

Reserved on: 25.04.2026
Pronounced on: 03.09.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

REGULAR SECOND APPEAL NO. 1192 OF 2022 (PAR)

BETWEEN:

1. SRI E NARAYANAPPA
S/O LATE C. ERAPPA
AGED ABOUT 69 YEARS
SRI LAKSHMINARASHIMA SWAMY NILAYA
NEAR PETROL BUNK
SIDLAGHATTA
PIN CODE – 562 102.

...APPELLANT

(BY SRI. B K CHANDRASHEKAR, ADVOCATE)

AND:

1. SMT SUNANDAMMA
W/O LATE E ANANDA
AGED ABOUT 67 YEARS,
2. SRI P A LOKESH
S/O LATE E ANADNA
AGED ABOUT 45 YEARS,
3. SRI P A SHIVA KUMAR

S/O LATE E ANANDA
AGED 43 YEARS,
SINCE DEAD, REPRESENTED BY LRS.

3A. SMT. YASHODHA C.,
W/O LATE P A SHIVA KUMAR,
AGED ABOUT 38 YEARS,
R/O NO.70, PINDIPAPANAHALLI VILLAGE,
SIDLAGHATTA TALUK, KOTHNUR,
CHIKKABALLAPUR – 562 105.

3B. KUM. CHARVI P S,
D/O LATE SHIVA KUMAR P A
AGED ABOUT 13 YEARS,
R/O NO.31, SLN NILAY
2ND MAIN, GOPAL REDDY LAYOUT
BANASWADI, BANGALORE NORTH,
BENGALURU, KARNATAKA – 560 043.

4. SRI P NARENDRA
S/O LATE E ANANDA
AGED ABOUT 47 YEARS,

ALL ARE R/O NO.31,
SLN, NILAYA, 2ND MAIN ROAD,
GOPALA REDDY LAYOUT,
BANASAWADI, BANGALORE – 560 043.

5. SMT ANJINAMMA
W/O LATE C ERAPPA

AGED ABOUT 80 YEARS
R/AT PINDIPAPANAHALLI VILLAGE
KOTHANUR POST
SIDLAGHATTA TALUK
CHIKKABALLAPURA DIST.,
PIN CODE – 102.

6. SMT. JAYAMMA
W/O SEETHAPPA
D/O LATE C ERAPPA
AGED ABOUT 65 YEARS
R/AT NO.3, 5TH CROSS
5TH MAIN, GANGANAGAR
BANGALORE – 032.
7. SMT. RATHNAMMA
W/O SONNAPPA REDDY
D/O LATE C ERAPPA
AGED ABOUT 63 YEARS
R/AT NO.25 (24/1)
1ST CROSS, 2ND BALAPPA LAYOUT
KORAMANGALA ROAD
ADUGODI, BANGALORE
PIN CODE 030.
8. SRI RAM REDDY
S/O LATE C ERAPPA
AGED ABOUT 63 YEARS
AGRICULTURE BY PROFESSION
R/AT PINDIPAPANAHALLI VILLAGE

KASABA HOBLI
SIDLAGHATTA TALUK
PIN CODE – 562 105.

8A. SMT. BAGYAMMA,
W/O. LATE P E RAMA REDDY,
AGED ABOUT 58 YEARS,
R/O PINDIPAPANAHALLI VILLAGE,
KASABA HOBLI, SIDLAGHATTA TALUK,
CHIKKABALLAPURA DISTRICT – 562 105.

8B. MISS. SOWJANYA P.R.,
D/O. LATE P E RAMAREDDY,
AGED ABOUT 17 YEARS
R/O. PINDIPAPANAHALLI
KASABA HOBLI, SIDLAGHATTA TALUK,
CHIKKABALLAPURA DISTRICT – 562 105.

