



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2022

PRESENT

THE HON'BLE MR. JUSTICE P.S.DINESH KUMAR

AND

THE HON'BLE MR. JUSTICE T.G.SHIVASHANKARE GOWDA

REGULAR FIRST APPEAL NO. 1099 OF 2022 (POS)

BETWEEN:

SRI. H. RAJU
S/O LATE HUCHAPPA
AGED ABOUT 46 YEARS
RESIDENT OF NO.103/C
5TH CROSS, KOTTANUR DINNE
J P NAGAR, 8TH PHASE
BENGALURU-560 076.

...APPELLANT

(BY SHRI. A.C. BALARAJ, ADVOCATE)

AND:

1. SRI. P.Y. BABYKUTTY
S/O LATE. C. YOHANNAN
AGED ABOUT 85 YEARS
RESIDENT OF NO.322
ASHA BHAVAN, 24TH MAIN
5TH PHASE, J P NAGAR
BENGALURU-560 078.
2. SRI. H. SURESH
S/O LATE HUCHAPPA
AGED ABOUT 39 YEARS
RESIDENT OF NO.103/C
5TH CROSS, KOTTANUR DINNE
J P NAGAR, 8TH PHASE
BENGALURU-560 076.





3. SMT LAKSHMAMMA
W/O LATE. HUCHAPPA
AGED ABOUT 70 YEARS
RESIDENT OF NO.103/C
5TH CROSS, KOTTANUR DINNE
J P NAGAR, 8TH PHASE
BENGALURU-560 076.
4. SMT NAGAVENI @ NAGAMANI
D/O LATE HUCHAPPA
W/O MADHUGIRIYAPPA
AGED ABOUT 42 YEARS
RESIDENT OF NO.103/C
5TH CROSS, KOTTANUR DINNE
J P NAGAR, 8TH PHASE
BENGALURU-560 076.

...RESPONDENTS

THIS RFA IS FILED UNDER SECTION 96 OF THE CPC, AGAINST THE JUDGMENT AND DECREE DATED 30.10.2021 PASSED IN OS.NO.5413/2015 ON THE FILE OF THE XI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU CITY, DECREERING THE SUIT FOR POSSESSION AND INJUNCTION.

THIS RFA, COMING ON FOR ORDERS, THIS DAY, **P.S. DINESH KUMAR J.**, DELIVERED THE FOLLOWING:

JUDGMENT

Shri A.C.Balaraj, learned advocate for the appellant has filed a memo of even date seeking leave to withdraw this appeal. The memo reads as follows:

" The appellant herewith crave leave of this Hon'ble Court for withdrawing the above regular first appeal. Hence, the above regular first appeal may be dismissed as withdrawn with liberty, in the interest of justice and equity.



Further, it is respectfully submitted that, the appellant has paid court fee through demand draft bearing no.182003 dt:13.06.2022 for a sum of Rs.1,89,740/- drawn on Karnataka Bank Limited, City Civil Court Branch, Bengaluru. It is most humbly prayed that this Hon'ble court be pleased to order for refund of above court fee in favour of the appellant herein, in the interest of justice. "

2. Leave granted. This appeal is accordingly ***dismissed*** as withdrawn.

3. Registry shall refund the court fee in accordance with law.

No costs.

**Sd/-
JUDGE**

**Sd/-
JUDGE**

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List No.: 1 Sl No.: 30