

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 11TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO.2492 OF 2007

BETWEEN:

1 . SMT. JAMBANAHALLI KANIMEVVA
W/O. LATE JAMBANAHALLI HANUMANTHAPPA
AGED ABOUT 50 YEARS, OCC: AGRICULTURE
R/O. WARD-18, OLD WARD-8,
HOSPET TALUK, HOSPET-583201,
BELLARY DISTRICT.

2. SRI. J. ANJANAPPA
S/O. LATE JAMBANAHALLI HANUMANTHAPPA
AGED ABOUT 35 YEARS, OCC: AGRICULTURE,
R/O. KURUBARA ONI, WARD-18,
OLD WARD-8, HOSPET TALUK,
HOSPET-583201, BELLARY DISTRICT.

3. SRI. J. KANVIRAYA
S/O. LATE JAMBANAHALLI HANUMANTHAPPA
AGED ABOUT 32 YEARS, OCC: AGRICULTURE,
R/O. HOSPET TALUK,
HOSPET-583201, BELLARY DISTRICT.

...APPELLANTS

(BY SRI. V.M. SHEELVANTH, ADVOCATE)

AND:

- 1 . THE STATE OF KARNATAKA
BY ITS SECRETARIAL DEPARTMENT OF REVENUE,
M.S.BUILDING,
DR.AMBEDKAR VEEDHI,
BANGALORE-560001.
- 2 . THE LAND TRIBUNAL
HOSPET TALUK,
HOSPET, BY ITS SECRETARY.
- 3 . SRI. H.L.N. ACHAR NORAYANACHAR
S/O. LATE H. SUBBAMMA
SINCE DECEASED BY LRS.
- 3A) SMT. H. PARIMALA BAI W/O. LATE HLN ACHAR
A-503, ROHAN JHAROKA APARTMENT,
BEHIND HAL AIRPORT,
MARATHALI COLONY, YEMALUR,
BENGALURU NORTH,
BENGALURU KARNATAKA-560037.
- 3B) SRI. H. GOVINDA RAJU S/O. LATE HLN ACHAR
A-503, ROHAN JHAROKA APARTMENT,
BEHIND HAL AIRPORT,
MARATHALI COLONY, YEMALUR,
BENGALURU NORTH,
BENGALURU KARNATAKA.
4. SRI. K. VASUDEVACHAR
S/O. K. SRINIVASACHAR
AGED ABOUT 42 YEARS,
R/O. BANGAR LANE
HOSPET TALUK, BELLARY DIST.

...RESPONDENTS

- (BY SMT. GIRIJA S. HIEMATH, HCGP FOR R1 AND R2;
NOTICE SERVED TO R3(A) AND R3(B);
SRI. DINESH M. KULKARNI, ADVOCATE FOR R4)

THIS WA IS FILED UNDER SECTION-4 OF KARNATAKA HIGH COURT ACT, PRAYING TO SET ASIDE THE ORDER DATED 20.11.2007 PASSED IN WRIT PETITION NO.30897/2002 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HIGH COURT, AND PARTICULARLY INSOFAR AS DIRECTION ISSUED DIRECTING THE LAND TRIBUNAL TO REGISTER THE OCCUPANCY RIGHTS IN FAVOUR OF THE PETITIONER IN TERMS OF HIS CLAIM, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL HAVING BEEN HEARD AND RESERVED ON 15.10.2025 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, DELIVERED THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

CAV JUDGMENT

(PER: THE HON'BLE MRS JUSTICE GEETHA K.B.)

Appellants-claimants are before this Court in this appeal filed under Section 4 of the Karnataka High Court Act, 1961 questioning the order passed in WP No.30897/2002 dated 20.11.2007 by the learned Single Judge in allowing the writ petition where under the order of Land Tribunal (in short, Tribunal) dated 29.06.2002 was in question.

2. The parties shall be referred to as per the rank they hold before this Court in writ appeal.

3. The husband of first appellant and father of appellants No.1, 2 and 3, one Jambanahalli Hanumanthappa claims that he was tenant of Sy.No.277/A/1 measuring 2 acres 91 cents situated at Amaravathi village, Hospete Taluk under respondent No.4 the owner of said property and he was tenant since 30 years. Both the husband of first appellant and respondent No.4 have filed rival applications in Form No.1 for grant of occupancy rights in respect of said property before the Tribunal. Respondent No.3 claimed to be the owner of the land in dispute and respondent No.4 is the rival claimant whose application filed in Form No.1 was rejected by the Tribunal by its order dated 29.06.2002. However, learned Single Judge set aside the same and directed respondent No.2 to register him as occupant of the land in dispute and said order is under challenge in this appeal.

