HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

REGULAR SECOND APPEAL NO. 1842 OF 2023 (RES)

BETWEEN:

1. THE ARCHDIOCESE OF BANGALORE
A PUBLIC RELIGIOUS CHARITABLE TRUST
HAVING ITS REGISTERED OFFICE AT
ARCHBISHOPS HOUSE NO. 75
MILLERS ROAD, BENSON TOWN,
BANGALORE-560046
BY ITS SOLE TURSTEE
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-560084.

...APPELLANT

(BY SRI. JOSEPH ANILKUMAR A.,ADVOCATE)

Digitally signed by B LAVANYA
Location: HIGH COURT OF KARNATAKA

AND:

1. SMT K C RADHAMMA
W/O SRI. G.T. LAXMIPATHI,
AGED ABOUT 52 YEARS,

CARRYING ON BUSINESS AT
SHOP NO. 29 AND 30 SHOPPING
COMPLEX OF ST FARNCIS XAVIER
CHRURCH, M.G.ROAD,
CHIKKABALLAPURA-562101.

…RESPONDENT

THIS RSA IS FILED UNDER SECTION 100 OF CPC, AGAINST THE JUDGMENT AND DECREE DATED 15.02.2023. PASSED IN RA.NO.167/2019 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 O.S.NO.107/2013 ON THE FILE OF THE 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.107/2013, Dated*

10/10/2019 and Set aside the Judgement in Regular Appeal passed by II Additional District and Sessions Judge, Chikkaballapura dated 15/02/2023 in R.A. No. 167/2019 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 The appeal is ***dismissed as withdrawn.*** Liberty is reserved subject to the law of limitation.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