



CNR: KAHC010236572016

NC: 2026:KHC:39684
RSA No. 316 of 2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

REGULAR SECOND APPEAL NO. 316 OF 2016 (PAR)

BETWEEN:

SRI. RAMAKRISHNA
S/O. GOPALASWAMY,
AGED ABOUT 43 YEARS,
R/AT D. NO. 1279/1,
2ND CROSS, GARADIKERI,
K.R. HOSPITAL ROAD,
MYSURU-570 001.

...APPELLANT

(BY SRI. NANJUNDA SWAMY N., ADVOCATE)

AND:

1. SMT. CHIKKATHAYAMMA
W/O. VENKATAPPA,
AGED ABOUT 63 YEARS,
R/AT D. NO. 1279,
SECOND CROSS,
GARADIKERI,
K.R. HOSPITAL ROAD,
MYSURU-570 001.
2. SMT. GOPAMMA
W/O. LATE RAMACHANDRA,

Digitally
signed by
SHILPABAI S
Location:
HIGH
COURT OF
KARNATAKA



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SINCE DECEASED REP. BY HER LR
SMT. YASHODAMMA, THE 3RD RESPONDENT

3. SMT. YASHODAMMA
W/O. PUTTARAJU,
D/O. LATE RAMACHANDRA,
AGED ABOUT 43 YEARS,
RESIDING AT D. NO. 760, K-17,
NALABEEDI,
2ND CROSS, K.R. MOHALLA,
MYSURU-570 001.
NOW RESIDING AT D. NO. 2885,
ROTARY SCHOOL ROAD,
NEAR TO MAHADESHWARA LAYOUT,
OPP. TO V.B. BAKERY,
NANJANGUD-571 301.
4. SRI. K.T. SRINIVASA SHETTY
FATHERS NAME NOT KNOWN,
SINCE DECEASED BY HIS LRS
- 4(A) SRI K S VISHNU
S/O LATE K T SRINIVASA SHETTY
SINCE DECEASED REP. BY HIS LEGAL
REPRESENTATIVE
SMT. ANNAPOORNA, THE RESPONDENT No.5
5. SMT. ANNAPOORNA
W/O. K.T. SRINIVASA SHETTY,
AGED ABOUT 53 YEARS,
RESIDING AT NO. 1037,
VENKATESHWARA NILAYA,
(NEAR DIMOND HALL),
NEAR K.R. HOSPITAL ROAD,
LAKSHKAR MOHALLA,
MYSURU-570 001.
NOW AT NO.1277 AND 1311,
2ND CROSS,
GARADIKERI,



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K.R. HOSPITAL ROAD,
MYSURU-570 001.

...RESPONDENTS

[R1 – SERVED
SRI. K CHANDRANATH ARIGA, ADVOCATE FOR R5 & ALSO FOR
PROPOSED R4(A)
V/O DATED 27.02.2020 R3 IS TREATED AS LR OF
DECEASED R2
SRI. PUTTARAJU N, ADVOCATE FOR R3 (NOC VK)
V/O DATED 29.06.2026 R5 IS TREATED AS LR OF DECEASED
R4(A)]

THIS RSA IS FILED UNDER SEC.100 R/W ORDER XXXXI
RULE 1 OF CPC., AGAINST THE JUDGMENT AND DECREE
DATED 30.11.2015 PASSED IN R.A NO.303/2012 ON THE FILE
OF THE VII ADDITIONAL DISTRICT JUDGE, MYSURU,
DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT
AND DECREE DATED 16.06.2012 PASSED IN O.S
NO.1487/2007 ON THE FILE OF THE III ADDL. SR. CIVIL JUDGE
AND CJM., MYSORE.

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

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL JUDGMENT

This regular second appeal is filed by the appellants
challenging the judgment and decree dated 30.11.2015
passed in RA No. 303 of 2012 by the Court of learned VII
Additional District Judge, Mysuru (**'First Appellate Court'**
for short) confirming the judgment and decree dated
16.06.2012 passed in OS No. 1487 of 2007 by the Court of



learned III Additional Senior Civil Judge, Mysuru (***Trial Court*** for short).

2. For the sake of convenience, the parties are referred to as per their rankings before the Trial Court. Appellant was the plaintiff and respondents were the defendants.

