HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MS. JUSTICE JYOTI MULIMANI

REGULAR SECOND APPEAL NO. 1149 OF 2019 (DEC/INJ)

BETWEEN:

SMT. S.P.MALINI,
(WRONGLY MENTIONED AS M.N.MALINI
BEFORE THE COURTS BELOW)
D/O. LATE M.V.NAGAPPA,
W/O. SRI. P.N.SADANAND,
AGED ABOUT 64 YEARS,
R/AT SY.NO.191/1 AND 2,
HOUSE NO.1 TO 3, 14TH MAIN,
KYATHAMARANAHALLY DAKHALE,
NOW CALLED AS RAGHAVENDRA NAGAR,
T.NARASIPURA ROAD, MYSURU - 570019.

...APPELLANT

(BY SRI.A.B.DIVYATEJ, ADVOCATE [ABSENT])

Digitally signed by TEJAS KUMAR N
Location: HIGH COURT OF KARNATAKA

AND:

1. SRI. VENKATAKRISHNE URS.,
S/O. LATE M.P.SUBRAMANYARAJE URS.,
AGED ABOUT 70 YEARS,
R/AT D.NO.1822, N-3/1,
T.N.PURA ROAD,
MYSURU - 570019.

2. SRI. M.N.MANOHAR KUMAR,
SINCE DEAD BY LRS.,

2(A). SMT. GAYATHRI,
D/O. LATE M.N.MANOHAR KUMAR,

AGED ABOUT 40 YEARS,
R/AT R.S.NO.191/1,
KYATHAMARANAHALLI,
NEAR GIRIYA BOVI PALYA,
T.N.PURA ROAD, MYSURU - 570019.

3. SRI. M.N.KEDARNATH,
S/O. LATE M.V.NAGAPPA,
AGED ABOUT 55 YEARS,
R/AT NO.336, "ASHVIJA"
BRINDAVAN EXTENSION,
MYSURU - 570020.

4. SMT. M.N.JYOTHI
D/O. LATE M.V.NAGAPPA,
AGED ABOUT 52 YEARS
R/AT NO.74/A,
MATHURA NAGARA,
METAGALLI EXTENSION,
MYSURU - 570016.

…RESPONDENTS

(BY SMT. BHARATHI, ADVOCATE FOR
SRI. VENKATESH R. BHAGAT., ADVOCATE FOR C/R1;
R2(A), R3 AND R4 ARE SERVED AND UNREPRESENTED)

THIS REGULAR SECOND APPEAL IS FILED UNDER SECTION 100 OF THE CODE OF CIVIL PROCEDURE.

THIS REGULAR SECOND APPEAL IS LISTED FOR ORDERS, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Though matter called thrice, there is no representation on behalf of the appellant, either personally or through video

conferencing. When the case is listed and called out, the advocate must be present. The absence may affect the case.

Smt.Bharathi., counsel on behalf of Sri.Venkatesh R.Bhagat., for caveator/ respondent No.1 has appeared in person.

The appeal is listed today for orders regarding non-filing of paper book. As could be seen from the daily order sheet, the appeal was admitted on 15.07.2019 and eight weeks time was granted to file paper book. Thereafter, the appeal was listed on 30.10.2024 and 23.09.2025 and time was granted to file paper book. Despite granting sufficient time, paper book is not filed.

As could be seen from the appeal papers, the appeal is filed in 2019. Now we are in October 2025. The appeal is pending from six years. As already noted above, though matter called thrice, there is no representation on behalf of the appellant, either personally or through video conferencing. It appears that the appellant is not interested in prosecuting the appeal. Hence, the Regular Second Appeal is dismissed for non-prosecution.

Because of dismissal of the appeal, pending interlocutory applications if any are disposed of and interim direction if any stands discharged.

Sd/-
(JYOTI MULIMANI)
JUDGE

TKN
List No.: 1 Sl No.: 5