



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 4TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

REGULAR SECOND APPEAL NO.100024 OF 2022 (SP)

BETWEEN:

SHRI BURADAPPA S/O. BHARAMAPPA NEELAGERI,
AGE: 44 YEARS, OCC. AGRICULTURE,
R/O. SURAPAGATTI, TALUK: SHIGGAON,
DIST. HAVERI.

...APPELLANT

(BY SRI. SHIVASAI M. PATIL, ADVOCATE)

AND:

1. SHRI BURADAPPA S/O. BHARAMAPPA NEELAGERI,
SINCE DECEASED BY HIS LRS.
- 1A. SMT. SIDDAVVA W/O. SIDDAPPA ULLIGERI,
AGE: 54 YEARS, OCC. HOUSEWIFE,
R/O. GOVANAKOPPA,
TQ. AND DIST. DHARWAD-580112.
- 1B. SMT. MAHADEVI D/O. SHIVAPURTAPPA BHARANNAVAR,
AGE: 54 YEARS, OCC. HOUSEWIFE,
R/O. GOVANAKOPPA,
TQ. AND DIST. DHARWAD-580112.
- 1C. SMT. SHIVAKKA W/O. KALLAPPA BENDIGERI,
AGE: 52 YEARS, OCC. HOUSEWIFE,
R/O. TIRTH, TQ. KUNDAGOL,
DIST. DHARWAD-581113.
- 1D. SMT. LAKSHMAVVA W/O/ SIDDALINGAPPA NEELAGURI,
AGE: 43 YEARS, OCC. HOUSEWIFE,
R/O. SURPAGATTI, TQ. SHIGGAON,
DIST. HAVERI-591243.

YASHAVANT
NARAYANKAR

Digitally Signed by
YASHAVANT
NARAYANKAR
Date: 2025.12.08
10:00:49 +0530



- 1E. KUMARI BHUVANESHWARI
D/O. SIDDALINGAPPA NEELAGURI,
AGE: 16 YEARS, OCC. STUDENT,
R/O. SURPAGATTI, TQ. SHIGGAON,
DIST. HAVERI-591243.
- 1F. KUMARI BHUMIKA D/O. SIDDALINGAPPA NEELAGURI,
AGE: 13 YEARS, OCC. STUDENT,
R/O. SURPAGATTI, TQ. SHIGGAON,
DIST. HAVERI-591243.
- 1G. KUMAR MANJUNATH S/O. SIDDALINGAPPA NEELAGURI,
AGE: 11 YEARS, OCC. STUDENT,
R/O. SURPAGATTI, TQ. SHIGGAON,
DIST. HAVERI-591243.

APPLICANT NO.1E TO G ARE SINCE MINORS,
REPRESENTED BY THEIR NATURAL MOTHER AND
GUARDIAN APPELLANT NO.1D.

2. BOORADAPPA SHANMUKHAPPA SORATUR
AGE: 38 YEARS, OCC. AGRICULTURE,
R/O. SURPAGATTI, TQ. SHIGGAON,
DIST. HAVERI-591243.
3. RAMACHANDRAPPA @ BURADAPPA
S/O. BHARAMAPPA NEELAGURU,
AGE: 48 YEARS, OCC. AGRICULTURE,
R/O. SURPAGATTI, TQ. SHIGGAON,
DIST. HAVERI-591243.

...RESPONDENTS

(BY SRI. K.C. PATIL, ADVOCATE AND
SRI. UMESHGOUDA, ADVOCATE AND
SRI. SHRIKANT K. DESHPANDE, ADVOCATE FOR R1 (A TO D);
SRI. V.M. BANAKAR, ADVOCATE FOR R2;
R3-NOTICE SERVED)

THIS RSA IS FILED UNDER SECTION 100 OF CPC, PRAYING TO
SET ASIDE THE JUDGMENT AND DECREE DATED 04.11.2019 IN
R.A.NO.93/2011 PASSED BY THE COURT OF THE FILE OF I
ADDITIONAL DISTRICT AND SESSIONS JUDGE, HAVERI, AND SET
ASIDE THE JUDGMENT AND DECREE DATED 01.08.2011 IN O.S.
NO.25/2010 PASSED BY THE COURT OF THE ADDITIONAL SENIOR
CIVIL JUDGE, HAVERI AND ETC.



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

ORAL JUDGMENT

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

Heard learned counsel appearing for the appellant and respondents.

2. The dispute revolves around the question whether the appellant and respondent No.3 are one and the same. The appellant has approached this Court stating that he was not a party before the First Appellate Court or the Trial Court and therefore, his rights have been affected by the impugned judgment and as such, he is entitled to maintain this appeal.

3. This contention is refuted by learned counsel for the respondents contending that it was the appellant herein, who was arrayed as respondent No.3 and he was a party in the First Appellate Court as well as in the Regular Second Appeal which was arising out of it. It is submitted that the appellant herein, was the respondent No.2 in RSA No.100209/2020 which has been disposed off by this Court on 14.09.2020.



4. In order to ascertain whether the appellant herein was the respondent No.2 in the earlier second appeal, this Court had asked the party to be present. On the last occasion, i.e., on 27.11.2025, this Court has passed the following order:

"Learned counsel for the appellant submits that the appellant was not respondent No.2 in RSA No.100209/2020, which was disposed on 14.09.2020. In support of his contention, he has produced certain documents like Voter ID and Aadhaar Card of the appellant.

The above contention of the appellant is resisted by the counsel for the respondents saying that the appellant was the respondent No.2 in R.A.No.93/2011.

The appellant is present before this Court and submits that he was never known as Ramachandrappa alias Buradappa. He also admits that Siddavva W/o. Siddappa Ulligeri is his elder sister.

Learned counsel appearing for the respondent submits that the said Siddavva had filed an affidavit stating that Ramachandrappa alias Buradappa was the legal representative of deceased-Bharmappa.



The records reveal that the notice issued by this Court was served on the respondent No.3 and that the signature on the postal acknowledgment and the signature on the Vakalath are one and the same. When this is confronted to the appellant, who is present before the Court, he states that after he approached his advocate for filing this appeal, he had received the letter from the Court, which he received after signing it on postal acknowledgment. In other words, the records reveal that the notice, which was issued to the respondent No.3 was received by none else than the appellant.

Learned counsel appearing for the respondent No.1(a) to 1(d) is absent.

Learned counsel appearing for the appellant submits that he would verify the records and then make his submission in this regard.

List this matter on 04.12.2025."

5. Learned counsel appearing for the appellant submits that on verification, he is unable to say whether the appellant herein was the respondent No.2 in the earlier Regular Second Appeal. He also submits that the appellant is a rustic villager and he might have received the notice in the earlier Regular Second



Appeal and as such, he is unable to say anything on behalf of the appellant.

6. This Court has noticed that the appellant was a rustic villager and he had answered to the questions of the Court and ultimately submitted that he had received some notice from the Court on earlier occasions. In that view of the matter, it is evident that the appellant's grievance was heard by this Court in RSA No.100209/2020 and by the First Appellate Court and as such, the present appeal would not be maintainable. Under these circumstances, noting that the appellant is a rustic villager, no action is initiated against him and the appeal deserves to be dismissed. Hence, the appeal is ***dismissed***.

SD/-
(C M JOSHI)
JUDGE