



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 25TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

REGULAR SECOND APPEAL NO.100609 OF 2022 (PAR/POS)

BETWEEN:

1. SMT. LAXMIBAI W/O. RAMAPPA SANADI
@ DEMANNAVAR,
AGE: 53 YEARS, OCC. AGRICULTURE,
R/O. HADIGINAL, TQ. GOKAK,
DIST. BELAGAVI, PIN CODE-591218.
2. SHRI MUTTEPPA S/O. RAMAPPA SANADI
@ DEMANNAVAR,
AGE: 27 YEARS, OCC. AGRICULTURE,
R/O. HADIGINAL, TQ. GOKAK,
DIST. BELAGAVI, PIN CODE-591218.
3. SHRI NAGAPPA S/O. RAMAPPA SANADI
@ DEMANNAVAR,
AGE: 25 YEARS, OCC. AGRICULTURE,
R/O. HADIGINAL, TQ. GOKAK,
DIST. BELAGAVI, PIN CODE-591218.

...APPELLANTS

(BY SRI. SANJAY S. KATAGERI, ADVOCATE)

AND:

1. SHRI MANJUNATH S/O. BASAPPA SANADI
@ DEMANNAVAR,
AGE: 25 YEARS, OCC. AGRICULTURE,
R/O. HADIGINAL, TQ. GOKAK,
DIST. BELAGAVI, PIN CODE-591218.
2. SHRI OMKAR S/O. BASAPPA SANADI
@ DEMANNAVAR,
AGE: 22 YEARS, OCC. STUDENT,



R/O. HADIGINAL, TQ. GOKAK,
DIST. BELAGAVI, PIN CODE-591218.

3. SMT. SHOBHA W/O. BASAPPA SANADI
@ DEMANNAVAR,
AGE: 22 YEARS, OCC. STUDENT,
R/O. HADIGINAL, TQ. GOKAK,
DIST. BELAGAVI, PIN CODE-591218.

SHRI BASAPPA S/O. NAGAPPA SANADI
@ DEMANNAVAR,
SINCE DECEASED BY L.RS.
WHO ARE ALREADY ON RECORD AS
RESPONDENTS NO.1 TO 3

4. SHRI BHIMAPPA S/O. SHIVAPPA CHIPPALAKATTI,
AGE: 51 YEARS, OCC. AGRICULTURE,
R/O. MELAVANKI, TQ. GOKAK,
DIST. BELAGAVI, PIN CODE-591218.

5. SHRI MALLAPPA S/O. SHIVAPPA CHIPPALAKATTI,
AGE: 48 YEARS, OCC. AGRICULTURE,
R/O. MELAVANKI, TQ. GOKAK,
DIST. BELAGAVI, PIN CODE-591218.

...RESPONDENTS

(BY SRI. DINESH M. KULKARNI, ADVOCATE FOR C/R1 TO R3;
SRI. SHRIHARSH A. NEELOPANT, ADVOCATE FOR R4 AND R5)

THIS RSA IS FILED UNDER SECTION 100 OF CPC, PRAYING THAT THE IMPUGNED JUDGMENT AND DECREE DATED 29.10.2021 PASSED IN R.A.NO.6/2020 BY LEARNED XII ADDITIONAL DISTRICT AND SESSIONS JUDGE, BELAGAVI, SITTING AT GOKAK, IN ALLOWING THE SAID REGULAR APPEAL AND THEREBY SETTING ASIDE THE JUDGMENT AND DECREE DATED 28.10.2019, PASSED IN O.S. NO.276/2016 BY THE II ADDITIONAL SENIOR CIVIL JUDGE, GOKAK BE KINDLY BE SET ASIDE BY ALLOWING THE APPEAL AND CONSEQUENTLY DISMISSING THE SAID THE SUIT IN O.S.NO.276/2016 IN ITS ENTIRETY WITH COSTS, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR ADMISSION THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE C M JOSHI)

Heard the learned counsel appearing for the appellants and the respondents.

