



CNR: KAHC010190972017

NC: 2026:KHC:40437
RSA No. 50 of 2017
C/W RSA No. 49 of 2017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL NO. 50 OF 2017 (PAR)

C/W

REGULAR SECOND APPEAL NO. 49 OF 2017 (PAR)

IN RSA No. 50/2017

BETWEEN:

1. SRI. C.L. RAJEGOWDA
SINCE DECEASED BY HIS LR
- 1(A). SMT. JAYAMMA
W/O LATE C.L. RAJEGOWDA
AGED ABOUT 68 YEARS
R/AT CHITTENAHALLI VILLAGE,
KASABA HOBLI,
MYSORE DISTRICT - 571 107.
- 1(B). SMT. C.R. JYOTHI
D/O LATE C.L. RAJEGOWDA
W/O B.K. SUBRAMANYA
AGED ABOUT 49 YEARS
RESIDENT OF BYALARU VILLAGE
KASABA HOBLI,
NANJANGUDU TALUK - 571 301.
- 1(C). SRI. C.R. SATHISHA
S/O LATE C.L. RAJEGOWDA
AGED ABOUT 47 YEARS
R/AT CHITTENAHALLI VILLAGE,
KASABA HOBLI,
PERIYAPATNA TALUK,

Digitally
signed by
MALATESH
K C
Location:
HIGH
COURT OF
KARNATAKA



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MYSORE DISTRICT - 571 107.

2. SRI. NAGARAJA
S/O C.L RAJEGOWDA,
AGED ABOUT 42 YEARS
R/AT CHITTENAHALLI VILLAGE,
KASABA HOBLI, PERIYAPATNA TALUK,
MYSORE DISTRICT - 571 107.
3. SRI. C.R. GANESHA
S/O C L RAJEGOWDA,
AGED ABOUT 35 YEARS
R/AT CHITTENAHALLI VILLAGE,
KASABA HOBLI,
PERIYAPATNA TALUK,
MYSORE DISTRICT - 571 107.

...APPELLANTS

(BY SRI. K.K. VASANTH, ADVOCATE FOR A1(A TO C), A2 AND A3)

AND:

1. SMT. KADAMMA
W/O LATE RAJEGOWDA,
D/O LATE LAKKEGOWDA
AGED ABOUT 82 YEARS
RESIDING AT THELAGINAKUPPE VILLAGE,
RAVANDUR HOBLI,
PERIYAPATNA TALUK,
MYSORE DISTRICT - 571 107.
2. SRI. C.L. CHANNEGOWDA
S/O LATE LAKKEGOWDA
AGED ABOUT 62 YEARS
RESIDING AT CHITTENAHALLI VILLAGE,
KASABA HOBLI,
PERIYAPATNA TALUK,
MYSORE DISTRICT - 571 107.



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3. SRI. JAGADEESHA
SON OF LATE MUDLEGOWDA,
AGED ABOUT 32 YEARS
RESIDENT OF BLETHUR VILLAGE,
KASABA HOBLI, PERIYAPATNA TALUK,
MYSORE DISTRICT - 571 107.
4. SMT. GOWRAMMA
WIFE OF VENKATESH,
AGED ABOUT 60 YEARS
RESIDING AT DODDAKADANOOR VILLAGE
KONANURU HOBLI, ARAKALAGUD TALUK,
HASSAN DISTRICT - 571 108.
5. SMT KENGAMMA
W/O LATE LAKKEGOWDA,
AGED ABOUT 95 YEARS
R/AT CHITTENAHALLI VILLAGE,
KASABA HOBLI,
PERIYAPATNA TALUK,
MYSORE DISTRICT - 571 107.
(SMT. KENGAMMA DIED ON 22.08.2015
THE APPELLANTS AND RESPONDENTS 2 TO 4
ARE ALREADY ON RECORD AND THEY ARE
LR'S OF THE DECEASED)

...RESPONDENTS

(BY SRI. B. ROOPESHA, ADVOCATE FOR R1;
SRI. RUDRAPPA P, ADVOCATE FOR R2 TO R4)

THIS RSA IS FILED UNDER SEC.100 OF CPC., AGAINST
THE JUDGMENT AND DECREE DATED 25.04.2015 PASSED IN
RA NO.487/2014 ON THE FILE OF THE VIII ADJ., MYSURU,
DISMISSING THE APPEAL AND MODIFYING THE JUDGMENT
AND DECREE DATED 02.07.2014 PASSED IN OS NO.28/2011
ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC.,
HUNSUR.