4. The appellants further stated that Jambanahalli Hanumanthappa died on 17.03.2001 and after his death appellants were impleaded in this appeal.

5. This is the second round of litigation.

6. The brief case of the parties before the Trial Court are as follows:

7. The land in question in this case is situated at Sy.No.277/A/1 measuring 2 acres 91 cents at Amaravathi village, Hospete Taluk. The appellants and respondent No.4 being the rival claimants have submitted application under Form No.1 of Karnataka Certain Inams Abolition Act, 1977. Initially, after enquiry, the Tribunal has passed the order in favour of first applicant-Vasudevachar, (respondent No.4), which was questioned before this Court in Writ Petition No.8860/1989, which was allowed by order dated 02.11.1989 and matter was remitted back to the Tribunal for further enquiry. Accordingly, further enquiry was conducted and the Tribunal has granted occupancy rights in favour of Jambanahalli Hanumanthappa i.e., in favour of the husband of first appellant by its order dated 29.06.2002. Said order was challenged by respondent No.4-Vasudevachar in Writ Petition No.30897/2002. In said writ

petition, the learned Single Judge has declared that Vasudevachar is the tenant as on the fixed date based on RTCs and allowed the writ petition. The said order is under challenge in this appeal.

8. Learned counsel for the appellants, Sri.V.M.Sheelvanth submitted his argument that respondent No.4 has mislead the Court and has produced the manipulated RTC and not produced the RTC of relevant year and based on it the learned Single Judge has passed the order, which is erroneous. He also submitted that he has produced all the relevant RTCs and other documents. He further contended that respondent No.4 is none other than the son of original owner-Subbamma's brother and the contention of respondent No.4 that his father was given in adoption is not proved. Thus, respondent No.4 being the family member cannot file claim petition claiming that he is the tenant. Furthermore, respondent No.4 has taken different stands in different forums at different times. At once, he states that he is the owner of the property; at

another stretch, he states that he is the tenant and at another stretch, he contended that there was partition and this property has fallen to his share. However, these facts were not brought to light before learned Single Judge. These facts were clearly and categorically established before the Tribunal and the Tribunal has passed a detailed and reasoned order and granted occupancy rights to first appellant's husband. Hence, the said order ought not to have been interfered by the learned Single Judge.

9. Learned counsel for the appellants would further submit that Jambanahalli Hanumanthappa was tenant for 30 years. Vasudevachar in his Form No.1 has stated that he is tenant since 20 years. But if his age is considered then he could not have been tenant since 20 years. He contends that, always the sugarcane bills will be shown in the name of owner and not in the name of tenant. Thus the sugarcane bills produced by respondent No.4 would not prove his possession as tenant over the property in dispute. On the other hand, the appellants have produced the original

notebook and receipts i.e., identity tickets to prove their possession as tenant over the property in question. The learned counsel for appellants would further submit that because of dispute between Jambanahalli Hanumanthappa and respondent No.4, the Tahasildar has initiated proceedings under Section 145 Cr.P.C. and called the report from Revenue Inspector, which clearly indicates the possession of Jambanahalli Hanumanthappa over the disputed property. Said order was under challenge in Criminal Revision Petition No.513/1989. Said Criminal Revision Petition was allowed only on the ground that Tahasildar had no jurisdiction to conduct enquiry. However, the finding of Tahasildar that Jambanahalli Hanumanthappa was in possession is intact. The learned Single Judge erroneously comes to the wrong conclusion. Hence, prayed for allowing the writ appeal.

10. Along with appeal, I.A.No.1/2007 under Order XLI Rule 27 Code of Civil Procedure was filed and prayed for permission to adduce additional evidence by way of

production of five documents and also I.A.No.1/2025 is filed under Order XLI Rule 27 Code of Civil Procedure praying for permission to adduce additional evidence by way of production of two RTCs. Learned counsel for the appellants would submit that those documents are important documents and would throw light on the dispute and are thus, necessary documents and prayed for allowing both IAs.

