



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL NO. 675 OF 2018 (PAR)

BETWEEN:

SMT. GOWRAMMA
SINCE DECEASED BY HER LRS

1A. SMT MAMATHA
W/O LATE NANJAPPA
AGED ABOUT 56 YEARS
R/O HEJJIGE VILLAGE
CHAIKKAIAHANA CHATHRA HOBLI
NANJANGUD TALUK - 571 301

1B. SMT LOKAMANI
W/O LATE PARASHIVAMURTHY
AGED ABOUT 53 YEARS
R/A UDBUR VILLAGE
JAYAPURA HOBLI
MYSORE TALUK - 570 008

1C. SMT NAGALAMBIKA
W/O BABU
AGED ABOUT 48 YEARS
R/A DEVIRAMMANAHALLI VILLAGE
NANJANGUD TALUK - 571 301

1D. SRI. S.P. PRASANNA KUMAR
S/O LATE S.L. PUTTASWAMY
AGED ABOUT 43 YEARS
R/A SINDHUVALLI VILLAGE & POST
JAYAPUR HOBLI
MYSURU TALUK - 570 008

Digitally
signed by
MAHATESH
K C

Location:
HIGH
COURT OF
KARNATAKA



2. SRI S P KEMPARAJU
S/O S L PUTTASWAMY
AGED ABOUT 59 YEARS
R/A SINDHUVALLI VILLAGE & POST
JAYAPUR HOBLI
MYSURU TALUK - 570 008

...APPELLANTS

(BY SRI. NANJUNDA SWAMY N., ADVOCATE)

AND:

1. SRI MAHADEVAPPA
S/O LATE AYAJAPPA
AGED ABOUT 75 YEARS
2. SRI MAHADEVASWAMY
S/O MAHADEVAPPA
AGED ABOUT 40 YEARS
3. KUM SUVARNA
D/O MAHADEVAPPA
AGED ABOUT 33 YEARS

RESPONDENTS NO.1 TO 3 ARE
R/AT DEVALAPURA VILLAGE
VARUNA HOBLI
MYSURU TALUK - 570 010

4. SMT SHYLAJA
W/O LATE NANJAPPA
AGED ABOUT 67 YEARS
5. SRI RAVISHANKAR
S/O LATE NANJAPPA
AGED ABOUT 41 YEARS

RESPONDENTS NO.4 AND 5 ARE
R/AT VARUNA VILLAGE AND POST
VARUNA HOBLI
MYSURU TALUK AND DISTRICT - 570 010



6. SMT KOMALA
W/O GANGADHAR
AGED ABOUT 39 YEARS
R/A CHIKKA AYARAHALLI VILLAGE
PANDAVAPURA TALUK
MANDYA DISTRICT - 571 434
7. SMT CHANDRAKALA
W/O PUTTANNA
AGED ABOUT 37 YEARS
R/A DOOR NO.793/2
8TH CROSS, RAMANUJA ROAD
MYSURU - 570 004
8. SMT SHASHIKALA
W/O SWAMY
AGED ABOUT 34 YEARS
9. SRI LINGARAJAPPA
S/O LATE AYAJAPPA
AGED ABOUT 71 YEARS
10. SRI MARISWAMY @ GANDI RAI
S/O LATE AYAJAPPA
SINCE DECEASED BY HIS LRS
- 10A. SMT SUSHEELAMMA
W/O MARISWAMY @ GANDHIRAJ
AGED ABOUT 63 YEARS
- 10B. MAHADEVASWAMY
S/O MARISWAMY @ GANDHIRAJ
AGED ABOUT 35 YEARS
- 10C. SRI NANDISH
S/O MARISWAMY @ GANDHIRAJ
AGED ABOUT 30 YEARS
- 10D. KUM CHITHRA
D/O MARISWAMY @ GANDHIRAJ
AGED ABOUT 30 YEARS



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11. SMT RATHNAMMA
W/O LATE NAGARAJ
AGED ABOUT 53 YEARS

12. SRI SANTHOSH
S/O LATE NAGARAJ
AGED ABOUT 28 YEARS

RESPONDENTS NO.9, 10A TO 10 D, 11 AND 12 ARE
R/AT VARUNA VILLAGE AND POST
VARUNA HOBLI
MYSURU TALUK - 570 010

13. SMT SUNDRAMMA
W/O LATE SHIVANNA
AGED ABOUT 51 YEARS

14. SMT PREETI
W/O DINESH
D/O LATE SHIVANNA
AGED ABOUT 26 YEARS
D.NO.4709/1, 2ND CROSS
NEAR SHUBHAM HALL
N R MOHALLA
MYSORE - 570 007

15. SRI ABHILASH
S/O LATE SHVIANNA
W/O LATE SHIVANNA
AGED ABOUT 24 YEARS

SINCE DECEASED
REPRESENTED BY RESPONDENT
Nos.13 AND 14 ARE ALREADY ON RECORD.

