NC: 2026:KHC:24233
RSA No. 1541 of 2023

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

REGULAR SECOND APPEAL NO. 1541 OF 2023 (RES)

BETWEEN:

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
RT. REV DR PETER MACHADO,
ARCHBISHOP OF BANGALORE
HEREIN REPRESENTED BY HIS DULY
AUTHORISED AGENT 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 MS. SONA RAJKUMAR, ADVOCATE FOR
SRI. JOSEPH ANILKUMAR A.,ADVOCATE)

Digitally signed by B LAVANYA
Location: HIGH COURT OF KARNATAKA

AND:

SMT. RATHNAMMA
W/O LATE SRI. C.V. RAMAIAH,
AGED ABOUT 60 YEARS,
CARRYING ON BUSINESS AT SHOP NO. 14
(1ST FLOOR), SHOPPING COMPLEX

OF ST. FRANCIS XAVIER CHURCH
M.G. ROAD, CHIKKABALLAPURA - 562 101.

…RESPONDENT

THIS RSA IS FILED UNDER SEC. 100 OF CPC., AGAINST THE JUDGMENT AND DECREE DATED 23.01.2023 PASSED IN RA.NO.160/2019 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.99/2013 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, CHICKBALLAPURA.

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 appellant files a memo seeking withdrawal of this appeal, which reads as under:

> *"The appellant in the above case humbly submits that appellant had filed RSA in regard to set aside the Judgment and Decree passed by the I additional Senior Civil Judge and JMFC., at Chikkaballapura in O.S No.99/2013, Dated 10.10.2019 and set aside the judgment in Regular Appeal passed by II Additional District and*

Sessions Judge, Chikkaballapura dated 23.01.2023 in R.A No.160/2019 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".

Placing the memo on record, the appeal is ***dismissed as withdrawn*** with liberty to file a fresh suit, if so advised. However, the same shall be subject to the law of limitation.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

VS
List No.: 1 Sl No.: 6