



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL NO. 494 OF 2017 (PAR-)

BETWEEN:

1. SMT. PARVATHAMMA
D/O MUNIKRISHNAPPA,
AGED ABOUT 42 YEARS,
RESIDING AT RAMENAHALLI VILLAGE,
KASABA HOBLI,
MALUR TALUK.
2. SMT RADHA
D/O MUNIKRISHNAPPA,
AGED ABOUT 32 YEARS,
RESIDING AT RAMENAHALLI VILLAGE,
KASABA HOBLI,
MALUR TALUK.

...APPELLANTS

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(BY SRI. SHIVARAMA BHAT O.,ADVOCATE)

Location:
HIGH
COURT OF
KARNATAKA

AND:

1. MUNIKRISHNAPPA
S/O GANGAPPA,
AGED ABOUT 69 YEARS,
RESIDING AT RAMENAHALLI VILLAGE,
KASABA HOBLI,
MALUR TALUK.



2. SMT VENKATAMMA
W/O MUNIKRISHNAPPA,
AGED ABOUT 62 YEARS,
RESIDING AT RAMENAHALLI VILLAGE,
KASABA HOBLI,
MALUR TALUK.

3. SMT MUNILAKSHMAMMA
D/O MUNIKRISHNAPPA,
AGED ABOUT 37 YEARS,
RESIDING AT RAMENAHALLI VILLAGE,
KASABA HOBLI,
MALUR TALUK.

...RESPONDENTS

(BY SRI.GURURAJ R, ADVOCATE OF SRI SANTOSHA R
NELKUDRI, ADVOCATE FOR R1 AND R3; R2 IS SERVED BUT
UNREPRESENTED)

RSA FILED U/S. 100 OF CPC., AGAINST THE JUDGEMENT
AND DECREE DTD 27.09.2016 PASSED IN R.A.NO. 93/2014 ON
THE FILE OF THE SENIOR CIVIL JUDGE, MALUR, DISMISSING
THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE
DTD 15.09.2014 PASSED IN OS.NO.297/2010 ON THE FILE OF
THE II ADDITIONAL CIVIL JUDGE AND JMFC., MALUR.

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

CORAM: **HON'BLE MR. JUSTICE V SRISHANANDA**



ORAL JUDGMENT

Heard Sri Shivarama Bhat O., learned counsel appearing for the appellants, Sri Gururaj R., learned counsel on behalf of Sri Santhosh R.Nelkudri, learned counsel for respondents No.1 and 3.

2. Unsuccessful plaintiffs are the appellants in the second appeal. Facts in the nutshell which are utmost necessary for disposal of the present appeal are as under:

The suit for partition came to be filed by the appellants in O.S.No.297/2010 against the defendants. Among the defendants, first defendant is the father of the plaintiffs. Third defendant is the daughter born to the first defendant through first wife. Second defendant is the wife of first defendant.

3. The properties involved in the suit is mentioned hereunder and hereinafter referred to as suit properties:



SCHEDULE

1) Land bearing Sy.No.53/P5 measuring 01.35 acres situated at Ramenahalli Village Kasaba Hobli, Malur Taluk bounded on:

East by Burial ground and road

West by Narasamma

North by Road

South by Somanna.

2) Katha bearing No.17 Janjar No.17 a stone roofed house measuring East to West 34 feet, North to South 48 feet bounded on:-

East by Ramadasappa

West by Road,

North by Road,

South by Venktaramanappa's Vacant place situated at Ramenahalli Village, Kasaba Hobli, Malur (T).

4. According to the plaint averments, the suit properties are granted to first defendant. Therefore, the



plaintiffs being the daughters of first defendant, they are also having right in respect of the suit property.

5. Pursuant to the suit summons, defendants entered appearance and registered the suit by filing detailed written statement.

6. Learned trial Judge after raising necessary issues and on recording the evidence of the parties, heard the arguments of the parties and by cumulative consideration of oral and documentary evidence placed on record dismissed the suit of the plaintiff.

7. Being aggrieved by the same, plaintiffs filed an appeal before the First Appellate Court in R.A.No.93/2014.

8. Learned Judge in the First Appellate Court after securing the records, heard the arguments of the parties in detail and on re-appreciation of the material on record, dismissed the appeal of the plaintiffs and confirmed the dismissal of the suit before the Trial court. Being further aggrieved by the same, Plaintiffs have filed the present second appeal.



9. Sri. O. Shivarama Bhat, learned counsel for the appellants reiterating the grounds urged in the appeal memorandum would contend that both the courts have not taken into consideration the contents of the compromise petition, wherein, the first defendant disowned the fact that he is the owner of the suit property though it has been granted to him and thus sought for admitting the appeal for further consideration.

10. Per contra, Sri Gururaj R., learned counsel for the respondents No.1 and 3, supports the impugned judgment.

11. Having heard the arguments of both sides, this Court perused the matter on record meticulously.

12. On such meticulous consideration, the appeal has to fail for more than one reason. Firstly, if the contents of the plaint is taken into consideration that the suit properties are granted to the first defendant, during the lifetime of father, the plaintiffs being the daughters cannot maintain the suit for partition.



13. Secondly, irrespective of the contentions taken in the written statement, unless the plaintiffs make out a case that they have a right to seek for partition, the dismissal of the suit though assigned with several other reasons would not require any further consideration before this Court in the second appeal as there is no substantial question of law involved.

14. Accordingly without expressing further opinion on the merits of the matter following:

ORDER

Appeal is ***dismissed.***

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