3. Brief facts leading rise to the filing of this appeal are as follows:

3.1. The plaintiff filed a suit against the defendants for partition and separate possession. It is the case of the plaintiff that, one Ramappa was the original propositus. He had three children by name Ramaiah @ Uyappa, Thimmamma and Ningappa. The elder son Ramaiah @ Uyappa died long back in 1979 leaving behind his two children i.e., Ramachandra and Chikkathayamma (defendant No.2). The said Ramachandra died in 1997 leaving behind his wife Gopamma – defendant No.3 and daughter Yashodamma – defendant No.4 as his legal heirs.



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Thimmamma died in 1973 before her husband Venkatasetty passed away. They had no issues. Ningamma passed away in 1993. Her husband predeceased her. Ningamma had two children i.e., defendant No.1 and Chandramma @ Chowdamma. It is contended that, the entire suit schedule properties are the self-acquired property of deceased Ramappa. He died intestate. After his demise, the suit schedule properties are the joint family properties of his children namely Ramaiah @ Uyappa, Thimmamma and Ningappa. Thimmamma died issueless and remaining two branches have got equal shares in the suit schedule properties. The plaintiff demanded for partition and separate possession, but the defendants refused to affect a partition. Hence a cause of action arose for the plaintiff to file a suit for partition and separate possession. It was further contended that, plaintiff noticed that defendant No.2 filed a suit in OS No. 23 of 1996 on the file of the Court of learned V Additional I Civil Judge (Jr.Dn.), Mysuru, against



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defendant No.1 for the relief ejectment. The said suit was decreed. Defendant No.1, aggrieved by the judgment and decree passed in OS No. 23 of 1996, preferred an appeal in RA No. 301 of 2006 on the file of the Court of IV Fast Track Court, Mysuru. The said appeal came to be dismissed. It is contended that, since defendant No.1 had not produced any material or pleaded the origin of the properties, the Trial Court held that he was in unauthorised possession and liable to be ejected. It is contended that, the findings recorded in OS No. 23 of 1996 are not binding on the plaintiff, as the plaintiff is not a party to the said suit. It is contended that, the plaintiff and defendant No.1 are jointly residing in suit schedule item No.1 property. It is contended that, defendant No.2, in collusion with defendant Nos.3 and 4, played a fraud not only against the plaintiff and defendant No.1, but also the Court. Thus, defendant No.2 has no right to dispossess the plaintiff on the guise of the alleged decree obtained against defendant No.1. It is contended that, the plaintiff



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has inherited right in all the suit schedule properties.
Hence, prays to decree the suit.

3.2. Defendant No.1 filed a written statement admitting the allegations made in the plaint and consenting to decree the suit.

3.3. Defendant No.2 filed a written statement contending that, the suit filed by the plaintiff claiming the notional partition seeking half share in the suit schedule properties is not maintainable. It is contended that, the suit schedule properties are the self-acquired properties of Ramaiah @ Uyappa i.e., the father of defendant No.2 and after the demise of Ramaiah @ Uyappa, defendant No.2, her brother Ramchandra got divided the properties by virtue of a registered partition deed on 04.10.1980 and subsequently, defendant No.2 filed suit in OS No. 226 of 1990 seeking partition in respect of the suit schedule properties. The said suit came to be dismissed on the ground that there was already a partition and there was a



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valid partition and the judgment and decree passed in OS No. 226 of 1990 has attained finality. Subsequently, defendant No.2 filed a suit in OS No. 23 of 1996 on the file of the Court of learned Civil Judge (Jr.Dn.), Mysuru, against defendant No.1 for ejectment. The said suit was decreed and defendant No.1 preferred an appeal in RA No. 301 of 2006 on the file of the IV Fast Track Court, Mysuru and the appeal was dismissed confirming the judgment passed by the Trial Court therein. It is contended that, defendant No.1 had instigated the plaintiff to file the present suit for partition. The plaintiff is not entitled for any share in the suit schedule properties and the judgment passed in OS No. 23 of 1996 is binding on the plaintiff. Hence, prays to dismiss the suit against defendant No.2.

3.4. Defendant Nos.3 and 4 filed a common written statement contending that, the suit of the plaintiff against defendant Nos.3 and 4 is not maintainable, and they had reiterated the written statement averments of defendant



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No.2. It is also contended that, they are enjoying the suit schedule properties as absolute owners under the register sale deed. Hence, prays to dismiss the suit.

