HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

MISCELLANEOUS FIRST APPEAL NO. 237 OF 2017 (CPC)

C/W

MISCELLANEOUS FIRST APPEAL NO. 238 OF 2017 (CPC)

IN MFA No. 237/2017 (CPC)

BETWEEN:

1. ASHOK P SHAH
S/O PRAVEEN SHAH,
AGED ABOUT 68 YEARS,
R/AT NO.1346,
POORNA PRAJNA NAGARA,
UTTARAHALLI,
BENGALURU - 560 061.

2. SUMATHI B REDDY
W/O DR.BYRA REDDY,
AGED ABOUT 58 YEARS,
R/AT NO.1271,
8TH B CROSS,
1ST E MAIN ROAD,
SAI BABA TEMPLE ROAD,
GIRINAGAR 2ND STAGE,
BENGALURU - 560 085.

...APPELLANTS

(BY SRI. ASHOK P SHAH, APPELLANT NO.1 - DEAD;
SMT. SUMATHI B REDDY, APPELANT NO.2 IS NOT RESIDING IN THE ADDRESS)

Digitally signed by MAHALAKSHMI B M
Location: HIGH COURT OF KARNATAKA

AND:

1. K R NAGENDRA
   FATHER NOT KNOWN TO APPELLANT,
   MAJOR,
   NO.2718,
   6TH MAIN,
   KUMARASWAMY LAYOUT,
   2ND STAGE,
   BENGALURU - 560 078.

2. THE COMMISSIONER
   BRUHAT BENGALURU MAHANAGARA PALIKE,
   HUDSON CIRCLE,
   BENGALURU - 560 001.

3. THE CHAIRMAN
   BENGALURU DEVELOPMENT AUTHORITY,
   BENGALURU.

4. THE PRESIDENT
   POORNA PRAJNA HOUSE BUILDING SOCIETY,
   "SWARNA BHAVANA",
   2ND FLOOR, UTTRAHALLI,
   BENGALURU - 560 061.

5. THE PRESIDENT
   POORNA PRAJNA RESIDENTIAL
   WELFARE ASSOCIATION,
   1ST FLOOR, POORNA PRAJNA NAGAR,
   BENGALURU - 560 061.

6. THE REGISTRAR
   CO-OPERATIVE SOCIETIES,
   ALI ASKERE ROAD,
   VASANTHANAGAR,
   BENGALURU - 560 001.

…RESPONDENTS

(BY SRI. SADASHIVA REDDY & A T MANOHAR.,ADVOCATE FOR C/R1)

THIS MFA IS FILED UNDER ORDER 43 RULE 1(R) OF CPC, 1908, AGAINST THE ORDER DATED 06.12.2016, PASSED IN I.A.NO.5, IN O.S.NO.7528/2016 ON THE FILE OF PRL. CITY CIVIL SESSIONS JUDGE, BENGALURU, REJECTING THE I.A. FILED UNDER ORDER 39 RULE 1 & 2 OF CPC.

IN MFA NO. 238/2017

BETWEEN:

1. ASHOK P SHAH
   S/O PRAVEEN SHAH,
   AGED ABOUT 68 YEARS,
   R/AT NO.1346,
   POORNA PRAJNA NAGARA,
   UTTARAHALLI,
   BENGALURU - 560 061.

2. SUMATHI B REDDY
   W/O DR.BYRA REDDY,
   AGED ABOUT 58 YEARS,
   R/AT NO.1271,
   8TH B CROSS,
   1ST E MAIN ROAD,
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   GIRINAGAR 2ND STAGE,
   BENGALURU - 560 085.

...APPELLANTS

(BY SRI. ASHOK P SHAH, APPELLANT NO.1 - DEAD;

SMT. SUMATHI B REDDY, APPELANT NO.2 IS NOT RESIDING IN THE ADDRESS)

AND:

1. K R NAGENDRA
   FATHER NAME NOT KNOWN TO THE APPELLANT,
   MAJOR, NO.2718,
   6TH MAIN, KUMARASWAMY LAYOUT,
   2ND STAGE, BENGALURU - 560 078.

2. THE COMMISSIONER
BRUHAT BENGALURU MAHANAGARA PALIKE,
HUDSON CIRCLE,
BENGALURU - 560 001.

3. THE CHAIRMAN
BENGALURU DEVELOPMENT AUTHORITY,
BENGALURU.

4. THE PRESIDENT
POORNA PRAJNA HOUSE BUILDING SOCIETY,
"SWARNA BHAVANA",
2ND FLOOR,
UTTRAHALLI,
BENGALURU - 560 061.

5. THE PRESIDENT
POORNA PRAJNA RESIDENTIAL WELFARE
ASSOCIATION,
1ST FLOOR,
POORNA PRAJNA NAGAR,
BENGALURU - 560 061.

6. THE REGISTRAR
CO-OPERATIVE SOCIETIES,
ALI ASKERE ROAD,
VASANTHANAGARA,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. SADASHIVA REDDY & A T MANOHAR.,ADVOCATE FOR C/R1)

THIS MFA IS FILED U/O.43 RULE 1(R) OF THE CPC, AGAINST THE ORDER DT.06.12.2016 PASSED ON IA NO.6 IN O.S.NO.7528/2016 ON THE FILE OF THE PRINCIPAL CITY CIVIL & SESSIONS JUDGE, BENGALURU, REJECTING IA NO.6 FILED BY THE PLAINTIFFS U/O.39 RULE 1&2 OF CPC.

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

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

Court notice issued to the appellants has returned with postal shara as appellant No.1 is dead, death certificate is enclosed and appellant No.2 is not residing in the said address.

2. The appeals are of the year 2017. It appears that the appellants have not interested in prosecuting the appeals. Hence, the Miscellaneous First Appeals are ***dismissed*** for non-prosecution.

Sd/-

JUSTICE K.S. HEMALEKHA

PHM
List No.: 1 Sl No.: 1