

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 11TH DAY OF JANUARY, 2012

BEFORE

HON' BLE MR. JUSTICE DILIP B.BHOSALE

RSA NO 2747 OF 2007

BETWEEN

SMT. NARASAMMA
W/O NARAYANA GOWDA,
AGED 60 YEARS,
HAVING PETTY SHOP
BUSINESS AT MAIN ROAD,
NAGAMANGALA TOWN,
MANDYA DISTRICT-571 432.

... APPELLANT (S)

(By Sri. L.RAJA, ADVOCATE)

AND

1. THIMMA SETTY GOWDA
S/O VENKATARAMANE GOWDA
AGED 65 YEARS,
R/O.CHICKKANAHALLI,
BELUR HOBLI, NAGAMANGALA TALUK,
MANDYA DISTRICT-571 432.

1(a) SRI. MUDDURAJ,
S/O LATE THIMMA SHETTY GOWDA,

R/O CHIKKANAHALLI, BELUR HOBLI,
NAGAMANGALA TALUK,
MANDYA DISTRICT.

2. NARAYANA GOWDA
S/O MALU SAKKARENARAYANA GOWDA
AGED 65 YEARS,
R/O.CHICKKANAHALLI,
BELUR HOBLI, NAGAMANGALA TALUK,
MANDYA DISTRICT-571 432.

3. N.VENKATESH
S/O NARAYANA GOWDA,
AGED ABOUT 38 YEARS,
R/O.NEAR KASBA SOCIETY,
B.M.ROAD,NAGAMANGALA TALUK,
MANDYA DISTRICT-571 432.

.. RESPONDENT(S)

(By M/S C.R. GOPALASWAMY ASSTS.

ADVOCATE FOR R-1(a) & R-2 served .

sq

RSA FILED U/S. 100 OF CPC AGAINST THE
JUDGEMENT & DECREE DTD 3.8.07 PASSED IN R.A.NO 7/05
ON THE FILE OF THE ADDITIONAL DISTRICT JUDGE,
MANDYA, ALLOWING THE APPEAL AND FILED AGAINST
THE JUDGEMENT AND DECREE DTD 6.12.04 PASSED IN OS
199/96 ON THE FILE OF THE ADD. CIVIL JUDGE, (SR.DN),
MANDYA.

This RSA is coming on for Admission, this day, the Court made the following:

ORDER

This Second Appeal raises the following question of law:

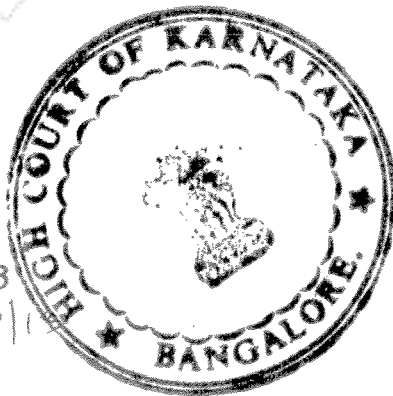
"Whether in the facts and circumstances of the case and in the light of the pleadings, issue of legal necessity would arise and whether the appellate Court was right in holding that the issue of legal necessity, could not have been gone into by the trial Court?"

Admit, Record and proceedings be called for.

Appellant to file private paper book within a period of four months from today, failing which the appeal shall stand dismissed for non-prosecution without reference to the Court.

Ty. By : H.M.N
R. By : J
C. By : El

Ty. Date : 30/5/13
C. Date : 30/08/13



Sd/-
JUDGE

Copy
K. S. M. NARAYAN
Assistant Registrar
High Court of Karnataka
Bangalore-560 001
16/9/13
16/9