3.5. Defendant Nos.5 and 6 filed a written statement contending that, after the demise of Ramaiah, the children of Ramaiah had entered into a registered partition deed dated 04.10.1980 and under the said partition, suit schedule item No.3 property mentioned in Schedule No.2 in the plaint have been divided among the sharers. Hence, prays to dismiss the suit against defendant Nos.5 and 6.

3.6. The Trial Court, based on the rival pleadings of the parties, framed the following issues:

- "1. Whether plaintiff proves that Genealogy as pleaded is true and correct?*
- 2. Whether plaintiff proves that suit properties are the self-acquired property of deceased Ramappa as pleaded?*
- 3. Whether defendant proves the children of Ramaiah have entered into registered partition deed dated 04.10.1980?*



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4. *Whether defendant No.5 proves that schedule properties No.2 and 3 were absolute property of defendant Nos.3 and 4 and for their urgent necessary they have sold the said properties to defendant No.5 through registered Sale Deed dated 18.06.1997 for Rs.3,00,000/- and as such they are bonafide purchaser for valid consideration?*
5. *Whether defendant No.6 further proves that defendant Nos.3 and 4 being absolute owners have sold D.No.1277 of Garadikeri properties through registered Sale Deed dated 19.06.1997 in favour of defendant No.6 for Rs.4,05,000/- and as such they are bonafide purchaser for valid consideration?*
6. *Whether defendant proves that in view of decree in O.S.No.226 of 1988 this suit does not hit by principle of res-judicata?*
7. *Whether defendant proves that suit is not properly valued and Court fee paid thereon is incorrect?*
8. *Whether plaintiff proves that they are entitled for the relief as claimed?*
9. *What order or decree?"*

3.7. The plaintiff, to substantiate his case, examined himself as PW1 and marked 20 documents as Exs.P1 to



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P20. In rebuttal, defendant No.2 examined herself as DW1 and marked 6 documents as Exs.D1 to D6; defendant No.5 examined himself as DW2 and marked 8 documents as Exs.D7 to D14 and defendant No.4 was examined as DW3.

3.8. After hearing both sides and assessing the verbal and documentary evidence, the Trial Court answered issue Nos.1 and 3 to 7 in the affirmative, issue Nos.2 and 8 in the negative, and issue No.9 as per the final order. The suit of the plaintiff was dismissed with costs vide judgment dated 16.06.2012.

3.9. The plaintiff, aggrieved by the dismissal of suit in OS No. 1487 of 2007, preferred an appeal in RA No. 303 of 2012 before the First Appellate Court.

3.10.The First Appellate Court, after hearing the learned counsel for the parties, framed the following points for consideration:

"1. Whether the impugned judgment and decree of the lower court is opposed to law, facts and



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circumstances of the case and interference of this court is necessary?

2. *What Order?"*

3.11. The First Appellate Court, after re-appreciating the entire evidence on record, answered point No.1 in the negative and point No.2 as per the final order. The regular appeal was dismissed vide judgment dated 30.11.2015.

4. The plaintiff, aggrieved by the impugned judgments and decrees, filed this regular second appeal.

5. Heard the arguments of learned counsel for the plaintiff and learned counsel for the defendants.

6. Learned counsel for the plaintiff submits that, the suit schedule properties were originally owned by Ramappa. He died intestate. After his demise, the suit schedule properties were inherited by his legal heirs i.e., grandmother of the plaintiff and Ramaiah. He submits that, suit schedule properties were the self-acquired



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properties of Ramaiah. The grandmother of the plaintiff succeeded to the property under Section 8 of the Hindu Succession Act. He submits that, the said aspect was not considered by the Courts below. He further submits that, the plaintiff was not a party in the suit filed by defendant No.2 against defendant No.1 in OS No. 23 of 1996. Hence, the judgment decree passed in OS No. 23 of 1996 is not binding on the plaintiff. The plaintiff is entitled for half share in item No.2 of the suit schedule properties. Hence, on these grounds, he prays to allow the appeal.

