



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL NO.390 OF 2019(DEC/INJ)

BETWEEN:

SRI N A NANJAPPA
AGED ABOUT 72 YEAWRS,
S/O LATE ADAVIYAPPA
R/AT NITTUR, GUBBI TALUK,
TUMAKURU DISTRICT - 572 223

...APPELLANT

(BY SRI. SUPREETH S. ATHREYA FOR
SRI VIJAYA KRISHNA BHAT M, ADVOCATES)

AND:

1. SMT GOWRAMMA
AGED ABOUT 80 YEARS
W/O LATE SOMASHEKARAPPA
2. SMT. SOWBHAGYAMMA
AGED ABOUT 70 YEARS
W/O LATE MAHESH
3. SRI. SIDDALINGAPPA
AGED MAJOR
S/O LATE SIDDALINGAPPA
4. SRI. NARAYAN
AGED ABOUT 64 YEARS
S/O LATE GOPALIAH
5. RANGASWAMI
AGED ABOUT 64 YEARS
S/O LATE GOPALIAH

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Location:
HIGH
COURT OF
KARNATAKA



6. SRI. KRISHNAMURTHY
AGED ABOUT 54 YEARS
S/O LATE GOPALIAH
7. SRI. CHIKKARANGAMMA
AGED ABOUT 49 YEARS
W/O LATE SIDDAPPA

ALL ARE RESIDING AT NITTUR,
GUBBI TALUK,
TUMAKURU DISTRICT -572 223.

...RESPONDENTS

(BY SRI LAKSHMIKANTH.K, ADVOCATE FOR R6;
R7 -SERVED;

VIDE ORDER DATED 19.06.2026, NOTICE TO R1 TO R4 IS
DISPENSED WITH;

VIDE ORDER DATED 19.06.2026, APPEAL STANDS DISMISSED
AS ABATED IN RESPECT OF R5)

THIS RSA IS FILED UNDER SECTION 100 OF CIVIL
PROCEDURE CODE, AGAINST THE JUDGMENT AND DECREE
DATED 11.10.2018 PASSED IN RA NO.43/2016 ON THE FILE OF
THE ADDL.SENIOR CIVIL JUDGE AND JMFC., GUBBI
DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT
AND DECREE DATED 11.03.2016 PASSED IN O.S NO.155/2014
ON THE FILE OF THE PRL.CIVIL JUDGE AND JMFC., GUBBI.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA



ORAL JUDGMENT

Heard Sri Supreeth S Athreya, learned counsel appearing on behalf of Sri Vijayakrishna Bhat M., counsel for the appellant and Sri Lakshmikanth K, learned counsel for the respondent No.6.

2. Unsuccessful plaintiff in O.S.No.155/2014, on the file of Principal Civil Judge and JMFC., Gubbi is the appellant, challenging the dismissal of suit for partition and separate possession in respect of the following immovable property (hereinafter referred to as the 'suit property'):

"Land bearing Sy.No.237/1A new No.237/1A1 totally measuring 3 acre 0.14 guntas, out of which 1 acre assessed at Rs.3.94ps bounded by East: Land of J.Adaviyappa now land of Gowramma, West: Land of Girijamma and Siddashree primary school, North: Land of Siddaiah Channaveerappa, Nagaraju, South : Land of plaintiff in the same Sy.No., situated at Nittur village, Gubbi Taluk."

3. Suit was not contested by the defendants, though served with the summons. Defendant Nos.1 to 4 were placed



ex parte, defendant Nos.5 to 7 engaged the counsel but failed to file the written statement.

4. Thereafter, learned Trial Judge recorded the evidence of the plaintiff, formulated the points for consideration and dismissed the suit by holding that Ex.P8 an unregistered document, did not confer any right, title or interest in respect to the suit property in favour of the plaintiff and dismissed the suit.

5. Being aggrieved by the same, first plaintiff filed an appeal R.A.No.43/2016 before Additional Senior Civil Judge and JMFC., Gubbi and learned judge in the First Appellate Court, after securing the records, heard the arguments of the parties in detail and on re-appreciation of the matter on record, dismissed the appeal.

6. Being further aggrieved by the same, present second appeal is filed by the unsuccessful plaintiff.

7. Sri Supreeth S Athreya, learned counsel for the appellant, reiterating the grounds urged in the appeal memorandum would contend that a partition by way of a family arrangement or panchayat parikath among the Hindus need not be registered. Therefore, Trial Court disbelieving the veracity



of Ex.P8 and dismissing the suit of the plaintiff has resulted in miscarriage of justice which was mechanically upheld by the First Appellate Court, resulting in perversity and thus sought for admitting the appeal on the following substantial questions of law:

"a) Whether the interpretation and construction of the document at Ex.P8 (Panchayath palupatti) by the Courts below is just and proper and whether the conclusion of the courts below that Ex.P8 requires registration is sustainable in law?

b) Whether the courts below are justified in dismissing the suit of the plaintiff when the pleading and evidence placed by the Plaintiff/Appellant has not been controverted by the defendants and when the defendants have chosen not to contest the matter?

c) Whether the appreciation of evidence and material on record the courts below are perverse and arbitrary?"

8. Per contra, Sri K. Lakshmikanth, learned counsel for the contesting respondent would support the impugned judgment.

9. Having heard the arguments of both sides this Court perused the material on record meticulously.



10. On such perusal of the material on record, it is noticed that property earlier belonged to mother of plaintiff by name, Gangamma who purchased the property through a registered sale deed.

11. Admittedly, Gangamma died intestate leaving behind her husband and three sons.

12. In the year 1963-64, the Ex.P8 has come into existence dividing the properties of the family including the property left behind by Gangamma which is subject matter of the present appeal.

13. Learned Trial judge disbelieved the validity of Ex.P8 on the ground that it is an unregistered document and based on the same, plaintiff cannot claim any right over the suit property and dismissed suit of the plaintiff.

14. Learned Judge in the First Appellate Court having heard the arguments of the parties, upheld the judgment of the Trial Court and dismissed the appeal of the plaintiff.

15. It is to be noted that when once a Hindu woman dies intestate, Section 15 of the Hindu Succession Act comes into operation. Therefore the said property cannot be treated



as coparcenary property so as to settle the same by way of a family arrangement.

16. In other words, there is no pre-existing right in respect of the property left behind by Hindu woman who died intestate.

17. Therefore, the concept of non-registration of the document of a family arrangement would not be applicable to the case on hand.

18. Accordingly, though not spelt out in so many happy words by both the Courts, dismissal of the suit is just and proper.

19. Accordingly, the following:

ORDER

- (i) Admission is declined.
- (ii) Appeal is dismissed.

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