



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL NO. 731 OF 2018 (DEC)

BETWEEN:

1. SMT. ANNAPOORNAMMA
W/O. LATE V.R. SURYANARAYANA,
AGED ABOUT 63 YEARS,
RESIDING AT KARMIKANAGAR,
SHIDLAGHATTA TOWN AND TALUK
CHIKKABALLAPURA DISTRICT
PIN 563 130.
2. SMT. PUTTAMMA
W/O. LATE V.R. LAKSHMINARAYANA
AGED ABOUT 47 YEARS,
RESIDING AT VOKKALERI VILLAGE AND HOBLI,
KOLAR TALUK AND DISTRICT - 563 130.
3. SRI. MARKONDAIAH
S/O. LATE V.R. LAKSHMINARAYANA
AGED ABOUT 46 YEARS,
RESIDING AT VOKKALERI VILLAGE AND HOBLI,
KOLAR TALUK AND DISTRICT - 563 130.
4. SRI. V.P. SHANKARNARAYANA
S/O. LATE S. RAMAPPA
(DIED ISSUELESS)

...APPELLANTS

(BY SRI. LOKESH R., ADVOCATE)



AND:

SRI. GOPAL GOWDA
SINCE DEAD BY LRS

1A. SRI. RAMACHANDRE GOWDA
S/O. LATE GOPALA GOWDA
AGED ABOUT 60 YEARS

1B. SRI. DEVE GOWDA
S/O. LATE GOPALA GOWDA
AGED ABOUT 56 YEARS

BOTH ARE RESIDING AT
BANAKANAHALLI VILLAGE
JYAVARAHALLI POST,
VOKKALERI HOBLI, KOLAR TALUK
KOLAR DISTRICT - 563 130.

AMENDMENT CARRIED OUT AS PER ORDER DATED
02.07.2026

...RESPONDENTS

(BY SRI. H.V. SHYAMEGOWDA, ADVOCATE FOR R1(A & B)-
ABSENT)

THIS RSA IS FILED U/S. 100 OF CPC., AGAINST THE
JUDGEMENT AND DECREE DTD 31.01.2018 PASSED IN
R.A.NO.10/2015 ON THE FILE OF THE III ADDITIONAL SENIOR
CIVIL JUDGE, KOLAR, ALLOWING THE APPEAL AND SETTING
ASIDE THE JUDGEMENT AND DECREE DATED 12.12.2014
PASSED IN OS.NO.327/2008 ON THE FILE OF THE II
ADDITIONAL CIVIL JUDGE AND JMFC., KOLAR.



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. Lokesh R., learned counsel for the appellant. None appears for the respondent.

2. Respondent filed a suit in O.S. No.327/2008, in respect of the following property, (hereinafter referred to the suit properties) for declaration and injunction, stating that he has become the owner by virtue of the occupancy right granted by the Land Tribunal.

Lands situated at Banakanahalli village, Vokkleri Hobli, Kolar Taluk.

1. Sy.No.37, Dry, measuring 4.15 Acres, including phoot, karab of 1 gunta, assessed at Rs.6.40 Ps., bounded on East by land of Srirame Gowda, West by lands of Bajanthri Munishamappa, Sharadhamma and B.N.Basavaiah, North by land of Siddaraj and Road, South by boundary of Muthukadahalli village.



2. Sy.No. 10, Dry, measuring 00.05 guntas, assessed at Rs.0.48 Ps., bounded on East by land of Patel Venkatesh Gowda, West by Thoti Inamthi land, North by Road, South by land of Jeevanmurthy.

3. The suit was contested and the suit came to be dismissed by a considered judgment dated 12.12.2014.

4. Being aggrieved by the same, plaintiff filed an appeal before the First Appellate Court in RA No.10/2015.

5. Learned Judge in the First Appellate Court after securing the records allowed the appeal and dismissed and decreed the suit as prayed for.

6. Being further aggrieved by the same, defendant has filed the present second appeal on following substantial questions of law:

a. Whether the Lower Appellate Court has entertained the illegal order i.e. the order passed by the Land Tribunal authority against dead person, can it be considered by the Civil Court, as a basic document.



b. Whether the Lower appellate court has failed to consider that the land tribunal order passed against a dead person.

c. Whether the Lower appellate court has noticed any land reforms proceedings against the defendants /appellants and without such orders the documents produced by the plaintiff / Respondents are genuine and acceptable in the evidence.

d. Whether the lower appellate court failed to notice the judgment and decree passed in O.S. No. 229/1989

e. Whether the lower appellate court omitted in considering the judgment and decree in O.S. No. 229/1989 in which relevancy and the legal representatives of the original land lord have inherited the schedule property.

f. Whether the order passed against the dead person is binding to prove the ownership of the property.

7. Sri. Lokesh R., learned counsel for the appellant reiterating the grounds urged in the appeal memorandum would contend that the application filed by the original respondent, before Land Tribunal was dismissed and later on suppressing the earlier application, one more



application has been filed by the original respondent and got the occupancy rights without notice to the appellant and the same was challenged before the Karnataka Appellate Tribunal.

8. He would further contend that the said appeal came to be dismissed for non-prosecution and the matter is pending before this Court in the Writ Petition against the order of dismissal. As such, plaintiff taking advantage of the judgment and decree passed by the First Appellate Court is trying to dispossess the appellant and thus sought for admitting the appeal on the aforesaid substantial questions of law.

9. Respondent died and his legal representatives are brought on record, who have engaged the services of Sri. H.V. Shyamegowda, learned advocate, who is absent today.



10. In the light of the argument put-forth on behalf of the appellant this Court perused the material on record meticulously.

11. On such perusal of the material on record, it is noticed that at an undisputed point of time, the present appellant was the owner of the suit property.

12. Admittedly, Land Reforms Proceedings has taken place in respect of said property and according to the appellant the application filed by the respondent as tenant was dismissed. Suppressing the same, one more application has been filed and the same is allowed which is now pending before this court in the writ petition as the appeal filed by the appellant is dismissed for non-prosecution.

13. Under such circumstances, First Appellate Court decreed the suit of the plaintiff reversing the dismissal of the suit filed by the respondent on the ground that the



respondent has become owner by virtue of the Order passed by the Land Tribunal.

14. If the appellant succeeds in the pending writ petition and order granting occupancy rights is set-aside, then the injunction order granted by Civil Court would be subservient to such Order.

15. With that observation this Court does not find any good reasons to admit the appeal for further consideration.

16. Accordingly, following order:

ORDER

- (i) Admission declined.
- (ii) Regular Second Appeal is ***dismissed***.

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

SNC
List No.: 1 Sl No.: 67