11. Learned counsel for respondent No.4 Sri.Dinesh M Kulkarni submitted that this respondent No.4 is not the family member of Subbamma. In this regard, he has furnished the genealogical tree. He further took us to Section 5 of the Karnataka Certain Inams Abolition Act, 1977, Section 2(12) of the Karnataka Land Reforms Act, 1961 and Section 4(a) of the said Act and would submit that, respondent No.3 cannot be considered as member of the family of the owner. Jambanahalli Hanumanthappa has furnished Form No.1 wherein his age is shown as 45 years but he states that he is cultivating lands since 50 years,

which is impossible. The order passed by the Tahasildar is quashed in the Criminal Revision Petition and hence that cannot be considered.

12. Learned counsel for respondent would further submit that in the suit filed by him on 02.11.1989, respondent No.4 contended that he is the owner of the property because, before that date i.e., on 29.06.1987 itself Tahasildar has granted occupancy rights to him and declared him as the owner. Thus, there is no discrepancy in referring respondent No.4 as tenant at once and as owner at another stretch. Furthermore, Jambanahalli Hanumanthappa has not produced any iota of evidence to show that he is the tenant of the property. The receipts and bills produced by him are not pertaining to this land. But the sugarcane bills produced by him are pertaining to some other land situated at Mudlapura Village. Hence, the order passed by the learned Single Judge is proper and in accordance with law. Hence, prayed for dismissal of the appeal by confirming the order passed in the writ petition.

Learned counsel for respondent No.4 would further submit that Jambanahalli Hanumanthappa himself has given his affidavit and has withdrawn his tenancy application in Form No.1.

13. During pendency of this appeal, respondent No.3 died and his legal representatives were brought on record.

14. Having heard the learned counsel for parties and on perusal of the appeal papers along with original records of the Tribunal, the following points would arise for our consideration in this appeal:

- i. Whether the appellants have made out a case that Jambanahalli Hanumanthappa was the original tenant of the disputed property as on 01.03.1974 and learned Single Judge erred in not appreciating the material on record in proper perspective?
- ii. Whether interference on said order is required?
- iii. Whether appellants be permitted to adduce additional evidence?

iv. What order?

15. Answer to point No.3: This point is considered first as it is pertaining to production of additional documents. Along with IA No.1/2007 under Order XLI Rule 27 CPC, the appellants have produced 5 documents i.e., the order passed by Tahasildar in MC No.193/1989 pertaining to Section 145 proceedings; the order passed in the Criminal Revision Petition against said order; the report of Revenue Inspector before passing such order by the Tahasildar; the order passed in Writ Petition No.8860/1989 wherein the original appellant has preferred the writ petition against the order of Tribunal and then it was remanded back to Trial Court; and the certified copy of order sheet of O.S.No.74/1989 which was withdrawn by respondent No.4.

16. All the above documents are pertaining to court proceedings, they are not new documents and both parties of this appeal were parties in those proceedings and there is no serious objection from the respondents to produce these documents.

17. Another I.A.No.1/2025 is filed under Order XLI Rule 27 CPC along with two records of rights. They are the relevant documents to decide the present appeal and there is no serious objection to produce those documents. One of them was already produced before the Tribunal.

18. Hence, we are of the considered opinion that appellants be permitted to adduce additional evidence by way of production of these documents and these documents will be considered at the time of passing orders on merits. Accordingly, point No.3 is answered in **affirmative**.

19. Answer to point Nos.1 and 2: These points are considered together, as they require common discussion.

20. The admitted facts of the case are that disputed property is situated at Survey No.277/A/1 measuring 2 acres 91 cents situated at Amaravathi Village, Hospete Taluk and it is a personal Inam land. The respondent No.4 has filed application in Form No.1 on 31.12.1983 and the husband of first appellant one Jambanahalli Hanumanthappa has filed application in Form No.1 on

14.03.1984 in respect of the same property. Thus, there is rival claim between the parties. Earlier, the Land Tribunal has allowed the application filed by respondent No.4 and occupancy rights were granted in his favour which was challenged by husband of appellant No.1 in Writ Petition No.8860/1989 and it was allowed and the matter was remanded back to Tribunal for fresh enquiry.