IN RSA NO. 49/2017

BETWEEN:

1. SRI. C.L. CHANNEGOWDA



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S/O LATE LAKKEGOWDA
AGED ABOUT 60 YEARS
RESIDING AT CHITTENAHALLI VILLAGE,
KASABA HOBLI,
PERIYAPATNA TALUK,
MYSORE DISTRICT.

2. SRI. JAGADEESHA
SON OF LATE MUDLEGOWDA,
AGED ABOUT 30 YEARS
RESIDENT OF BLETHUR VILLAGE,
KASABA HOBLI, PERIYAPATNA TALUK,
MYSORE DISTRICT.
3. SMT. GOWRAMMA
WIFE OF VENKATESH,
AGED ABOUT 60 YEARS
RESIDING AT DODDAKADANOOR VILLAGE
KONANURU HOBLI, ARAKALAGUD TALUK,
HASSAN DISTRICT.

...APPELLANTS

(BY SRI. RUDRAPPA P, ADVOCATE)

AND:

1. SMT. KADAMMA
WIFE OF LATE RAJEGOWDA,
DAUGHTER OF LATE LAKKEGOWDA,
AGED ABOUT 95 YEARS,
R/AT THELAGINAKUPPE VILLAGE,
RAVANDUR HOBLI,
PERIYAPATNA TALUK,
MYSORE DISTRICT.
2. SRI. C.L. RAJEGOWDA
DEAD BY LRS
- 2(A). SMT. JAYAMMA
W/O LATE C.L. RAJEGOWDA
AGED ABOUT 70 YEARS



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- 2(B). SRI. C.R. SATHISHA
S/O LATE C.L. RAJEGOWDA
AGED ABOUT 46 YEARS

2(A) AND 2(B) ARE RESIDING AT
CHITTENAHALLI VILLAGE,
KASABA HOBLI,
PERIYAPATNA TALUK,
MYSORE DISTRICT - 571 107.

- 2(C). SMT. JYOTHI
W/O SUBRAMNYA
D/O LATE C.L. RAJEGOWDA
AGED ABOUT 48 YEARS
RESIDENT OF BYALARU VILLAGE
KASABA HOBLI,
NANJANGUDU TALUK - 571 107.
3. SRI. NAGARAJA
SON OF C.L. RAJEGOWDA,
AGED ABOUT 42 YEARS,
RESIDING AT CHITTENAHALLI VILLAGE,
KASABA HOBLI, PERIYAPATNA TALUK,
MYSORE DISTRICT.
4. SRI. C.R. GANESH
SON OF C.L. RAJEGOWDA,
AGED ABOUT 40 YEARS
RESIDING AT CHITTENAHALLI VILLAGE.
KASABA HOBLI, PERIYAPATNA TALUK,
MYSORE DISTRICT.
5. SMT. KENGAMMA
WIFE OF LATE LAKKEGOWDA,
AGED ABOUT 95 YEARS,
RESIDING AT CHITTENAHALLI VILLAGE.
KASABA HOBLI, PERIYAPATNA TALUK,
MYSORE DISTRICT.
(SMT. KENGAMMA DIED ON 22.08.2015,



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THE APPELLANTS ARE ALREADY ON RECORD
AND THEY ARE LR'S OF THE DECEASED)

...RESPONDENTS

(BY SRI. B ROOPESHA, ADVOCATE FOR R1;
SRI. K.K. VASANTH, ADVOCATE FOR R2(A TO C),
R3 AND R4)

THIS RSA IS FILED U/S. 100 OF CPC., AGAINST THE
JUDGEMENT & DECREE DTD 25.04.2015 PASSED IN R.A.NO.
453/2014 ON THE FILE OF THE VIII ADDL. DISTRICT JUDGE
MYSURU, DISMISSING APPEAL AND MODIFYING THE
JUDGEMENT AND DECREE DTD 02.07.2014 PASSED IN
OS.NO.28/2011 ON THE FILE OF THE SENIOR CIVIL JUDGE
AND JMFC., HUNSUR.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL JUDGMENT

1. Heard.

2. These two appeals arise out of the decree passed in
O.S.No.28/2011 dated 02.07.2014 modified by the First
Appellate Court in RA Nos.487/2014 and RA No.453/2014
dated 25.04.2015.

