



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

MISCELLANEOUS FIRST APPEAL NO.1554 OF 2026 (LAC)

BETWEEN:

COMMISSIONER
SHIVAMOGGA URBAN DEVELOPMENT AUTHORITY
100 FEET ROAD
NEAR VINOBANAGARA POLICE STATION
SHIVAMOGGA-577 204.

...APPELLANT

(BY SRI. A.V. GANGADHARAPPA, ADVOCATE)

Digitally
signed by
PAVATHIRAN
Location:
High Court
of Karnataka

AND:

SMT. MALLAMMA
W/O SIDDAPPA @ HALASIDDDAPPA
SINCE DEAD BY LEGAL REPRESENTATIVE

1. H. SHIVAPPA
S/O LATE HANUMANTHAPPA,
AGED ABOUT 57 YEARS,
ADVOCATE,



RESIDING AT DOOR NO.76/A,
RAILWAY QUARTERS,
SHIVAMOGGA CITY-577 201.

2. SPECIAL LAND ACQUISITION OFFICER,
SHIMOGGA URBAN DEVELOPMENT AUTHORITY,
100 FEET ROAD,
NEAR VINOBANAGARA POLICE STATION,
SHIVAMOGGA-577 204.

...RESPONDENTS

(BY SRI. S.V.PRAKASH, ADV. FOR R1;
SRI. G.S.ARUNA, HCGP FOR R2)

THIS MFA IS FILED U/S.54(1) OF LAND ACQUISITION
ACT, AGAINST THE JUDGMENT AND AWARD DT. 03.11.2025
PASSED IN LAC NO. 155/1999 ON THE FILE OF THE
I ADDITIONAL SENIOR CIVIL JUDGE AND CJM, SHIVAMOGGA,
ALLOWING THE REFERENCE PETITION U/S.18 OF LAND
ACQUISITION ACT, 1894.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VENKATESH NAIK T



ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

We have heard the learned counsel appearing for the appellant. We have also referred to the judgment of the full Bench of this Court reported in ***ILR 2011 KAR 499*** in the case of ***Indian Council of Agricultural Research, Rep. by its Director Vs. Smt. Varija & Ors.***

2. The full Bench has considered the issue of valuation of an appeal and maintainability of an appeal under the provisions of the Karnataka Civil Courts Act, 1964. Referring to Section 19(1) of the Karnataka Civil Courts Act, the full bench has specifically held as follows.

"12. In the light of the above, it is clear that the Registry was not right and justified in proceeding on the basis of the valuation of the subject matter of the appeal made for the purpose of payment of court fee on the appeal memo. Valuation for the purpose of payment of Court fee is required to be made under Section 48 of the Karnataka Court Fees and Suits Valuation Act, 1957, on the basis of the difference between the amount claimed by the appellant in the appeal and the amount awarded. But, that has no relevance for the purpose of determining the Appellate Forum, for which the claim made in the petition filed for reference which is in effect the original proceeding that has set in motion the adjudication by the Civil Judge (Sr.Dn.)/Reference Court culminating in the award passed. In fact, a similar question arose in the case of K. MALKOJI RAO@KAPATHAPPA vs. ASSISTANT COMMISSIONER AND LAND ACQUISITION OFFICER, BELLARY, wherein the then Chief Justice Hon'ble Justice Govind Bhat



has held that as per Section 19 of the Karnataka Civil Courts Act, 1964, what determines the forum of appeal is not the amount in dispute, but the amount or value of the subject matter of the proceedings before the Civil Judge's Court. This position is followed and reiterated by a Division Bench of this Court in the decision in the case of SPECIAL LAND ACQUISITION OFFICER vs. M.K. SUNANTHAKAR. In the said decision, the Division Bench had an occasion to deal with the contention advanced for the appellant Special Land Acquisition Officer by the Government Advocate based on the provisions contained under Section 48 of the Karnataka Court Fees and Suits Valuation Act, 1957. In paragraph 5 thereof, the Division Bench has held that Sections 48 & 49 of the Court Fees Act had no relevance for deciding the appropriate forum for appeal as per Section 19 of the Civil Courts Act, for which the value of the subject matter in the original proceedings and not the value of the subject matter in dispute in appeals could be relevant. We respectfully agree with the view taken in the aforementioned two decisions of this Court.

14. In the light of the discussion made above, the reference is answered holding that if the value of the subject matter of the claim before the Reference Court does not exceed Ten Lakh Rupees, appeal lies to the District Court and if it exceeds Ten lakh Rupees, then appeal lies to High Court as per Section 19(1) of the Karnataka Civil Courts Act, 1964 read with Section 54 of the Land Acquisition Act, 1894, as amended by Mysore Amendment Act 17 of 1961."

3. In the above view of the matter and in view of the admitted position that though the present appeal is valued at Rs.21,92,869/- for the purpose of Court fee, since the valuation before the reference Court was only for an amount of Rs.2,50,000/-, we are of the opinion that the appeal is not



maintainable before this Court. The appeal is therefore returned for presentation before the appropriate Court.

4. Accordingly, the appeal is returned as ***not maintainable*** before this Court.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

PN
List No.: 1 Sl No.: 60