...RESPONDENTS

(BY SRI. K V LOKESH, ADVOCATE FOR R1, R2, R3(A & B),
C/R4, R6 AND R7;
SRI B.G. NANJUNDARADHYA, ADVOCATE FOR R8(A);
R8(B) IS MINOR REPT. BY R8(A)

THIS RSA IS FILED UNDER SECTION 100 OF CPC,
AGAINST THE JUDGMENT AND DECREE DATED 21.04.2022
PASSED IN RA NO.33/2018 ON THE FILE OF THE II
ADDITIONAL DISTRICT AND SESSIONS JUDGE,
CHIKKABALLAPURA, SITTING AT CHINTAMANI, DISMISSING
THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE
DATED 16.11.2017 PASSED IN O.S.NO.73/2006 ON THE FILE
OF THE SENIOR CIVIL JUDGE AND JMFC, SIDLAGHATTA.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

C.A.V. JUDGMENT

Heard Sri B.K. Chandrashekar, learned counsel for the appellant; Sri K.V. Lokesh, learned counsel for respondent Nos.1, 2, 3(a & b), caveat-respondent No.4, 6 and 7; and Sri B.G. Nanjundaradhya, learned counsel for respondent No.8(a). Respondent No.8(b) is a minor, represented by respondent No.8(a).

2. This appeal by defendant No.2/appellant impugns the judgment and decree in O.S.No.73/2006 dated 16.11.2017 on the file of the Senior Civil Judge & JMFC, Sidlaghatta (for short, 'the trial Court'), and the judgment and decree in R.A.No.33/2018 dated 21.04.2022 on the file of the II Addl. District Judge, Chikkaballapur, sitting at Chintamani (for short, 'the appellate Court').

3. The following substantial questions of law are raised in the appeal:

- "(a) Whether the trial Court is justified in holding that the document in Ex-P1 i.e., Genealogical tree, is proved in the absence of any material evidence or documents?*
- (b) Whether the 1st Appellate court is justified in proceedings to confirm the judgment and decree of the Hon'ble trial court holding that the issue No 1 itself is not sufficient to prove EX-P-1. The Genealogical tree while confirming the judgment and decree of the Hon'ble trial court.*
- (c) Whether the Hon'ble Trial court is justified in decreeing the suit and whether the Hon'ble first Appellate court is justified in confirming the same, even though the Plaintiffs have failed to establish their claim by cogent evidence both oral and documentary evidence?*
- (d) Whether the 1st Appellate court is justified in accepting the judgment and decree of the trial court even though the 1st Appellate court held that it is incumbent on the parties to prove every link thoroughly and even if one link is found to be missing, then in the eye of law, the genealogical tree Ex P 1 cannot said to have been proved?.*
- (e) Whether the judgment and decree passed by the Hon'ble trial court and 1st Appellate court are justified in the absence of cogent evidence and document?*
- (f) Whether the Hon'ble trial court and 1st Appellate court are justified in holding that the plaintiffs are in joint possession of the suit schedule properties and are entitled to partition of the Suit Schedule Properties in the absence of evidence on record?*
- (g) Whether the Hon'ble trial court and the Hon'ble 1st Appellate court are justified in holding that the relationship between the parties are proved, in the absence of plaintiffs not proving the Genealogical tree, EX-P-1?.*
- (h) Whether the 1st Appellate court is justified in confirming the judgement and decree of the trial court, when the 1st Appellate court didn't choose to*

accept the findings of the trial court in respect of crucial documents like Ex P-1?

- (i) Whether the Hon'ble trial court and 1st Appellate court are justified in not giving any finding on the Documents relied upon/ produced by the Defendants/Respondents, marked as Ex D-1, Ex D-2 & Ex D-3?*
- (j) Whether the Hon'ble trial court is justified in not dealing the issue No 1 independently, when the defendant No 1 has categorically denied the relationship of deceased E.Ananda with him and when other issues are depending upon the findings of the Issue No 1?*
- (k) Whether the Hon'ble trial court and the 1st Appellate court are justified in not considering the documents Ex D-1, Ex-D-2, & Ex-D-3, when these documents were unopposed by the Plaintiffs?*
- (l) Whether the Hon'ble Trial court and the 1st Appellate court are justified in rejecting the EX- P 50 & EX-P 51 by reasoning that exhibits have no evidentiary value in the eye of law, in-spice of accepting EX- P 1, even though the person who has issued the Genealogy or the witness who have signed the Genealogy having not been examined?*
- (m) Whether the trial court and 1st Appellate courts are justified in holding that the documents produced by the Plaintiffs viz Ex P-1 to Ex-P 64 are all established knowing fully well that mere production of documents itself is not sufficient to say that documents are proved, when it is seriously disputed by the other side?*
- (n) Whether the Hon'ble Trail court and 1st Appellate court are justified in decreeing the suit in favour of the Plaintiffs knowing fully that the Plaintiffs have not established their claim by preponderance of probability, as the burden of proving all the issues were casted only on the Plaintiffs?*
- (o) Whether the Hon'ble Trial Court is justified in taking note of EX-P49, a sale deed executed by E.Ananda to establish the relation with Defendant*

No 1, when the Defendants are not parties to the deed?