21. Afterwards fresh enquiry was conducted and appellant No.1 was examined on behalf of her and appellants No.2 and 3 and appellant No.1 also examined some witnesses and got marked Exs.A.1 to A.45. As already noted at that time her husband the original appellant died and on behalf of respondent No.4, respondent No.4 was examined and also examined some witnesses and got marked Exs.B.1 to B.34.

22. After recording evidence of both sides and hearing arguments of both sides, the Tribunal has granted occupancy rights in favour of Jambanahalli Hanumanthappa i.e., in favour of appellant No.1 to 3 who were representing

the original tenant stating that he was the person who was cultivating the land as on the cut off date 01.03.1974.

23. Aggrieved by said order of the Tribunal, respondent No.4 has filed Writ Petition No.30897/2002 (LR) which was allowed on 20.11.2007 and occupancy rights were granted in favour of respondent No.4.

24. In the writ petition, the learned Single Judge has considered only the RTC extract of land in question stating that it was from 1967 onwards and name of respondent No.4 is forthcoming in the cultivators' column and thus allowed the writ petition.

25. It is to be noted here that said RTC extract is for the year 1967-68 and in owner's column, name of H.L.Narayanachar, Kamalapura was there, which is rounded off and name of H.Subbamma was inserted as per orders passed in RTR No.1/1981 dated 07.11.1971 and in cultivators' column for the year 1967-1968 name of H.L.Narayanachar was shown for the entire extent. In said RTC, then, it continued from 1974-75 to 1977-78 and no

information for the years 1968-69 to 1973-74 is forthcoming in this RTC extract. In said RTC, from 1974-75 to 1977-78 directly name of K.Srinivasachar S/o K.Srinivas Achar is shown in cultivators' column. There is no mention in this RTC that how name of this K.Srinivasachar, who is the father of respondent No.4 is forthcoming and based on it, learned Single Judge has passed the aforesaid order.

26. However, to decide the tenancy, the important date is the cutoff date-01.03.1974 and the person who was in possession of the land as on that date as tenant is entitled to get occupancy rights and not any other person. Only by relying on this document i.e., Annexure-R4, the learned Single Judge has erroneously come to the conclusion that the rival claimant respondent No.4 was in possession of the property. Name of respondent No.4 is not at all shown in the said RTC. His name is forthcoming only from 1984-85 in cultivators' column based on M.No.158/84-85. 1984-85 is not the cut-off date.

27. Subbamma referred in owner's column is none other than the Paternal Aunt of respondent No.4. The father of respondent No.4 one Srinivasachar is the direct brother of said H.Subbamma. How her name is entered and before that whose name was there was not forthcoming in these RTCs. However, now the appellants have produced the record of rights for 1967-68, 1971-72, 1972-73 and 1973-74. They reveal that for 1967-68, the name of H.L.Narayanachar is shown in owner's column who is none other than the direct brother of H.Subbamma and Srinivasachar. In cultivators' column for 1971-72, the name of H.Subbamma is forthcoming and for 1972-73 and 1973-74, the name of Jambanahalli Hanumanthappa is shown i.e., the name of the husband of appellant No.1 i.e., for the relevant year, the name of the husband of appellant No.1 is forthcoming. This record of rights is at page No.71 in Village Form 2. But suppressing this in Village Form 2, page No.79 was produced by respondent No.4, wherein as discussed above, the relevant period was not mentioned. According to

mutation register, this property was changed from the name of H.Lakshmi Narayanachar to name of H.Subbamma.

28. It is come in evidence that HLN Achar and Narayanachar refers to same person. Thus, H.Lakshmi Narayanachar referred in the record of rights is none other than said HLN Achar, who is also the direct brother of forth respondent's father.

29. It is to be noted here that it is alleged by respondent No.4 before Tribunal that appellant's husband has given application with his affidavit that he never cultivated the property in question and prayed for withdrawing his application and also stated that he is unable to come to the court on that day. Based on it, earlier, occupancy rights were granted in favour of respondent No.4, which was challenged by the original tenant himself i.e., Jambanahalli Hanumanthappa in Writ Petition No.8860/1989 and it was allowed and at that time it was held that no such application was given by him.

30. It is to be noted here that even though the cut off date was 01.03.1974 and father of respondent No.4 was alive upto 1982, he has not given application to grant occupancy rights; it is only after his demise, respondent No.4 has given application for grant of occupancy rights.