2. The factual matrix of the case as propounded in the pleadings may be summarized as below:

a) One Nagappa was the propositus and he died in the year 1988 leaving behind him four sons and two daughters. During his lifetime, he effected a partition in the land bearing Survey No.339/1, which was evidenced by M.E.No.1996 dated 24.11.1980. In the said partition, each of the sons were allotted 2 acres 30 guntas and the propositus-Nagappa retained 4 acres 23 guntas. The share that fell to the defendant No.1-Basappa was numbered as Survey No.339/3. He sold 1 acre of land in the said Survey No.339/3 on 29.11.1993 to one Bhimappa. Therefore, an area measuring 1 acre 30 guntas remained with the defendant No.1 and it was the ancestral property in his hands. The brother of the defendant No.1 i.e., Ramappa, who is now represented by defendant No.2 to 4, was alleged to have got a relinquishment deed to the extent of 30 guntas and the



said 30 guntas was re-numbered as R.S.No.339/5. The remaining 1 acre was numbered as R.S.No.339/4.

b) The plaintiffs, who are the sons and wife of Basappa-defendant No.1, contend that the document styled as "relinquishment deed" dated 25.11.1998 is unregistered and therefore, that cannot be a ground to say that there was a relinquishment. Thereafter, on 22.06.2016, the defendant No.2, who is representing the branch of Ramappa has sold 15 guntas of such relinquished land to defendant No.5 and 6. Therefore, the plaintiffs contend that the sale deed executed in favour of defendant No.5 and 6 is void since it did not have any conveyable title. Thus the plaintiffs claimed partition in the property that was held by the defendant No.1.

c) The defendant No.2 resisted the suit by filing written statement contending that Nagappa being the propositus, there was a partition and the relinquishment by the defendant No.1 in favour of his brother-Ramappa is acted upon and consequential mutation entries have been effected. He also contended that the defendant No.2 has already sold 15 guntas of land received



under relinquishment deed to the defendant No.5 and 6 under a valid registered sale deed.

3. On the basis of the above contentions, the parties went to trial. The Trial Court, after appreciating the evidence that was let in before it, dismissed the suit on the ground that the suit schedule property cannot be considered as the ancestral property and that the plaintiffs are not in possession of the same.

4. Being aggrieved, the plaintiffs had approached the First Appellate Court in R.A.No.6/2020. The First Appellate Court after appreciating the evidence held that the plaintiffs are entitled for 1 acre of land in Survey No.339/4 and 15 guntas of land in Survey No.339/5 excluding the 15 guntas of land sold to the defendant No.5 and 6 by defendant No.2. The First Appellate Court also rejected the declaration with respect to the sale deed in favour of defendant No.5 and 6. The First Appellate Court came to such conclusion since defendant No.1 had not entered the witness box denying the relinquishment made in favour of his brother-Basappa.



5. Now the learned counsel appearing for the appellant submits that the respondents have filed an application contending that respondent No.4 and 5 purchased the 15 guntas of land in Survey No.339/5 by virtue of a sale deed dated 21.06.2021 and as such, they have sought for an injunction.

6. The above circumstances would indicate that when the said 15 guntas of land has been already purchased by respondent No.4 and 5, who are the applicants in I.A.No.1/2024, from plaintiffs nothing remains to be decided. The only question that would remain is whether the relinquishment made by defendant No.1 in favour of Ramappa would be valid or not. Once the appellants/plaintiffs have sold the property to respondent No.4 and 5, nothing remains to be decided except the academic question of law that whether the unregistered relinquishment deed would be valid or not. Therefore, when the property under the said relinquishment has already been transferred, there is no necessity of going further in determining whether the relinquishment deed is valid or not. In that view of the matter, the appellants having lost interest in the property, which was subject matter of the relinquishment deed, nothing



survives to be considered by this Court, which would be of any assistance to the appellants. Hence, the appeal is devoid of any merits and stands dismissed at the stage of admission itself.

7. In view of disposal of the appeal, pending interlocutory applications, if any, do not survive for consideration and are disposed of accordingly.

SD/-
(C M JOSHI)
JUDGE