



CNR: KAHC010443312023

NC: 2026:KHC:38311
RSA No. 1504 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL NO. 1504 OF 2023

BETWEEN:

SRINIVASA DEVADIGA
SINCE DEAD BY HIS LRS

1. REVATHI
AGED ABOUT 48 YEARS,
D/O LATE SRINIVASA DEVADIGA,

2. RAGHAVINDRA
AGED ABOUT 45 YEARS,
S/O LATE SRINIVASA DEVADIGA,

3. VASATHI
AGED ABOUT 40 YEARS,
D/O LATE SRINIVASA DEVADIGA,
ALL ARE R/AT 1, DARALIBETTU,
THEKKATE VILLAGE AND POST,
KUNDAPURA TALUK-576201..

...APPELLANTS

(BY SRI. K SHRIHARI., ADVOCATE)

AND:

SMT. BADRI @ SHARADA
D/O HOLEYA POOJARY
JANATHA COLONY,
JAPTHI VILLAGE AND POST,
KUNDAPURA TALUK-576201..

...RESPONDENT

(BY SRI. PRASANNA V R., ADVOCATE)

Digitally
signed by
JUANITA
THEJESWINI
Location:
HIGH
COURT OF
KARNATAKA



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THIS RSA IS FILED UNDER SECTION 100 OF CPC, AGAINST THE JUDGMENT AND DECREE DATED 14.03.2023 PASSED IN RA NO.23/2014 ON THE FILE OF THE SENIOR CIVIL JUDGE, KUNDAPURA, DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 10.04.2014 PASSED IN OS.NO.139/2011 ON THE FILE OF THE II ADDITIONAL CIVIL JUDGE AND JMFC, KUNDAPURA AND ETC.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL JUDGMENT

Heard on I.A.No.1/2026, which is filed under Section 151 read with Order XXII Rule 9 of CPC., seeking leave of this Court to prefer this appeal.

2. Sri. K. Shrihari, learned Counsel for the appellants would submit that the sole appellant/plaintiff, who has filed a suit in O.S.No.139/2011 had died on 14.08.2022.

3. It is noticed that the legal representatives of the deceased sole appellant have not been brought on record before the First Appellate Court and without intimation to the First Appellate Court about the death of the appellant, the impugned judgment and decree came to be passed on



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merits by the First Appellate Court in R.A.No.23/2014, on 14.03.2023.

4. It is well settled principles of law and requires no emphasis that a judgment against a dead person is a nullity. Therefore, for the limited extent of setting aside judgment of the First Appellate Court, I.A.No.1/2026 needs to be allowed. Accordingly I.A.No.1/2026 is allowed.

5. Further, by the consent of the parties, matter is heard on the merits.

6. Sri. K. Shrihari, learned Counsel for the appellants and Sri.Prasanna V.R., learned Counsel for the respondent would submit that since the First Appellate Court proceeded to pass the judgment without bringing the legal representatives of the sole appellant, of course, the death of sole appellant was not intimated to the First Appellate Court, the judgment needs to be set aside.

7. Sri.Prasanna, learned Counsel for the respondent would add that though cross-objection was filed, there is



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no reference in the impugned judgment about the validity of the cross-objection and therefore, to that extent the respondent is also aggrieved by the impugned judgement of the First Appellate Court.

8. Since the judgment of the First Appellate Court is a nullity, without expressing any opinion on the merits of the matter, the impugned judgment needs to be set aside and matter is to be remitted to the First Appellate Court for fresh disposal in accordance with law after arraigning the legal representatives of the deceased sole appellant on record, who are the appellants before this Court and thereafter, proceed with the case in accordance with law.

9. Accordingly, the following:

ORDER

- (i) Regular Second Appeal is allowed.
- (ii) The judgment and decree dated 14.03.2023 passed in R.A.No.23/2014 on the file of Senior Civil Judge and CJM, Kundapura, is hereby set aside.



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(iii) The matter is remitted to the First Appellate Court for fresh consideration.

(iv) Appellants are hereby directed to file necessary applications to bring the legal representatives of deceased sole appellant on record.

(v) If such applications are filed, the First Appellate Court shall allow such applications and thereafter, pass necessary orders in accordance with law on the merits of the appeal including cross-appeal.

(vi) Parties shall appear before the First Appellate Court without further notice on **17th August, 2026.**

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