RESPONDENT Nos.13 AND 15
ARE R/AT DOOR No.274,
M BLOCK, 8TH CROSS, 2ND MAIN,
KUVEMPUNAGAR, MYSORE-570 023.



16. SMT LOKAMANI
W/O SIDDAPPA @ PUTTANNA
AGED ABOUT 57 YEARS
R/A HANDINARU VILLAGE
VENKATAIAHANA CHATRA HOBLI
NANJANGUD TALUK
MYSURU DISTRICT - 571 301
17. SMT KEMPAMMA
W/O LATE MARILINGAPPA
AGED ABOUT 79 YEARS
R/AT IN A FARM AT
CHIKKEGOWDANAHUNDI VILLAGE
VARUNA HOBLI
MYSURU TALUK - 570 010

...RESPONDENTS

(R1 TO R9, R10 (A TO D), R11 TO R14 AND R17 ARE SERVED
VIDE ORDER DATED 25.03.2019,
SERVICE OF NOTICE ON R16 - H/S
VIDE ORDER DATED 09.06.2026,
R13 AND R14 ARE TREATEED AS LRS OF DECEASED R15)

THIS RSA IS FILED UNDER SEC. 100 READ WITH ORDER
XLI RULE 1 OF THE CPC., AGAINST THE JUDGMENT AND
DECREE DATED 05.12.2017 PASSED IN RA NO.34/2014 ON
THE FILE OF THE IV ADDL.DISTRICT JUDGE, MYSURU
DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT
AND DECREE DATED 13.12.2013 PASSED IN OS NO.719/2009
ON THE FILE OF THE II ADDL.SENIOR CIVIL JUDGE, MYSORE.

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



CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL JUDGMENT

1. Heard Sri.Nanjunda Swamy N., learned counsel for the appellants. None appears for the respondents.

2. Unsuccessful plaintiffs are the appellants challenging the dismissal of the suit in O.S.No.719/2009 which was confirmed by the First Appellate Court in RA No.34/2014.

3. Facts which are utmost necessary for disposal of the appeal are as under:

3.1. A suit in O.S.No.719/2009 came to be filed by the plaintiffs who claim to be the third daughter of Lingaiah @ Chikkapaiah and Nanjamma. Second plaintiff is her son. Defendants are the children of Maramma and grandchildren of Kempamma and sisters of plaintiff No.1 – Gowramma.

3.2. Properties involved in the suit are in all seven items morefully described to the schedule in the plaint and hereinafter referred to as suit properties.

3.3. Plaintiffs contended that Lingaiah @ Chikkapaiah was the owner of all the suit properties. It is contended by the



plaintiff that Lingaiah @ Chikkapaiah died 50 years ago leaving behind Nanjamma who is the wife and three daughters namely Maramma, Kempamma and Gowramma. The details of death of Maramma and Kempamma are not forthcoming in the plaint or in Ex.P.1 which is a genealogical tree. However, it is contended that defendants are the children and grandchildren of those two sisters. It is further contended by the plaintiffs that plaintiff No.1 being the daughter of Lingaiah @ Chikkapaiah and Nanjamma is entitled for 1/3rd share in the suit properties.

4. Pursuant to the suit summons, defendants entered appearance and filed written statement denying the plaint averments and contended that after the death of Lingaiah @ Chikkapaiah, Nanjamma succeeded to the property in entirety and said Nanjamma has executed a registered Will in favour of defendant No.1 on 04.05.1959 and therefore, suit is not maintainable.

5. It is also contended that out of the suit properties, item Nos.3 and 6 are the self acquired properties of defendant No.1 and therefore, suit is not maintainable.