7. *Per contra*, learned counsel for the defendants submit that, there was a partition effected in between defendant No.2 and Chikkathayamma and subsequently, a suit was filed for partition and separate possession in OS No. 226 of 1990 and the said suit was dismissed holding that there was a prior partition and the said partition is a valid partition. He further submits that, defendant No.2 filed a suit in OS No. 23 of 1996 defendant No.1 for ejectment. The said suit came to be decreed; an appeal



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was preferred in RA No. 301 of 2006 and the said appeal came to be dismissed. He submits that, defendant No.1 has taken a same defence in the suit in OS No. 23 of 1996 and the present suit was filed by the defendant No.1 against defendant No.2. He submits that, the present suit is a collusive suit and it is hit by doctrine of principles of *res judicata*. He submits that, both the Courts below have concurrently recorded a finding of fact that the plaintiff has failed to prove that the suit schedule properties are the self-acquired properties of original propositus Ramappa and also held that, the defendants have proved that the children of Ramaiah have entered into the registered partition dated 04.10.1980 and defendant No.5 has proved that the suit schedule item Nos.2 and 3 properties were in the absolute ownership of defendant Nos.3 and 4, and defendant Nos.3 and 4 have sold the said properties in favour of defendant No.5 under a registered sale deed dated 18.06.1997. Defendant No.6 has proved that defendant Nos.3 and 4 being the actual owners, have sold



the properties. Hence, on these grounds, he prays to dismiss the appeal.

8. Perused the records and considered the submissions of the learned counsel for the parties.

9. This Court, vide order dated 23.08.2021, admitted the appeal to consider the following substantial question of law:

Whether both the Courts below are justified in dismissing the suit without considering the fact that Ex.D5-Partition Deed dated 04.10.1980 is not binding on the children of Smt.Ningamma (daughter of Ramappa)?

10. Reg. Substantial Question of law: It is an undisputed fact that the suit schedule properties were owned and possessed by Ramappa. He died leaving behind his three children i.e. Ramaiah @ Uyappa, Thimmamma and Ningappa. Ramaiah had two children namely Ramachandra and Chikkathayamma. Chikkathayamma is defendant No.2 and Ramachandra died leaving behind



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defendant Nos.3 (wife) and defendant No.4 (daughter). The plaintiff is the grandson of Ningamma. The original propositus Ramappa died intestate, leaving behind his children, namely, Ramaiah @ Uyappa, Thimmamma and Smt. Ningamma. Thimmamma died issue less in 1973. Ningamma died in 1993. Ningamma had two children, namely Gopalaswamy, who is defendant No.1 and Chowdamma died issueless. The plaintiff contended that the suit schedule properties are the self acquired properties of the deceased Ramappa, and they succeeded to the suit schedule properties by virtue of Section 8 of the Hindu Succession Act, 1956. The plaintiff demanded for partition and separate possession, but the defendants refused to effect the partition. The plaintiff, to substantiate his case, examined himself as PW1 and he reiterated the plaint averments in the examination-in-chief and produced 20 documents as Exs.P1 to P20. In rebuttal, defendant No.2 examined herself as DW.1 and she reiterated the written statement averments in the examination-in-chief.



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The husband of defendant No.5 was examined as DW2 and defendant No. 4 was examined as DW3 and produced the documents Exs.D1 to D14.

11. From the perusal of the said records, there is no dispute in regard to that Ramappa was the owner of the suit schedule properties and he died leaving behind his three children namely Ramaiah @ Uyappa, Thimmamma and Smt. Ningappa. Thimmamma died in 1973. Ningamma died in 1993. After the demise of Ramappa, the suit schedule properties got divided in between defendant No.1 and defendant No.2 under a registered partition dated 04.10.1980 and subsequently, defendant No.2 filed a suit in O.S.No.226/1990 seeking a partition in respect of the suit schedule properties. The said suit came to be dismissed on the ground that there was a prior partition and there was a valid partition and the judgment and decree passed in O.S.No.226/1990 has attained the finality. Subsequently, defendant No.2 filed a suit in O.S.No.23/1996 on the file of learned Civil Judge, Junior