31. The admitted facts are that one Subbannachar has 6 children. They are Subbamma, Shyamachar, Venkatachar, L.Manoharachar, Srinivasachar and HLN Achar. It is the contention taken by the respondent No.4 before the Tribunal that his father was given in adoption to one Kokkotalachar Srinivasachar and thus he is not the family member of Subbannachar. This Subbamma was married to one Govindachar and they have no issues. There was no proper evidence to say that who was the adopted son of Subbamma and sometimes it was stated that HLN Achar i.e., the younger brother of Srinivasachar and Subbamma, was taken in adoption by Subbamma and it is also contended that Srinivasachar was given in adoption to one Kokkotalachar Srinivasachar. However, to substantiate

both the adoptions, respondent No.4 has not produced any evidence before the Tribunal except stray evidence by him and some of his witnesses. Even his witnesses are not aware that when, where and how this adoption had taken place.

32. In one of the RTCs, name of this H.L. Narayanachar is rounded off and name of H.Subbamma is shown as per RTR No.1/81 dated 07.11.1971. In mutation register No.1381 to 1382 as per RTR No.1/81 name of H.Lakshmi Narayan Achar is rounded off and name of Smt.Subbamma is inserted for this Sy.No.277/A/1 and also in respect of another survey number. That means this property was not the property of the family of husband of Subbamma as contended by learned counsel for respondent No.4; but it was the property of the family of Subbannachar, that was standing in the name of HLN Achar.

33. Learned counsel for respondent No.4 vehemently submitted that Srinivasachar, the father of respondent No.4

is not the family member of the owner-Subbamma. At this juncture, reading definition of 'family' under Karnataka Land Reforms Act, 1961 is required.

34. Sub-Section 12 of Section 2(A) of the Karnataka Land Reforms Act, 1961 defines 'family', which reads as follows:

"family" means—

(a) in the case, of an individual who has a spouse or spouses, such individual, the spouse or spouses and their minor sons and unmarried daughters, if any;

(b) in the case of an individual who has no spouse, such individual and his or her minor sons and unmarried daughters;

(c) in the case of an individual who is a divorced person and who has not remarried, such individual and his minor sons and unmarried daughters, whether in his custody or not; and

(d) where an individual and his or her spouse are both dead, their minor sons and unmarried daughters;"

35. This is the definition of family of an individual. However, as discussed above, there is no evidence to show that there was partition amongst brothers and hence all brothers would be the members of joint family. Under those circumstances if the property stands in the name of one of the brothers of K.Srinivasachar, then he cannot be tenant with his own brother.

36. Learned counsel for respondent No.4 relied on the judgment of Co-ordinate Bench of this Court in the case of **Poovappa Bangera and Others vs. The Land Tribunal, Belthangady and Others** reported in **ILR 2004 KAR 4786**, wherein it is held as follows:

"(D) Karnataka Land Reforms Act, 1961- 'Whether a son-in-law can become a tenant under his mother-in-law' – Held – As the son-in-law will not be a member of the family as defined under Sub-Section 12 of Section 2(A) of the Act, there cannot be a prohibition for a son-in-law to claim tenancy under his mother-in-law."

37. As discussed above, the property was standing in the name of brother and sister of Srinivasachar and there

was no evidence that there was partition amongst them. Under these circumstances, the above judgment relied upon by the learned counsel for respondent No.4 is not helpful for respondent No.4.

38. There is no evidence to show that there was partition amongst brothers. Under those circumstances Srinivasachar being the brother of HLN Achar cannot be tenant under him and he comes under the definition of 'family'.

39. With this background, the oral evidence adduced before the Tribunal is to be examined. The witness No.3 on behalf of respondent No.4 stated that HLN Achar was the adopted son of Subbamma and he is the only heir of Subbamma. However, his above evidence is contrary to the records, as discussed above. Further, said witness does not know the details of adoption i.e., when and where it was taken and according to him there was adoption deed. But said adoption deed is not produced. Said HLN Achar was alive at the time of recording evidence of witnesses before

the Tribunal. But he has not come forward to give evidence. On the other hand, his GPA holder one CW.2 was examined who has stated that HLN Achar has given the land on tenancy to Srinivasachar. He has not spoken anything about this adoption.

