

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 31<sup>st</sup> DAY OF MAY 2004

BEFORE

THE HON'BLE MR.JUSTICE R.GURURAJAN

**CIVIL PETITION NO.514 OF 2004**

**IN**

**REGULAR FIRST APPEAL NO.739 OF 1998**

**BETWEEN:**

Sri L.Eshwara  
S/o.Krishna Rao  
Aged about 59 years  
Resident of No.6-3-609/10/12  
Anandnagar  
Khairatabad  
Hyderabad -Petitioner

(By Sri B.Chidananda, Advocate)

**AND:**

Sri V.Nagesh Rao  
Son of late Narasingarao  
Major, Merchant  
Tank Bund Road  
Bellary -Respondent

(By Sri D.L.N.Rao, Advocate)

This Civil Petition is filed under Order IX  
Rule 4 read with Section 151 CPC seeking to  
recall the order dated 27.2.2004 made in RFA  
No.739 of 1998.

This Civil Petition coming on for orders  
this day, the Court made the following:

**ORDER**

No objections are filed.

2. Heard Sri Chidananda, learned counsel for the petitioner/appellant. Perused the affidavit filed by the learned counsel.

3. For reasons stated in the affidavit, order dated 27.2.2004 is recalled. RFA No.739 of 1998 is restored to original file. Office is directed to post the said appeal before the appropriate Bench.

Sd/-  
Judge

\*rk.