,
ADUGODI POST, CHELUR HOBLI,
GUBBI, TUMKUR DISTRICT - 572 101.

...RESPONDENTS

(BY SRI. GANGI REDDY B.V, ADVOCATE FOR R1 TO R7 AND R9 TO R12)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ANNEXURE-D

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THE ORDER DATED 20/06/2023 PASSED BY THE II ADDL CIVIL JUDGE AND JMFC AT TUMKUR IN FDP NO 26/13 ON IA FILED BY R1(A) UNDER ORDER 26 RULE 10(A) CPC AND REJECT THE SAME AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

Sri. T.A. Karumbaiah, learned counsel appearing for the petitioner, brings to the notice of this Court that the sole petitioner died on 19.11.2025. In the meanwhile, learned counsel appearing for the respondents has filed a memo and placed on record a copy of the judgment rendered by this Court in R.S.A.No.259/2015.

2. A perusal of the said judgment indicates that the Regular Second Appeal preferred by the present petitioner has been dismissed, thereby confirming the preliminary decree passed by the Trial Court. It is further brought to the notice of this Court that, notwithstanding the demise of the original petitioner, his legal representatives have not taken any steps to come on record and prosecute the present proceedings.

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3. In view of the subsequent developments, particularly the dismissal of the Regular Second Appeal confirming the preliminary decree, the present writ petition has not only abated on account of the death of the sole petitioner and the failure of his legal representatives to take steps for substitution, but has also been rendered infructuous. No useful purpose would, therefore, be served by keeping these proceedings pending.

Accordingly, the writ petition stands **dismissed** as having abated and as having been rendered infructuous.

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SACHIN SHANKAR MAGADUM
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(SACHIN SHANKAR MAGADUM)
JUDGE

HDK
List No.: 1 Sl No.: 6