



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

REVIEW PETITION NO. 11 OF 2023

BETWEEN:

KEMPAMMA @ SAKAMMA
W/O. LATE BALLARYGOWDA
@ DODDAMALLEGOWDA
AGED ABOUT 80 YEARS,
SINCE DEAD BY LRS

T.M.BALLARI GOWDA
S/O. LATE BALLARIGOWDA
SINCE DECEASED BY LRS

1. CHIKKATHAYAMM
W/O. LATE T.M.BALLARIGOWDA
AGED ABOUT 55 YEARS,
2. PRAKASH S/O. LATE T.M. BALLARIGOWDA
SINCE DECEASED BY LRS.
- 2(A) GEETA A.R. W/O. LATE PRAKASH
AGED ABOUT 35 YEARS,
- 2(B) BHUVAN S/O. LATE PRAKASH,
AGED ABOUT 14 YEARS
SINCE MINOR REPRESENTED BY
NATURAL GUARDIAN MOTHER
GEETHA A.R. W/O LATE PRAKASH
AGED ABOUT 35 YEARS.
- 2(C) GAGAN S/O. LATE PRAKASH
AGED ABOUT 11 YEARS,
SINCE MINOR REPRESENTED BY
NATURAL GUARDIAN MOTHER

Digitally signed by
MOHANKUMAR B
SHELAR

Location: HIGH
COURT OF
KARNATAKA



GEETHA A.R. W/O LATE PRAKASH
AGED ABOUT 35 YEARS.

(ALL ARE R/O. TADAGAVADI VILLAGE,
ARAKERE HOBLI, SRIRANGAPATNA ATLUK,
MANDYA DISTRICT-571438.)

3. MAHESH S/O. LATE T.M. BALLARIGOWDA
AGED ABOUT 26 YEARS,
4. YASHODAMMA
D/O. LATE T.M.BALLARIGOWDA,
AGED ABOUT 23 YEARS
5. T.M.PUTTEGOWDA
S/O. LATE BALLARIGOWDA
@ DODDAMALLEGOWDA
AGED ABOUT 60 YEARS,

(ALL ARE R/O TADAGAVADI VILLAGE,
ARAKERE HOBLI, SRIRANGAPATNA TALUK
MANDYA DISTRICT- 571 438)

APPELLANT NO.1 WAS DEAD LRS ARE ALREADY ON
RECORD

... PETITIONERS

(BY SRI A.P.PULAKESHI, ADVOCATE FOR P1,P2(A),P3 TO P5,
P2(B AND C) ARE MINORS REPRESENTED BY R2(A))

AND:

1. NINGAMMA W/O. LATE KEMPEGOWDA
AGED MAJOR.
2. PUTTEGOWDA S/O. LATE KEMPEGOWDA
AGED MAJOR.
3. VASANTHA D/O. LATE KEMPEGOWDA
W/O. MALLEGOWDA
AGED MAJOR
4. MANGALA D/O. LATE KEMPEGOWDA
AGED MAJOR
SINCE DECEASED BY LRS



NC: 2026:KHC:31822
RP No. 11 of 2023

4(A) MOHANA MALLU
D/O. LATE KEMPEGOWDA
AGED MAJOR.

4(B) POOJA
D/O. LATE KEMPEGOWDA
REPRESENTED BY MATERNAL
GRAND MOTHER RESPONDENT-1

(ALL ARE R/O. T.M. HOSUR,
K. SHETTIHALLI HOBLI,
SRIRANGAPATNA TALUK,
MANDYA DISTRICT-571 438

... RESPONDENTS

THIS REVIEW PETITION IS FILED UNDER ORDER 47 RULE 1(A)
R/W SECTION 114 OF CPC, PRAYING TO RE-LOOK AND REVIEW THE
COMMON JUDGMENT DATED 02.08.2022 PASSED IN RSA
NO.1312/2013 AND RSA NO.1313/2013 SO FAR AS TO SUIT ITEM
NOS.2,3,7,8,9 AND 10 AND PASS SUITABLE JUDGMENT IN THE
INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER
WAS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

This review petition is filed to review the order dated
02.08.2022 passed in RSA.Nos.1312/2013 and
1313/2013.



2. Perused the grounds urged in the review petition. On examination of the grounds, more particularly ground No.8, this Court is of the view that under the garb of review, petitioners are intending to reargue the matter on merits. Therefore, this Court is of the view that no error apparent is made out.

3. It is a trite law that the Court cannot under the cover of review arrogate to itself the power to decide the case afresh. Parties who have suffered a decree cannot persuade to reassess the evidence. The Hon'ble Apex Court in the case of ***Ramu Sahu (Dead) Through LRs and others .vs. Vinod Kumar Rawat and Others***¹ has clearly held that review proceedings has to be strictly confined to the ambit of Order XLVII Rule 1 of CPC.

4. In the present review petition, the review petitioners have failed to point out mistake apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can

¹ 2020 SCC Online SC 896



hardly be said to be an error apparent on the face of the record warranting interference by invoking the power of Order XLVII of CPC.

5. Accordingly, review petition stands dismissed on delay as well as on merits.

Pending interlocutory applications, if any, stand disposed of.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

CA
CT:GSM
List No.: 19 Sl No.: 1