

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 21ST DAY OF SEPTEMBER 2012

BEFORE

THE HON'BLE MR.JUSTICE N. ANANDA

M.F.A. No.454/2012 (CPC)

BETWEEN:

Mrs.Shamsia Khanum
W/o T.Mohammed Noorul Hassan
Aged about 66 Years
No.12, 8th Cross
Kempaiah Block
J.C.Nagar
Bangalore – 560 006.

... Appellant

(By Sri Kamal & Bhanu, Advocates)

AND:

Mr.M.Srinivas
S/o Munivenkatappa, Major
Manorayanapalya
R.T.Nagar Post
Bangalore – 560 032.

... Respondent

This appeal is filed under order 43 Rule 1(d) CPC, against the order dated 30.08.2011, passed in Misc.No.356/2002, on the file of the V Additional City Civil Judge, Bangalore City, dismissing the petition and etc.

This appeal coming on for orders this day, the Court delivered the following:

J U D G M E N T

In RFA 182/2000 dated 27.05.2002, this court has dismissed the appeal filed against judgment and decree made in O.S.No.3917/1986 on merits. Therefore, petitioner should not have approached the trial court by invoking provisions of Order 9 Rule 13 CPC.

2. As the petition filed before the trial court was without jurisdiction, this appeal is dismissed as not maintainable.

Sd/-
JUDGE

Np/-