40. Evidence of witnesses on behalf of both parties is only hearsay evidence and there are several discrepancies amongst their evidence. Always, documentary evidence prevails over oral evidence.

41. Only in his cross-examination, respondent No.4 for the first time has deposed that his father-Srinivasachar was given in adoption. He has categorically admitted that his father and HLN Achar are brothers and Subbamma is their sister and Subbamma is his paternal aunt.

42. In his cross-examination, respondent No.4 has categorically deposed that Subbamma died in the year 1977 and after her death this property came to their ownership through Form No.2. Thus, he claims to be the owner of the property. He has not given application to grant occupancy

rights as owner of the property. But he has given application to grant tenancy rights.

43. In further cross-examination this witness has deposed that his father Koukuntla Srinivasachar after given in adoption was living in Hosapete and this Koukuntla Srinivasachar has given lands on lease to Lakshmi Narayanachar and then this property was kept for the maintenance of Subbamma.

44. This respondent No.4 has filed O.S.No.74/1989 praying for permanent injunction against the husband of appellant No.1. In said suit in categorical terms it is stated that plaintiff i.e., this respondent No.4 is owner of the suit schedule property which is the disputed property of present case having got it from his sister late H.Subbamma. It is pleaded at para No.3 in said O.S.No.74/1989 as follows:

"It is submitted that the land described in the schedule hereunder was an Inam land which was earlier owned and enjoyed by the plaintiff's father, having got it from his sister, late H.Subbamma. After the demise of plaintiff's father in 1982, there has been oral partition among plaintiff, his brother and

mother, in which scheduled described land fell to the share of plaintiff. Since then plaintiff has been in possession and enjoyment of the same in his own right and title."

45. Thus, in the above suit, respondent No.4 pleaded that he is the owner of the property and his father got the property from his father's sister - Subbamma.

46. The above discussion reveals that respondent No.4 had taken different stands in different proceedings before different authorities.

47. On careful perusal of all the documents produced by respondent No.4, they do not reveal that as on 01.03.1974, either respondent No.4 or his father was cultivating the disputed property as tenant. No tenancy document is produced from both sides.

48. This respondent No.4 has produced several loan documents from several societies and passbooks. But none of those documents are as on 01.03.1974 or earlier to said date.

49. On the other hand, appellant No.1 has produced the notebook, which shows that since from 1967 her mother-in-law Huligamma i.e., mother of Jambanahalli Hanumanthappa was supplying sugarcane to the factory and several identity tickets are produced in the name of K.Srinivasachar.

50. It is admitted fact from both sides that the sugar factory will issue identity tickets only in the name of the person in whose name, the property stands and not in the name of any tenant.

51. It should be noted here that if Jambanahalli Hanumanthappa or appellants or mother-in-law of appellant No.1 have not supplied the sugarcane to the factory from this Survey No.277/A/1, those original identity tickets could not have been in possession of the appellants; on the other hand, they would be in possession of respondent No.4. But respondent No.4 has not produced them. It is appellants who have produced them. These tickets were produced by appellants and they are from 1976 onwards. However, the

book produced by the appellants is from 1967 onwards. Under these circumstances, it is to be held that the appellants were in possession of property as on 01.03.1974 and not respondent No.4.

52. Considering all these factual aspects, rightly, the Tribunal has granted occupancy rights to appellants. However, without verifying any of these documents, only by verifying the RTC, where the relevant period is not mentioned, the learned Single Judge erroneously granted occupancy rights in favour of respondent No.4 by setting aside the order of the Tribunal. Hence, it requires interference. Accordingly, point No.1 and 2 are answered in **affirmative**.

53. Answer to point No.4: In view of findings on point Nos.1 to 3, we proceed to pass the following:

ORDER

i. I.A.No.1/2007 and I.A.No.1/2025 filed by appellants under Order XLI Rule 27 Code of Civil Procedure are allowed.

ii. Documents produced along with those IAs are taken on record and considered at the time of passing this judgment.

iii. The appeal filed by the appellants under Section 4 of Karnataka High Court Act, 1961 is allowed by setting aside the order passed in Writ Petition No.30897/2002 dated 20.11.2007 restoring the order passed by the Land Tribunal granting occupancy rights in favour of the appellants.

iv. No order as to costs.

**Sd/-
(S G PANDIT)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**

SH, CT-CMU