



CNR: KAHC010192202026

NC: 2026:KHC:44026
RSA No. 488 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL No.488 OF 2026 (DEC/POS)

BETWEEN:

ALWIN PINTO
S/O MARTIN PINTO
AGED ABOUT 67 YEARS
R/O VASTHARE VILLAGE POST,
CHIKKAMAGALURU TALUK
AND DISTRICT-577101

...APPELLANT

(BY SRI. RAVI KUMAR N R, ADVOCATE)

AND:

V N PARAMESH
S/O B.A.NAGA NAIKA
AGED ABOUT 54 YEARS
R/O VASTHARE VILLAGE AND POST,
CHIKKAMAGALURU TALUK
AND DISTRICT-577130

...RESPONDENT

(BY SRI A.MADHUSUDHANA RAO, ADVOCATE)

THIS RSA IS FILED UNDER SECTION 100 OF CIVIL PROCEDURE CODE, AGAINST THE JUDGMENT AND DECREE DATED 9.12.2025 PASSED IN R.A.NO.38/2024 ON THE FILE OF PRL. SENIOR CIVIL JUDGE, CJM, CHIKKAMAGALURU, DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 5.08.2024 PASSED IN O.S.NO.461/2014 ON THE FILE OF LEARNED PRL. CIVIL JUDGE AND JMFC, CHIKKAMAGALURU.

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

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signed by
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Location:
HIGH
COURT OF
KARNATAKA



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CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL JUDGMENT

Parties present. After addressing the arguments for some time, appellant files an affidavit, which reads as under:

"I Alwin Pinto, S/o Martin Pinto, aged about 74 years, r/o Vasthare village and post, Chikmagaluru Taluk and District-577101, today at Bengaluru, do hereby solemnly affirm and state on oath as follows:

- 1. I state that, I am the appellant in the above case and fully conversant with the facts of the case hence, I am swearing this affidavit.*
- 2. I state that, the averments made in the memorandum of Appeal may kindly be read as part and parcel of this affidavit in order to avoid the repetition of the facts of the case once again.*
- 3. I state that, the respondent herein filed the suit for declaration, possession and permanent injunction against me, the Hon'ble Trial Court decreed the suit of the plaintiff/respondent herein and confirmed by the first appellate court.*
- 4. I state that, I am in possession and enjoyment of the suit schedule property measuring 0-15 guntas in Sy.No.212/02 situated at Vasthare village, Chikmagalur Taluk. I state that I am enjoying the said property*



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since 20 years by cultivating coffee and pepper along with silver oak trees.

5. I state that, in view of the advice of this Hon'ble Court, I will undertake to handover the suit schedule property after harvesting the crop grown by me in the suit schedule property and further undertake to vacate and hand over the property to the respondent/plaintiff on 31.01.2027, since coffee harvesting will be continued till the end of January. Therefore, I will undertake to handover the possession of the suit schedule property on 31.01.2027. Hence this Hon'ble Court may kindly be pass order accordingly.

2. Placing the affidavit on record, appeal needs to be disposed of.

3. Accordingly, the following:

ORDER

- i. Appeal is ***disposed of***.
- ii. However, time granted to the appellant as per the affidavit till ***31st January 2027*** to vacate and hand over possession of the suit property to the respondent with specific boundaries as mentioned in the schedule to the plaint.



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- iii. It is further ordered that the appellant shall not in any way cut the existing trees. He is only entitled to harvest the coffee and pepper crop.
- iv. Appellant shall not damage any existing trees.
- v. If there is any damage to the existing trees, the respondent/plaintiff is at liberty to move the Court and obtain necessary orders.

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

kcm
List No.: 1 Sl No.: 79