HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

REGULAR SECOND APPEAL NO. 1559 OF 2023 (RES)

BETWEEN:

1. THE ARCHDIOCESE OF BANGALORE
A PUBLIC RELIGIOUS CHARITABLE TRUST
HAVING ITS REGISTERED OFFICE AT ARCHBISHOPS
HOUSE NO 45, MILLERS ROAD,
BENSON TOWN,
BANGALORE - 560 046

BY ITS SOLE TRUSTEE
RT REV DR PETER MACHADO,
ARCHBISHOP OF BANGALORE

HEREIN REPRESENTED BY HIS DULY AUTHORISED
AGENT SPA HOLDER
MS. MARIA SHANTI,
AGED ABOUT 48 YEARS,
D/O MONY AROCKIASWAMY,
AT NO.211, 8TH CROSS, PILLANNA GARDEN,
ST THOMAS TOWN POST,
BANGALORE - 560 084

...APPELLANT

(BY SRI. JOSEPH ANILKUMAR A.,ADVOCATE)

AND:

1. SMT L ROOPA
W/O LATE SRI LENIN RAVIKUMAR,
AGED ABOUT 49 YEARS,

Digitally signed by B LAVANYA
Location: HIGH COURT OF KARNATAKA

CARRYING ON BUSINESS AT SHOP NO 19,
SHOPPING COMPLEX OF ST FRANCIS XAVIER
CHURCH, M G ROAD,
CHIKKABALLAPURA 562101

… RESPONDENT

THIS RSA IS FILED UNDER SEC.100 OF CPC., AGAINST THE JUDGMENT AND DECREE DATED 23.01.2023. PASSED IN RA NO.157/2019 ON THE FILE OF THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,CHIKKABALLAPURA, DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 10.10.2019 PASSED IN OS NO.93/2013 ON THE FILE OF IST ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, CHIKKABALLAPURA.

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 seeking withdrawal of this appeal.

2. The memo reads as under:

> " *The Appellant in the above case humbly submits that appellant had filed RSA in regard to set aside the Judgement and Decree passed by the I additional Senior Civil Judge and J.M.F.C., at chikkaballapura in O.S. No. 93/2013, Dated 10/10/2019 and Set aside the Judgement in Regular Appeal passed by II Additional District and Sessions Judge, Chikkaballapura dated 23/01/2023 in R.A. No. 157/2019 and to direct the respondent to vacate the schedule property and handover the vacant possession to the appellants.*

Hence, filing memo to withdraw the above Appeal with a liberty to file fresh suit for Declaration and Possession before the Jurisdiction Court. Same may be taken on record in the interest of justice and equity."

3. The memo and submission of the learned counsel for the appellant is placed on record.

4. The appeal is ***dismissed as withdrawn.*** Liberty is reserved subject to the law of limitation.

5. In view of dismissal of this appeal, pending application, if any, would pale into insignificance.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK
List No.: 1 Sl No.: 8