3. Facts of the case are as under:

3.1. Plaintiff by name Kadamma, claims to be daughter
of first wife of Lakkegowda who is the common prepositus, filed



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a suit for partition against the children of second wife. There is no dispute that Lakkegowda married second wife – Kengamma after the death of Eramma. Kadamma claimed 1/6th share in the suit properties.

4. On contest, suit was decreed in part. Operative portion of the judgment of the Trial Court reads as under:

"The suit is partly decreed with cost.

It is declared that the plaintiff is entitled for 1/6th share in the suit items NO.1, 4 to 9 excluding Sy.No.78/4. The suit schedule properties shall be partitioned by metes and bounds and separate possession of the share of the plaintiff shall be delivered to her.

It is ordered that they shall be separate enquiry to ascertain mesne profit as per order 20 rule 10 of CPC."

5. Being aggrieved by the same, defendant Nos.3, 4 and 7 – C.L.Channegowda, Jagadeesha and Gowramma filed an appeal before the First Appellate Court in RA No.453/2014. While Kengamma, C.L.Rajegowda, Nagaraja and Ganesh who are defendant Nos.1, 2, 5 and 6 filed separate appeal in RA No.487/2014.



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6. Learned Judge in the First Appellate Court after securing the records, heard the arguments of the parties in detail and modified the judgment of the Trial Court.

7. Operative portion of the judgment of the First Appellate Court reads as under:

"Appeal dismissed. No cost.

IA filed under Order 41 Rule 27 CPC is dismissed.

The judgment and decree in O.S.No.28/2011 dated 02.07.2014 passed by the Additional Senior Civil Judge and JMFC, Hunsur is modified.

Suit decreed partly with cost. In the plaintiff is entitled for 1/24th share in suit item Nos.1, 4, 5, 6, 7 (Sy.No.78/1, 78/2), 8 and 9 by metes and bounds.

Draw the preliminary decree accordingly."

8. Being further aggrieved by the same, it is the defendants who have filed the present appeals.

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, there is no dispute as to the relationship or nature of the properties.



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11. It is submitted by Sri.Roopesha, learned counsel for the plaintiff in both the appeals that after the judgment of the Hon'ble Apex Court in the case of ***Vineeta Sharma v. Rakesh Sharma***, reported in ***(2020) 9 SCC 1***, an application was filed before the Trial Court and whereby Trial Court has modified the decree and has now granted 1/6th share as per its original judgment to the plaintiff in the Final Decree Proceedings.

12. Since the succession has opened in the year 1972 as per the contention taken by the appellants in their written statement and there was also a Will where under defendant Nos.1 and 2 are the beneficiaries which came to be executed in the year 1971, the principles of law enunciated by the Hon'ble Apex Court in the case of ***Vineeta Sharma*** supra, would be applicable to the facts and circumstances of the case.

13. All that the First Appellate Court did is, it held that there was notional partition between Lakkegowda and defendant Nos.2 and 3 and thereafter, modified the share of the plaintiff to the extent of 1/24th share.



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14. However, the defence taken by the defendants about self-acquisition of few of the items of the suit property was also taken note of and suit was accordingly dismissed insofar as those items of the suit property.

15. Taking note of these aspects of the matter, this Court does not find any merits in any one of the contentions and substantial questions of law urged on behalf of the appellants so as to admit the appeals for further consideration.

16. Accordingly, the following:

ORDER

- i. Admission declined.
- ii. Appeals are ***dismissed***.

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

KAV
List No.: 1 Sl No.: 44