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Division, Mysuru against defendant No.1 for ejectment. The said suit was decreed and thereafter, the defendant No.1 filed an appeal in R.A.No.301/2006 on the file of IV Fast Track Court, Mysore. The said appeal was dismissed confirming the judgment and decree passed in O.S.No.23/1996. Accordingly, defendant No.2 took the possession of the suit schedule property by due process of law. Thereafter, defendant No.1 got filed the present suit through plaintiff seeking for a partition and separate possession knowing fully well that there was a valid partition between defendant No.1 and defendant no. 2 and said partition was reduced into writing and it was registered on 04.10.1980. The plaintiff did not challenge the registered partition deed dated 04.10.1980. The partition effected between defendant Nos.1 and 2. As on the date of filing suit, the suit schedule properties were not the joint family properties of the plaintiff and defendant No.1 and there was a severance of status. Considering that there was a prior partition between the



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defendant Nos.1 and 2 has rightly held that the plaintiff has no right and also that the father of the plaintiff has suffered a decree in O.S.No.23/1996 held that the suit schedule properties were not amenable for partition and separate possession on the ground that the suit schedule properties were not the joint family properties as on the date of filing the suit and the plaintiff was not having any share in the suit schedule properties. Defendant No.1 executed a registered sale deed. Defendant Nos.3 and 4 have sold the properties fallen to the share of late Ramachandra in favour of defendant Nos.5 and 6, who are in possession of the suit schedule properties as on the date of filing the suit. Both the Courts below have recorded its findings that the suit is hit by doctrine of *res indicata* on the ground that the Civil Court has recorded a finding in O.S.No.23/1996 that there was a prior partition between defendant Nos.1 and 2 under a registered partition deed and the said property was fell to the share of defendant No.2 and the suit was decreed. Both the



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courts below have rightly considered the entire evidence on record and also regarding the partition effected between the plaintiff and the defendants as per Ex.D5. The said partition deed was registered on 04.10.1980. Admittedly, the children of Ningamma i.e. defendant No.1. The partition deed was effected between defendant No.1, who is the father of the plaintiff and defendant No.2, who is the daughter of Ramaiah. Defendant No.1 did not challenge the registered sale deed executed on 04.10.1980. Under the said partition, the branch of Smt. Ningamma had got a property under the partition deed as per Ex.D1. The plaintiff, in order to prove that the suit schedule properties were the self-acquired properties of Ramaiah, has not produced any records. On the contrary, the defendants have produced the records to show that the suit schedule properties are the self-acquired properties of Ramaiah. Father of defendant No.1 is Gopalashetty. Defendant No.2, after his demise, defendant No.2 and her brother Ramachandra got divided



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the properties by virtue of registered partition deed dated 04.10.1980. Subsequently, defendant No.2 filed the suit in O.S.No.226/1990 seeking partition in respect of the plaint schedule properties. The said suit was dismissed on the ground that there was a prior partition vide partition dated 04.10.1980. It is also recorded a finding that there was a valid partition between defendant No.2 and her brother Ramachandra. The decree passed in O.S.No.226/1990 has attended the finality. After the decree passed in O.S.No.226/1990, the name of defendant No.2 was entered in the revenue records. Subsequently, defendant No.2 filed a suit against defendant No.1 for ejectment in O.S.No.23/1996. The said suit came to be decreed and defendant No.1 aggrieved by the judgment and decree passed in O.S.No.23/1996 preferred an appeal in R.A.No. 301/2006 on the file of IV Fast Track Court, Mysore. The said appeal came to be dismissed. Admittedly, the plaintiffs are claiming their title through defendant No.1 and defendant No.1 has already suffered a decree in



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O.S.No.23/1996, which has attended a finality. The suit is hit by principles of *res judicata*. Both the Courts below have concurrently recorded the finding of facts that the plaintiff has failed to prove that as of the date of filing the suit, the suit schedule properties were the joint family properties of the plaintiff and defendant No.1 and also held that the plaintiff has failed to prove that the suit schedule properties are the self acquired properties of Ramappa. In rebuttal, the defendant has proved that the partition was effected between defendant No.2 and her brother Ramachandra under a registered partition dated 04.10.1980 and further, held that defendant No.5 proved that the suit schedule item Nos.2 and 3 were the absolute properties of defendant Nos.3 and 4 and for their urgent family legal necessity, they have sold the said properties to defendant No.5 under a registered sale deed dated 18.06.1997 for valuable consideration and they are the bona fide purchasers for valid consideration and similarly, defendant No.6 proved that defendant Nos.3 and 4 being



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the absolute owners have sold the Door No. 1277 of Garidikeri properties under a registered sale deed dated 19.06.1997 in favour of defendant No.6 for valid consideration and as such, they are the bonafide purchasers for valid consideration and further, the defendants proved that the decree passed in O.S.No.226/1990 the suit does not hit by principles of *res judicata* and consequently dismissed the suit, holding that as on the date of filing the suit, the suit schedule properties are not amenable. The First Appellate Court after considering the entire evidence on record and also Ex.D5, the partition deed justified in dismissing the suit. Hence, I do not find any error in the impugned judgment.