6. In respect of item Nos.1, 2, 4, 5 and 7, it is contended that on the basis of the registered Will, defendant No.1 became the absolute owner and he enjoyed the property all along and thus sought for dismissal of the suit.

7. Based on the rival contentions of the parties, learned Trial Judge raised necessary issues and on cumulative consideration of the oral and documentary evidence on record, dismissed the suit of the plaintiffs as they were not able to make out the right in respect of the suit properties.

8. Being aggrieved by the same, plaintiffs filed an appeal before the First Appellate Court in RA No.34/2014.

9. Learned Judge in the First Appellate Court after securing the records, heard the arguments of the parties in detail and on reappraisal of the material on record, dismissed the appeal *inter alia* holding in paragraph Nos.22 to 26 as under:

"22. In respect of nature of the suit schedule item Nos.1, 2, 4, 5 and 7 are concerned, though the plaintiffs or defendants have not placed any documents to show the nature of acquisition by late Lingaiah, but it is not disputed that these item Nos.1, 2, 4, 5 and 7 were absolutely belonging to said Lingaiah. In Ex.D17



registered Will, which is relied upon by the defendants, there is a reference as these item Nos.1, 2, 4, 5 and 7 were actually allotted to the share of deceased Lingaiah during his family partition. During the course of cross-examination of P.W.1, the learned counsel for the defendants has also specifically suggested that these item Nos.1, 2, 4, 5 and 7 were allotted to the share of Lingaiah during his family partition held between him and his brother. So, if it is considered this piece of evidence along with oral testimony of P.W.1, it is made it clear that, these suit schedule item Nos.1, 2, 4, 5 and 7 were the ancestral properties of late Lingaiah @ Chikkapaiah. Admittedly, said Lingaiah @ Chikkapaiah and his wife Nanjamma had only three daughters, i.e. 1st plaintiff, defendant No.17 and deceased Maramma who is the mother of 1st defendant. Except three daughters, they had no male issues. Admittedly, the said Lingaiah died intestate about 50 years back. The mother of 1st defendant Maramma died. The 1st plaintiff and defendant No.17 are only surviving daughters. In view of death of their father intestate, these three daughters and their mother Nanjamma succeeded to the entire ancestral properties of their father late Lingaiah. Accordingly, these three daughters along with their mother were entitled for equal share in suit schedule items 1, 2, 4, 5 and 7. Under these circumstances, as rightly submitted by the learned counsel for the plaintiffs, the mother late Nanjamma had no legal right to bequeath entire item Nos.1, 2, 4, 5 and 7 in favour of 1st defendant by executing a Will.

23. But it is not the case of the 1st defendant that, his grandmother Nanjamma had bequeathed the suit



schedule properties without the knowledge of his daughters who were entitled for a share. The specific defence taken by the 1st defendant is that, his grand mother Nanjamma executed this registered Will on 04.05.1959 with the knowledge and consent of her daughters, i.e. 1st plaintiff and defendant No.17. Since this 1st plaintiff and defendant No.17 had consented to bequeath these properties in favour of this 1st defendant, they have attested their LTM on the registered Will. In order to prove this crucial issue involved in this suit, in support of his oral evidence, the 1st defendant got examined defendant No.17 as D.W.3. During the course of her evidence, D.W.3 has clearly deposed that, her mother Nanjamma executed this registered Will with the consent of herself and her sister-1st plaintiff. Even during the course of her cross-examination, except denial, nothing is elicited to disbelieve her oral testimony.

24. On the other hand, no suggestion was made to the effect that the 1st plaintiff had not consented to execute the registered Will in favour of 1st defendant. Even otherwise, when the plaintiffs have not chosen to examine the 1st plaintiff, the defendants called her and got examined as D.W.5. Though the learned counsel for the plaintiffs cross-examined this D.W.5, but he has not suggested to the effect that she had not given any such consent to her mother to execute this registered Will in favour of 1st defendant. On the other hand, during the course of her evidence, this 1st plaintiff has pleaded complete ignorance, as she is not aware about filing of the suit itself. She never visited the office of his counsel. She has not given any instruction to file this present suit.



