HC-KAR

NC: 2026:KHC:65380
RSA No. 2103 of 2017

CNR: KAHC010552882017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

REGULAR SECOND APPEAL NO.2103 OF 2017

BETWEEN:

1. RAVI @ RAVIKUMAR
   AGED ABOUT 31 YEARS,

2. MURTHY @ MARUTHI
   AGED ABOUT 33 YEARS,

   BOTH ARE SONS OF LATE GANGAIAH,
   R/AT M.C.HALLI VILLAGE @ POST,
   KASABA HOBLI, TARIKERE TALUK,
   DIST.TUMKUR-572 101.

…APPELLANTS

(BY SMT. KAVITHA M S, ADVOCATE)

AND:

Digitally signed by VANDANA S
Location: High Court of Karnataka

SANJEEVAMMA
W/O LATE BETTAIAH,
SINCE DECEASED BY HER L.R.S

1. ERAIAH
   S/O LATE BETAIAH,
   AGED ABOUT 70 YEARS,
   RETIRED LIFE OPERATOR,
   VIDHANA SOUDHA,

2. SRINIVASA
   AGED ABOUT 42 YEARS,
   S/O ERAIAH, ELECTRICIAN.

   BOTH ARE R/O TIGALARA PALYA,
   PEENYA POST, YASHWANTAPURA HOBLI,
   NARAYANAPURA VILLAGE,

BENGALURU NORTH TQ,
BENGALURU-560 058.

3. MURTHY @ NARASIMHAMURTHY
S/O LATE GANGAIAH,
AGED ABOUT 53 YEARS,
R/O M.C.VILLAGE @ POST,
KASABA HOBLI, TARIKERE TALUK,
DIST.TUMKUR-572101

4. SMT.ANASUYA
W/O MUNIKUMARAIAH,
AGED ABOUT 43 YEARS,

5. SMT.ANJALI @ ANJANADEVI
W/O DEEVIRAPPA,
AGED ABOUT 45 YEARS,

4 AND 5 ARE R/O DASARAKUNTE @ POST
KORATIGERE TALUK,
TUMKURU DISTRICT – 572 101.

6. NARAYANA @ LAXMINARAYANA
S/O LATE GANGAIAH,

SINCE EXPIRED BY LRS.,

6(A) SMT.GOWRAMMA,
W/O LATE NARAYANA,
AGED ABOUT 40 YEARS,
HOUSE HOLD,

6(B) MANOJ
S/O LATE NARAYANA,
AGED ABOUT 16 YEARS,
STUDENT,

6(C) SUCHITRA
D/O LATE NARAYANA,
AGED ABOUT 14 YEARS,
STUDENT,

6(B) & 6 (C) ARE MINORS,
REPRESENTED
BY THEIR NATURAL GUARDIAN

I.E.THEIR MOTHER-APPELLANT NO.6(A)
R/OF M.C.HALLI VILLAGE,
KASABA HOBLI, TARIKERE TALUK,
DIST.TUMKUR -572101

7. JAGA @ JAGADHISHA
AGED ABOUT 35 YEARS,
S/O LATE GANGAIAH,

8. SMT.NARASAMMA
W/O LATE GANGAIAH
AGED ABOUT 70 YEARS,
HOUSEHOLD

7 AND 8 ARE RESIDENT OF
M.C.HALLI VILLAGE @ POST,
KASABA HOBLI, TARIKERE TALUK,
DIST.TUMKUR -572 101.

…RESPONDENTS

(BY SRI. ARAVIND M. NEGLUR, ADV. FOR R-2;
SRI. HANUMANTHARAYAPPA M., ADV. FOR R-4, R-5 & R-8;
R-3, R-7–SERVED
R-6 (B & C) ARE MINOR REP. BY R-6(A)
VIDE ORDER DATED 13.11.2026,
R-2 IS TREATED AS
SOLE LR OF DECEASED R-1)

THIS RSA IS FILED UNDER SEC.100 OF CPC AGAINST THE JUDGMENT AND DECREE DATED 03.06.2017 PASSED IN R.A.NO.57/2012 ON THE FILE OF THE SENIOR CIVIL JUDGE AND PRL. JMFC, TARIKERE, DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 13.09.2012 PASSED IN O.S.NO.133/2007 ON THE FILE OF THE LEARNED CIVIL JUDGE AND ADDL. JMFC, TARIKERE.

THIS APPEAL, COMING ON FOR *ADMISSION*, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL JUDGMENT

The order sheet discloses that learned counsel for the appellants has remained continuously absent on various dates of hearing though the learned counsel for the respondents remained present. On the last date of hearing i.e., on 22.04.2026, this Court passed the following order:

> "*No representation on behalf of the appellant.*
>
> *Learned counsel for respondent is present.*
>
> *List this matter immediately after Summer Vacation, 2026"*

2. Even today, learned counsel for the appellants did not appear both in the pre-lunch and post-lunch sessions. Learned counsel for the respondents is present.

3. Under these circumstances, having regard to the fact that the suit is of the year 2007 and the present appeal is of the year 2017, I have no option but to dismiss the appeal for non-prosecution by reserving liberty in favour of appellants to seek recalling of this order and restoration of the appeal, if they so desire.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

SV; List No.: 1 Sl No.: 23