12. In view of the above discussion, I answer substantial question of law in the affirmative.

13. The appellant filed an application I.A.No.1/2019 under Order XLI Rule 27 of CPC to produce the additional documents.



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13.1. In support of an application, the appellant filed an affidavit contending that the appellant filed a suit for partition and separate possession and the defendants filed a written statement denying that the suit schedule properties are the self-appointed property of Ramappa. It is contended that when he had been to a marriage, he met grandchildren of Dasappa one Naganna, when interacting with them, he came to know about his great grandmother Smt. Venkatamma and his son Sri Ramaiah have mortgaged the property bearing Municipal No.1279 in favour of Dasappa under a registered mortgage deed dated 08.03.1928. He submits that item No.3 of the suit schedule property in favour of Puttaiah S/o Doddanna under a registered mortgage deed dated 18.05.1930 and subsequently, on 18.12.1943, Sri Ramaiah and his son Ramachandra have mortgaged item No.3 of the suit schedule property in favour of Smt. Thimmamma W/o Venkataiah under a registered mortgage deed dated



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18.12.1943. The said mortgage deeds are relevant and necessary to decide the real controversy between the parties and he did not know about the said three mortgage deeds earlier. Hence, if the plaintiff is permitted to produce the documents, no hardship would cause to the defendants. Hence, prays to allow the application.

13.2. Learned counsel for the defendants submits that the said document proved that the suit schedule properties were owned and possessed by Ramappa. Admittedly, there is no pleading in regard to the proposed documents i.e., mortgage deeds alleged to have been executed by Ramappa and Ramaiah.

13.3. Admittedly, the plaintiff had an opportunity to produce all these documents and further, from the perusal of the affidavit, it does not disclose that when the plaintiff had met his relatives and his relatives have informed about this mortgage deed. The suit was filed in the year 2007 and the said suit was decreed vide judgment dated



16.06.2012. The plaintiff filed an appeal in R.A.No.303/2012 and the said appeal was dismissed vide judgment dated 30.11.2015. The plaintiff filed this appeal on 20.02.2016 and the present application is filed in the year 2019. The plaintiff filed this application only with an intention to fill up the lacuna. In view of the proposition of law laid down by the Hon'ble Apex Court in the case of **N.KAMALAM (DEAD) AND ANOTHER Vs. AYYASAMY AND ANOTHER** REPORTED IN **(2001) 7 SCC 503** held that "the provision of Rule 27 are not designed to help the parties patch up weak points and make up for omissions made earlier. Jurisdiction of the appellate Court is restricted to permitting such additional evidence as would enable it to pronounce judgment." Further, it is also held that after production of additional evidence in the First Appellate Court, oral evidence after long gap held that Court must always be cautious about allowing application seeking to quash to adduce the additional evidence, particularly in the form of oral evidence, after a long interval between



the decree and the application. The application was made 10 years after the decree and held that the High Court was justified in dismissing the application.

13.4. Admittedly, in the instant case, the decree was passed by the trial Court on 16.06.2012 and the present application is filed in 2019 i.e., on 26.07.2019 that is after lapse of more than 7 years from the date of passing the decree.

13.5. Considering the mandate laid down by the Hon'ble Apex Court in the case of **N. KAMALAM** (Supra), the application filed by the plaintiff under Order XLI Rule 27 of CPC, deserves to be rejected.

14. Accordingly, I proceed to pass the following:

ORDER

- i. The Regular Second Appeal is ***dismissed.***



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- ii. The judgments and decree passed by the
Courts below are hereby confirmed.
- iii. Consequently, I.A.No.1/2019 is rejected.
- iv. No order as to the cost.
- v. Pending application/s, if any, shall stand
disposed of.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**

PA, SSB