Her son, i.e. 2nd plaintiff himself gave instruction to their counsel and filed this suit. Therefore, this 1st plaintiff who is claiming partition in the suit is not aware about filing of this suit itself. Therefore, as rightly submitted by the learned counsel for the defendants, by examining these two witnesses and by producing the registered Will, he has succeeded to prove that though his grand mother Nanjamma had no absolute right, but she has executed this registered Will by consent of her daughters and bequeathed these suit schedule properties. Admittedly, at the time of execution of this registered Will, there was no dispute between the parties. This Ex.D17-Will came to be executed in the year 1959, i.e. nearly about 50 years back from filing of this suit. Though the 1st plaintiff was also a consenting and attested witness to the registered Will, but she has suppressed all these material facts and filed this suit for partition.

25. It is not the case of the plaintiffs that, the consent obtained by said Nanjamma or the 1st defendant was by fraud, mis-representation, coercion etc.,. Hence, absolutely, there is no allegation about fraud or mis-representation played on this 1st plaintiff in obtaining this registered Will. Even otherwise,. Though the plaintiffs have come up with this suit after lapse of 45 years from the date of execution of the said registered Will, but they have not disclosed about the Will and they have not challenged the same. This conduct of the plaintiffs clearly indicate that, as the 1st plaintiff and her sister had voluntarily consented to bequeath the suit schedule properties and executed the registered Will, they have not challenged the same.



26. It is necessary to note here that, during the course of cross-examination of D.W.1, the learned counsel for the plaintiffs has suggested to the effect that, even during the lifetime of his grand father Lingaiah, this 1st defendant was living with him and he himself cultivating the suit schedule properties and he himself getting entire income derived from suit schedule properties. This suggestion made by the plaintiffs is clearly supported the defence of the 1st defendant that since his childhood, defendant No.1 was developed by his grand father and grand mother as a son and he looked after entire welfare of his grand father and grand mother. This is another circumstance which strengthen the claim of defendants that, with consent of her daughters, Smt.Nanjamma executed this registered Will in favour of this 1st defendant. The plaintiffs have not pleaded or produced any evidence to show that the consent of the 1st plaintiff was obtained by playing fraud or mis-representation etc., and the same is not binding on the plaintiffs. So, all these circumstances make it clear that, though the 1st plaintiff being daughter had a right over item Nos.1, 2, 4, 5 and 7, but she has relinquished her right by giving consent to bequeath those properties in favour of 1st defendant."

10. Being further aggrieved by the same, plaintiffs filed the present appeal on following grounds:

- *The Lower courts filed to notice that whether Smt. Najamma, the mother of deceased of appellant no.1 and respondent no. 17 had any legal right or interest*



over the suit Item no. 1, 2,4,5 and 7 properties and to execute the alleged will dated: 04.05.1955 marked as exhibit D-17 wherein bequeathed suit said properties to respondent No.1 as the said properties exclusively belong to her husband Sri. Lingaiah @ Chikkapaiah admittedly the Lingaiah died interstate leaving behind his wife Smt. Nanjamma, and 3 daughters namely deceased 1st appellant, Respondent no.17 and mother of 1st respondent Smt. Maramma. Hence, Smt. Nanjamma had not got absolute right over the above said properties to execute alleged will at Ex. D-17, hence the above said judgments and decrees of lower courts are perverse, illegal opposed to facts and law and are liability to be set aside.

- *The First Appellate Court and trial Court have failed to consider the material evidence that appellant's father had only 3 daughters and no male issues to him hence the question bequeathing entire properties only in favour the 1st respondent who is one of the son of deceased 1st daughter thus it creates suspicious circumstance. The lower Court without considering the same has wrongly accepted the will at Ex.d17 and hold that the 1st respondent is the absolute owner of suit schedule properties which is contrary to law and documents produced by the parties hence the finding on the issue no 2 is erroneous and hence the impugned judgments are perverse, illegal and are liable to set side.*



- *The First Appellate Court and trial Court have committed an error in appreciating the evidence of DW.1 wherein he admits that the suit Schedule item 1, 2, 4, 5 and 7 properties were fallen to the share of Lingaiah @ Chikkapiah while partitioning between said Lingaiah and his brother and he also admitted that during life time of said Lingaiah, there is no partition effected between him and his only 3 daughters. And also admitted that said Lingaiah died intestate. And he also admitted that Smt. Nanjamma is not the absolute owner of the schedule properties and acquired any property from self earned money. It clearly shows that the said Nanjamma is not absolute owner of the suit schedule property and she is not entitled to bequeath the same under EX.D-17. Hence, the Judgment and trial Court perverse and liable to set side.*

