



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL NO. 1629 OF 2018 (PAR)

BETWEEN:

PARVATHAMMA
W/O BASAVARAJU
AGED 57 YEARS,
R/O HALEGUBBI KASABA HOBLI
GUBBI TALUK
TUMAKURU DISTRICT - 572 216

...APPELLANT

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

AND:

1. CHANNAGANGAMMA
D/O LATE SIDDALINGAIAH
AGED 67 YEARS,
R/O HALEGUBBI KASABA HOBLI
GUBBI TQ,
TUMAKURU DIST - 572 216
2. CHANNABASAPPA
S/O SIDDARAMAIAH
AGED 55 YEARS,
3. PUTTAMMA
W/O SIDDARAMAIAH
SINCE DEAD ON 07.10.2018,
R2 AND R4 ARE LRS OF R3,
ALREADY ON RECORD

Digitally signed
by
SHARADAVANI
B
Location: High
Court of
Karnataka



4. SAROJAMMA
W/O PRABHUSWAMY
AGED 54 YEARS,
R/AT NO.715, 14TH CROSS,
3RD MAIN CHANDRA LAYOUT,
BENGALURU - 560 072

5. SHARADAMMA
W/O RUDRAMURTHY
AGED ABOUT 62 YEARS,
R/O SHIVANAHALLI
HAGALAWADI HOBLI
GUBBI TQ
TUMKURU DIST - 572 216

...RESPONDENTS

(BY SRI. G. RAVI SHANKAR, ADVOCATE FOR

SRI. A.V. GANGADHARAPPA, ADVOCATE FOR C/R1)

THIS RSA IS FILED U/S.100 OF CPC AGAINST THE JUDGMENT AND DECREE DATED 12.03.2018 PASSED IN RA.NO.27/2016 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC GUBBI DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 12.02.16 PASSED IN OS.NO.149/2008 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

1. Heard Sri. M.B. Chandrachood, learned counsel for the appellant and Sri. Ravishankar, learned counsel for the respondent.

2. Third defendant in O.S. No.149/2008 is the appellant challenging the decreeing of the suit filed by the plaintiff who being the sister-in-law of the third defendant.

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

3.1 Sri. Siddhalingaiah and Sri. Siddharamaiah being the brothers purchased the suit items by joint sale deeds.

3.2 It is contended that Sri. Siddalingaiah and Sri. Siddaramaiah divided the suit properties equally by oral partition. Sri. Siddalingaiah had a daughter by name Channagangamma and a son by name Basavaraj.



3.3 Basavaraju died and his wife Parvathamma, Chandrasekhar, Radha and Channagangamma succeeded to the estate of Siddalingaiah.

3.4 Channagangamma being the daughter, filed suit for half share in the suit properties possessed by Siddalingaiah. Suit was resisted by the defendants.

3.5 In the suit, it is also noted that Siddaramaiah's wife and children were also impleaded as parties to the suit, but they did not contest the suit.

3.6 Third defendant contended that the properties are already divided between plaintiff and third defendant and therefore there is no further division of the properties is permissible and thus sought for dismissal of the suit.

3.7 Learned Trial Judge after considering the rival contentions of the parties and recording the evidence, decreed the suit granting half share to the plaintiff and half share to the third defendant for and on behalf of third defendant and her children in the suit property.



3.8 Being aggrieved by the same, third defendant filed an appeal before the First Appellate Court in R.A. No.27/2016.

3.9 Learned Judge in the First Appellate Court after securing the records, heard the arguments of the parties and dismissed the appeal by considered judgment dated 12.03.2018.

4. Being further aggrieved by the same, third defendant has filed the present appeal challenging the decreeing of the suit confirmed by the First Appellate Court.

5. Sri. M.B. Chandrachood, learned counsel for the appellant reiterating the grounds urged in the appeal memorandum vehemently contented that when the property was already divided, there was no scope for filing a separate partition suit by the plaintiff making the third defendant and children of Siddaramaiah also as parties to



the suit and admitted the appeal on the following substantial questions of law:

1. Whether the Courts below were justified in decreeing the suit of the plaintiff granting half share invoking the provisions of Section 8 of the Hindu Succession Act instead of invoking the provision of Section 6 of the Hindu Succession Act 1956?

2. Whether the apportionment of the share of the plaintiff is legally justified as the suit schedule properties are ancestral joint family properties and the father of the plaintiff died during the year 1965, when such being the case the amended provision of Section 6(A) and Section 8 of the Hindu Succession Act are not applicable to the facts and circumstances of the case ?

3. Whether the appreciation of the oral and documentary evidence by the Courts below are legally justified, resulted in recording perverse finding?

6. Per contra, Sri Ravishankar, learned counsel for the contesting respondents/plaintiffs, supports the impugned judgments.

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



8. On such perusal of the material on record, Trial Court as well as the First Appellate Court recorded a categorical finding that the plea taken by the third defendant that there was already a partition between the plaintiff and third defendant is not established and thus decreed the suit as prayed for.

9. On perusal of the material on record, it is further disclosed that though third defendant has taken that there is a partition soon after death of Siddilingaiah no such material is forthcoming and as such, decreeing the suit in the share of the Siddilingaiah between the plaintiff and third defendant equally is thus just and proper which requires no interference in this appeal.

10. Accordingly, substantial questions of law raised in the appeal memorandum referred to supra does not merit for further consideration.



11. Hence, following order:

ORDER

Admission declined. Appeal is ***dismissed***.

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

SNC
List No.: 1 SI No.: 72