(p) Whether the Hon'ble Trial court is justified in its reasoning for not accepting the documents like EX-P 50 & EX- P 51 though accepted Ex-P-1 Genealogical Tree?"

4. The parties are referred to as per their ranks before the trial Court, for the convenience of reference.

5. Late Narayanappa was the propositus of the joint Hindu family. He had three sons, namely, Erappa (defendant No.1), late Sri C. Narayanappa, and late Sri C. Muniswamappa. The members of the family had effected a registered partition during the year 1964-65.

5.1 The plaintiffs are the wife and children of E. Ananda, who is claiming to be the son of defendant No.1-Sri C. Erappa. Defendant No.2 is the brother of E. Ananda. Defendant No.3 is the son of defendant No.1 from his second wife.

5.2 The plaintiffs pleaded that the suit properties are the joint family properties of the plaintiffs and defendants, and claimed 1/3rd share in the suit properties. It is specifically pleaded that E. Ananda is the son of the first defendant. It is pleaded that the first defendant had two elder brothers, namely, C.

Narayanappa and C. Muniswamappa. The elder brother, C. Narayanappa, admitted the deceased E. Ananda to primary school and, out of love and affection, the name of E. Ananda's father was entered as C. Narayanappa due to illiteracy and ignorance. It is pleaded that the other documents substantiate that E. Ananda is the son of the first defendant.

5.3 Defendant Nos.1 to 3 filed their written statement, contending that deceased E. Ananda is not the son of C. Erappa, the first defendant. As per the school and service records, E. Ananda is the son of one Narayanappa, brother of the first defendant. It is contended that E. Ananda studied up to PUC, joined the Revenue Department as a Village Accountant, and retired from service. It is contended that, in the school and service records, Narayanappa is mentioned as his father.

5.4 During the pendency of the suit, the first defendant died. His second wife and two daughters were impleaded as defendant Nos.1(a) to 1(c), and they adopted the written statement already filed by the first defendant.

5.5 The trial Court framed the following issues:

- "1. *Whether the plaintiff proves that the G-Tree shown in para 2 of plaint are correct?*
2. *Whether the plaintiff proves that the suit schedule properties are the joint family properties of plaintiff and defendants?*
3. *Whether the plaintiff proves that they have got a right of 1/3rd share in the suit schedule properties?*
4. *What order or decree?"*

6. The trial Court, considering the oral and documentary evidence on record, held that the plaintiffs have proved the relationship between deceased E. Ananda and defendant No.1, and also proved that the suit properties are the joint family properties of the plaintiffs and defendants. The trial Court decreed the suit, entitling the plaintiffs to 1/5th share in the suit properties by metes and bounds.

6.1 The judgment and decree in O.S.No.73/2006 came to be challenged only by defendant No.2. The appellate Court held that the oral and documentary evidence before the Court is sufficient to establish that E. Ananda is the natural son of C. Erappa, deceased defendant No.1. Accordingly, the appellate Court dismissed the appeal.

7. Sri B.K. Chandrashekar, learned counsel appearing for the appellant, submits that the exhibits in the 'D' series establish the relationship between the plaintiffs and defendant No.1. Both the Courts below, without considering the said exhibits, have arrived at a conclusion contrary to the evidence on record. It is submitted that both the Courts below have considered unproved documents in contravention of the provisions of the Evidence Act.

7.1 It is further submitted that both the Courts below committed an error in taking note of Ex.P.49-certified copy of sale deed, allegedly executed by E. Ananda, wherein C. Erappa, defendant No.1, is shown as his father, and the same is not substantiated. The reliance placed on the invitation card, which is neither a public document nor authenticated, is incorrect. It is submitted that the finding recorded by both the Courts below is contrary to the evidence on record.