- *The Hon'ble lower Courts were wrongly held that the suit schedule properties are not joint family properties, though the 1st respondent admitted in his evidence and in the written statement that the suit schedule properties 1, 2, 4, 5 and 7 were fallen to the share of Lingaiah @ Chikkapaiah in the family partition held between himself and his brother and he died intestate leaving the behind three daughters and wife and they are equally entitled the properties left behind by the said Deceased Lingaiah, the Lower courts could have considered the same and could have decreed the suit of the appellants. Hence, the finding on issue No. 1 by the lower Courts is perverse illegal and liable to set side.*



- *The Hon'ble lower Court have failed to consider that the 1st respondent has not proved the alleged will and he has not dispelled the suspicious circumstances that surrounding the will. The respondent No.1 claims that the alleged will is executed in the year 1959 by Nanjamma but she died in the year 2003 i.e., after 45 years back. but he not at all given any valid reason why Nanjamma had executed the alleged will in the year 1959, excluding other daughters and grand children and also not at all removed the discrimination made in the said will by Nanjamma against her own daughters and the 1 respondent was central Government employee and bequeathing all properties in his favour though there are other grand children and daughters and alive. The lower Courts without considered the above aspect of the matter have wrongly accepted will and wrongly held that the 1" respondent is absolute owner of all the properties which is contrary to law and same is liable to set side.*

- *The lower courts have failed to consider that 1" respondent in his cross examination he admits that he was working in a postal department and that his salary was not sufficient maintaining his family members but on the contrary the trial court though the 1st respondent not produced any material documents show that he was having separate income to purchase item no. 3 and 6 properties have wrongly held that the respondent no.1 is the absolute owner of the item no. 3 and 6 properties as he purchased the same out of his self earned income and wrongly held that the issue*



no. 3 in the affirmative. Hence finding on the issue no.3 is perverse, illegal and capricious and liable to set side.

- *The Hon'ble lower Courts have wrongly held that the additional issue no.1 is affirmative without considering the provisions enunciated in Section 8 of Hindu Succession Act 1956. The Hon'ble lower courts further failed to note that after death Lingaiah @ Chikkapaiah, his wife Smt. Nanjamma and the appellants and respondents are in joint possession of schedule properties. And after death of Nanjamma in the year 2013 the appellants and the respondents are in joint possession suit schedule properties the trial Courts wrongly held that the possession and enjoyment 1" respondent with respect of the item no. 1,2,4,5 and 7 was /is/will be continuous, unobstructed and uninterrupted from day one which is contrary to law. Hence, the finding on additional issue no.1 is perverse, illegal, capricious and liable to set side.*
- *The Hon'ble lower court have failed to note that mere sign on the will at EX.D.17 as attesting witness by the 1 appellant and 17th respondent is not amount to relinquishing their right or interest over the suit item No. 1,2,4,5 and 7 properties by them. It is not the case of 1" respondent that the deceased 1t appellant has executed will in his favour banqueting her undivided interest over the above said properties. the lower courts without considering above and by come to wrong conclusion that the 1st respondents is the*



absolute owner of the above said properties on the guise of alleged will at EX.D.17 and dismiss the suit of the appellants is erroneous, illegal, capricious and liable to set side."

11. Learned counsel for the appellants reiterating the grounds urged in the appeal memorandum would contend that very fact that the suit came to be dismissed by the Trial Court based on the Will executed by Nanjamma in favour of defendant No.1 is suffering from legal infirmity as Nanjamma did not possess entire right, title and interest in respect of item Nos.1, 2, 4, 5 and 7 to bequeath in favour of defendant No.1 and only on the ground that the Will is of the year 1959. The reasoning recorded by the learned Trial Judge confirmed by the First Appellate Court that it is 30 year old document and held to be genuine is incorrect and sought for admitting the appeal on following substantial questions of law:

1. Whether Lower Courts were right in holding that the 1st respondent is the absolute owner of the suit schedule item No.1, 2, 4, 5 and 7 properties under registered will dated: 04.05.1959 at EX.D.17 without considering whether the said Nanjamma, the testator had absolute right or interest over the above said properties to bequeath same to respondent no.1 under will at EX.D.17?



