



CNR: KAHC010092722021

NC: 2026:KHC:38927
RSA No. 253 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL No.253 OF 2021 (INJ)

BETWEEN:

1. SRI. K. RANGANNA,
S/O OBAIAH
AGED BOUT 60 YEARS,
AGRICULTURIST, RESIDENT
OF KALUVEHALLI, THALAK
HOBOLI, CHALLAKERE TALUK,
CHITRADURGA DISTRICT - 577 522

...APPELLANT

(BY SRI. SIDDAPPA B.M., ADVOCATE)

AND:

1. SRI. K. OBANNA
S/O KENGALIAH @ KENGAPALIAH,
AGED ABOUT 67 YEARS,
BUSINESS, RESIDENT OF
KALUVEHALLI, THALAK HOBOLI,
CHALLAKERE TALUK
CHITRADURGA DISTRICT - 577 522

2. SRI. THIMMANNA
S/O K. RANGANNA
AGED ABOUT 35 YEARS,
AGRICULTURIST, RESIDENT OF
KALUVEHALLI, THALAK HOBOLI,
CHALLAKERE TALUK,
CHITRADURGA DIST - 577 522

...RESPONDENTS

(BY SRI. H. ASHOK KUMAR, ADVOCATE FOR R1

V/O DATED 22/10/2021, NOTICE TO R2 IS DISPENSED WITH)

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signed by
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Location:
HIGH
COURT OF
KARNATAKA



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THIS RSA IS FILED UNDER SEC.100 OF CPC., AGAINST THE JUDGMENT AND DECREE DATED 06.11.2020 PASSED IN RA.NO.6/2019 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC., CHALLAKERE, DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 21.12.2018 PASSED IN OS.NO.34/2013 ON THE FILE OF THE CIVIL JUDGE AND JMFC., MOLAKALMURU.

THIS RSA, COMING ON FOR FURTHER HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL JUDGMENT

Heard Sri B.M.Siddappa, learned counsel for the appellant.

2. The main ground on which the present appeal is filed is that the First Appellate Court, though heard IA Nos.2 and 3, did not choose to pass any orders on those applications and disposed of the appeal in R.A.No.6/2019, though orders came to be passed on IA Nos.1 and 4.

3. On verification of the First Appellate Court records, it is found that the learned Judge in the First Appellate Court entertained the application filed under Order XLI Rule 27 of the Code of Civil Procedure vide IA No.2 and another application



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under Order XXVI Rule 9 read with Section 151 of the Code of Civil Procedure. Those applications were filed on 08.08.2019.

4. The order sheet discloses that sufficient time was granted to file objections to I.A.Nos.1 to 3. Thereafter, learned Judge has heard arguments of the appellant on IA Nos.1 to 3 on 16.10.2019. The matter was reserved for reply and at that juncture I.A No.4 came to be filed.

5. Subsequently, objections were filed to IA No.4.

6. Learned Judge in the First Appellate Court heard the arguments on pending applications and allowed I.A.Nos.4 and 1, by passing separate orders in the order sheet itself on 06.12.2019 and 13.12.2019 respectively, but did not choose to pass any orders on I.A.Nos.2 and 3.

7. Ultimately, the appeal came to be disposed of without passing any orders on Item Nos.2 and 3, which is challenged before this Court in this appeal.

8. Sri B. M.Siddappa, learned counsel for the appellant reiterating the grounds urged in the appeal memorandum



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would contend that non-disposing of the pending I.A Nos.2 and 3 and passing the impugned judgment has resulted in miscarriage of justice and sought for allowing the appeal and remit the matter to the First Appellate Court.

9. Sri H.Ashok Kumar, learned counsel for the contesting respondent is unable to point out from the Court records of the First Appellate Court that I.A.Nos.2 and 3 have been disposed of by passing suitable orders.

10. Under such circumstances, following the dictum of the Division Bench of this court in the case of ***Veera Vahana Udyog Pvt. Ltd. v. Karnataka State Road Transport Corporation*** reported in ***ILR 2010 KAR 507***, the order of the First Appellate Court needs to be set aside, as without disposing of the interlocutory applications, passing the final order has resulted in injustice.

11. Accordingly, the following:

ORDER

- i. Appeal is ***allowed***.



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- ii. Judgment passed in R.A.No.6/2019 dated 06.11.2020 by the Senior Civil Judge and JMFC, Challakere, is hereby set aside.
- iii. Matter is remitted to the First Appellate Court for fresh disposal in accordance with law including the disposal of pending I.A. Nos.2 and 3.
- iv. Parties shall appear before the First Appellate Court without further notice on **24th August 2026**.
- v. Thereafter, parties are at liberty to address arguments afresh.
- vi. The First Appellate Court is directed to dispose of the same in a time bound manner, not later than **31st August 2027**.
- vii. Needless to emphasize that parties shall co-operate for early disposal.

Sd/-
(V SRISHANANDA)
JUDGE

kcm
List No.: 1 Sl No.: 84