8. Sri K.V. Lokesh, learned counsel appearing for respondent Nos.1, 2, 3(a & b), caveat-respondent No.4, 6 and 7-plaintiffs in the suit, submits that defendant No.1 had signed the common written statement. It is submitted that defendant No.1 could not prove the pleadings in the written statement, as he

died much prior to the recording of evidence. It is submitted that the order passed by the trial Court directing the conduct of a DNA test could not be complied with due to the non-cooperation of defendant No.1. It is submitted that, though the said direction for conducting the DNA test was questioned before this Court, the same came to be withdrawn.

8.1 It is further submitted that, in view of the non-cooperation of defendant No.1 in providing blood samples for the DNA test, the trial Court has drawn an adverse inference. It is submitted that the concurrent finding recorded by both the Courts below is based on the evidence duly proved on record. It is submitted that no question of law arises for consideration of this Court.

9. Considered the submissions of the learned counsel for both the parties and perused the record.

10. Both the parties have extensively relied on multiple documents to prove their respective cases. The parties have pleaded that the propositus, late Sri Narayanappa, had three children, namely, C. Narayanappa, C. Erappa and C. Muniswamappa. The plaintiffs are claiming to be the wife and children of E. Ananda, son of C. Erappa, whereas the

defendants have contended that E. Ananda was the son of C. Narayanappa and have relied upon certain documents in support of their respective contentions.

11. A common written statement has been filed by defendant Nos.1 to 3, contending that E. Ananda is not the son of C. Erappa, but is the son of C. Narayanappa. Plaintiff No.1 has entered the witness box and marked Exs.P1 to P64. PW.2 to PW.4, residents of the village, have been examined. It is stated by the witnesses that E. Ananda is the son of C. Erappa and that the suit properties are ancestral and joint family properties of the plaintiffs and defendants. The cross-examination has not elicited any material contradiction.

12. PW.5 is the daughter of C. Erappa, who was subsequently impleaded as defendant No.1(b). PW.5 has stated that plaintiff No.1 is the wife and plaintiff Nos.2 to 4 are the sons of E. Ananda, son of Erappa. It is admitted that PW.5 is the daughter of C. Erappa through his first wife. It is further stated that defendant No.3 is the son of C. Erappa through his second wife. In cross-examination, PW.5 has admitted the second marriage of her father during the lifetime of her mother, defendant No.1(a).

13. PW.6 is also the daughter of defendant No.1-C. Erappa and has deposed that E. Ananda is the son of C. Erappa through his first wife. PW.5 and PW.6 are sisters of E. Ananda and have categorically stated that E. Ananda is the son of C. Erappa.

14. Ex.P1 is the G-Tree; however, the correctness of Ex.P1 is disputed. Ex.P49 is the certified copy of sale deed dated 09.10.2002, which records E. Ananda as the son of Chikkmane Erappa, namely, defendant No.1. Ex.P50 is the affidavit of defendant No.1 dated 19.08.2004, admitting E. Ananda as his son and stating that recording the name of C. Narayanappa in the place of the father's name was incorrect. Ex.P51 is a similar affidavit of C. Narayanappa dated 19.08.2004, stating that E. Ananda is the son of C. Erappa. However, it is stated that, in view of the joint family, the name of the father was wrongly recorded as C. Narayanappa in the school records and the same continued in the service records. It is further stated that the name of C. Erappa was rightly recorded as the father of E. Ananda in the ration card and election identity card.

15. Ex.P52 is the marriage invitation card of E. Ananda, recording the father's name as Chikkmane Erappa. Ex.P53 is

the passbook issued by Canara Bank, recording E. Ananda as the son of C. Erappa, dated 03.06.1975. Ex.P54 is the bank passbook of Kolar Gramina Bank dated 31.08.2002, recording E. Ananda as the son of C. Erappa. Ex.P55 is the voter ID card issued by the Election Commission of India, recording E. Ananda as the son of Erappa. Ex.P56 is the membership card issued by the Vokkaligara Sangh, recording E. Ananda as the son of C. Erappa. Ex.P57 is the driving licence issued by the Indian Union, Karnataka State, in the year 1984, recording E. Ananda as the son of C. Erappa.