2. Whether Lower Courts were right in holding that the respondent is the absolute owner of the suit item 1,2,4,5 and 7 properties under registered will dated: 04.05.1959 at EX.D.17 without considering that after death of Lingaiah @ Chikkapaiah the deceased 1st respondent, the 17 the respondent and mother of 1st respondents kappa Smt. Maramma and Smt. Nanjamma have equally inherited the properties left behind by said Lingaiah @ Chikkapaiah under Section 8 of Hindu Succession Act 1956 ?

3. Whether Lower Courts were right in holding that sign by the deceased appellant no.1 as attesting witness on the alleged will at EX.D.17 is amount execution of will by the deceased 1st appellant along with testator? or it amounts relinquished her undivided right or interest over the suit schedule item 1, 2, 4, 5 and 7 properties in favour of 1st Respondent?

4. Whether Lower Courts were right in holding that the respondent no.1 has removed the suspicious circumstances surrounding the execution of the alleged will at EX.D17 as to why deceased Nanjamma executed alleged will at EX.D.17 45 years prior to her death? Why Nanjamma bequeathing all properties only to respondent no.1 excluding the appellants and respondents no.17 and her children and other children of deceased Maramma, who is 1st daughter of testator Nanjamma?



5. Whether trial Court was right in holding that the respondent No.1 has proved the will at EX.D17 as the said will is registered one and executed in the year 1959 and it is 30 years old registered document and there is a presumption under Section 90 of Indian Evidence Act 1872?

6. Whether Lower courts were right in holding that suit item No. 3 and 6 properties are the self acquired properties of the 1st respondent though he had failed to produced any documents to show that he was having any other income except the income derived from the suit schedule item 1, 2, 4, 5 and 7 properties?"

12. In the light of the arguments putforth on behalf of the appellants, this Court perused the material on record meticulously.

13. On such perusal of the material on record, pertinently, plaintiffs have not given the date of death of Lingaiah @ Chikkapaiah. Merely saying 50 years ago, Lingaiah @ Chikkapaiah died is not sufficient to decide the rights of the parties.

14. Further, if Gowramma had a right in respect of the suit properties, why she kept quiet from the year 1959 till date is a question that remains unanswered. Plaint averments are



bald and she did not step into the witness box only with an intention to avoid uncomfortable questions in the cross-examination.

15. P.W.1 is the second plaintiff who has no semblance of right in the suit properties. As such, why he has been made as party-plaintiff itself is not explained.

16. Having regard to the age of plaintiff No.2, he would not have known anything about the properties held by Lingaiah @ Chikkapaiah, Nanjamma being the wife of Lingaiah @ Chikkapaiah succeeding to the properties and also on the ground that he could not have spoken anything about the Will executed by Nanjamma in favour of defendant No.1 in the year 1959.

17. In other words, to substantiate the plaint averments, there is no evidence at all inasmuch as P.W.1 assuming that he was born when Lingaiah @ Chikkapaiah was alive, he was only two years old when Will came to be in existence by Nanjamma. In the year 1959, Nanjamma has executed a Will in favour of defendant No.1, Lingaiah @ Chikkapaiah must have died earlier to 1959.



18. Therefore, suit filed in the year 2009, contending that Lingaiah @ Chikkapaiah died 50 years ago is of no consequence and therefore, the contentions urged on behalf of the defendants is taken into consideration by the learned Trial Judge.

19. Pertinently, while cross-examining the defendants and their witness, including the son of the scribe who was no more to prove the Will, there is no cross-examination with regard to the validity of the Will by the plaintiffs.

20. These aspects of the matter has been taken note of by learned Trial Judge while dismissing the suit of the plaintiffs.

21. Likewise, learned Judge in the First Appellate Court not only accepted the reasons assigned by the learned Trial Judge while dismissing the suit but has also supplemented additional reasons for upholding the finding recorded by the learned Trial Judge as referred to supra.

22. Thus this Court is of the considered opinion that there is no merit in any one of the substantial questions of law raised in the appeal memorandum.



23. Hence, the following:

ORDER

- i. Admission is declined.
- ii. Appeal is ***dismissed***.

**Sd/-
(V SRISHANANDA)
JUDGE**

KAV
List No.: 1 Sl No.: 51