16. The plaintiffs filed P & SC No.4/2004 under Section 372 of the Indian Succession Act, seeking issuance of a succession/legal heir certificate. The Civil Court declared the plaintiffs as the legal heirs of deceased E. Ananda and issued a succession certificate.

17. Ex.P64 is the surety document executed by C. Erappa, E. Ananda and C. Narayanappa for raising a loan. Ex.P64 bears the signatures of all three, including defendant No.1 and defendant No.2. E. Ananda is recorded therein as the son of C. Erappa, aged 34 years. This document is dated 25.08.1981. All three have affixed their signatures to the said document, which

was executed on stamp paper. The said document, therefore, also supports the case of the plaintiffs.

18. The defendants have extensively relied upon the documents marked in the 'D' series. Ex.D1 is the admission extract issued by the school, recording the admission of E. Ananda in the year 1960-61. In the said document, the father's name and occupation are recorded as Narayanappa, Agriculture. Ex.D2 is the service record, recording Narayanappa as the father of E. Ananda. Similarly, Ex.D3 is the SSLC marks card, recording E. Ananda as the son of Narayanappa.

19. The documents in the 'D' series cannot be accepted as conclusive, in view of the evidence of PW.5 and PW.6, who are the siblings/sisters of defendant Nos.2 and 3 and daughters of defendant No.1-C. Erappa. PW.5 and PW.6 have categorically stated that E. Ananda is the son of C. Erappa.

20. C. Narayanappa has filed an affidavit as per Ex.P51, stating the circumstances under which the father's name of E. Ananda was recorded as Narayanappa. The contents of Ex.P51 cannot be doubted, in view of the identical statement made by C. Erappa as per Ex.P50. Further, Ex.P52 is the marriage

invitation card of E. Ananda, whose marriage was held on 07.03.1973.

21. If the evidence of PW.5 and PW.6 is considered along with Exs.P50, P51, P52, P53, P54, P55, P56 and P57, it clearly establishes that E. Ananda is the son of C. Erappa. Moreover, Exs.P55 and P57 are issued by Government authorities, and Exs.P53 and P54 are issued by banks. Ex.P59 also supports and proves the case of the plaintiffs.

22. Ex.P64 is the document bearing the signatures of defendant No.1 and defendant No.2, along with that of E. Ananda, recording E. Ananda and defendant No.2 as the sons of C. Erappa. The said document further strengthens the case of the plaintiffs.

23. The entry of C. Narayanappa as the father of E. Ananda in the documents in the 'D' series is satisfactorily and sufficiently explained, which cannot be disbelieved. It is common in larger joint families that children are admitted to schools by the elder members of the family. In the present case, C. Narayanappa, being the elder brother, had admitted E. Ananda to the school. The explanation for mentioning C. Narayanappa as the father cannot, in the facts and circumstances of the present case, be

doubted. It is the very explanation provided by C. Narayanappa in his affidavit and the case pleaded by the plaintiffs, which is supported by the evidence of PW.2 to PW.4, the residents of the same village, who are familiar with the family of the plaintiffs and defendants.

24. The trial Court, based on the aforesaid evidence, rightly held that the evidence conclusively proved the relationship of E. Ananda with defendant No.1. Considering that the suit properties were the joint family properties of the plaintiffs and defendants, the trial Court declared the plaintiffs entitled to 1/5th share in the suit schedule properties by metes and bounds.

25. The appellate Court, on re-appreciation of the evidence, held that the plaintiffs had proved the relationship of E. Ananda with defendant No.1. In reaching such conclusion, the appellate Court has extensively appreciated the evidence on record.

26. Both the Courts below have recorded concurrent findings based on the evidence on record. The judgments of both the Courts do not suffer from any infirmity or error, as the findings are founded on the evidence duly proved on record. The finding

recorded by both the Courts below is based on the evidence available on record.

27. This Court does not find any substantial question of law arising for consideration in the present appeal. The finding recorded by both the Courts below remains a finding of fact. In the absence of any substantial question of law arising from the impugned judgments and decrees, the appeal cannot be entertained.

Accordingly, the appeal is ***dismissed***.

**Sd/-
(K. V. ARAVIND)
JUDGE**

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