



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

REGULAR SECOND APPEAL NO. 1961 OF 2016 (DEC)

BETWEEN:

1. THE CHIEF SECRETARY
GOVERNMENT OF KARNATAKA,
VIDHANA SOUDHA,
BANGALORE - 1.
2. THE DEPUTY CONSERVATOR OF FORESTS
HUNSUR DIVISION,
HUNSUR-571 105.
3. THE RANGE FOREST OFFICER
(PLANTATION),
HUNSUR - 571 105.

...APPELLANTS

(BY SRI. K. KENCHEGOWDA, AGA)

AND:

H.S. MADHAVA BHAT
AGED 78 YEARS,
NILAVAGILUKAVAL,
HALAGERE,
HANAGODU HOBLI,
HUNSUR TALUK - 571 105.

...RESPONDENT

(BY SRI. V. VINAY RAGHAVENDRA, ADVOCATE)



THIS RSA IS FILED U/S. 100 OF CPC., PRAYING TO SET-
ASIDE THE IMPGUNED JUDGEMENT & DECREE DATED
06.04.2016 PASSED BY THE VIII ADDITIONAL DISTRICT AND
SESSIONS JUDGE, MYSURU, SITTING AT HUNSUR IN
R.A.NO.692/2014 AND ALSO SET ASIDE THE ORDER DATED
13.03.2014 PASSED ON IA.NO.3 IN EXECUTION NO.25/2011
ON THE FILE OF THE CIVIL JUDGE AND JMFC., HUNSUR BY
ALLOWING THE ABOVE APPEAL WITH EXEMPLARY COSTS.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL JUDGMENT

In this Appeal, the appellants - State are assailing
the Judgment and Decree dated 06.04.2016 passed in
R.A.No.692/2014 on the file of VIII Additional District and
Sessions Judge, Mysuru, sitting at Hunsur, dismissing the
appeal and confirming the order dated 13.03.2014 passed
on application filed by the objectors therein under Section
47 read with Order XXI Rule 99 to 101 of Code of Civil



Procedure, 1908, in Execution No.25/2011 on the file of Civil Judge and JMFC, Hunsur, confirming the judgment and decree in O.S.No.137/1995.

2. For the sake of convenience, parties are referred to as per their ranking before the Trial Court.

3. It is the case of the plaintiff in O.S.No.137/1995 seeking relief of declaration of title and possession in respect of the land bearing Sy.No.49, measuring 2 acres 32 guntas and land bearing Sy.No.50, measuring 2 acres 31 guntas of Angatahalli Village at Hunsur Taluk, Mysuru District and the said suit came to be dismissed as per the judgment and decree dated 19.04.2002. Feeling aggrieved by the same, the plaintiff has preferred R.A.No.40/2002 before the First Appellate Court and the First Appellate Court by judgment and decree, allowed the appeal consequently setting aside the judgment and decree in O.S.No.137/1995. Feeling aggrieved by the same, the appellants herein have preferred R.S.A.No.1927/2008



before this Court, which came to be dismissed. Thereafter, the plaintiff has preferred Execution No.25/2011 and in the said Execution Proceedings, the appellants herein have been arrayed as the Judgment Debtors. During the pendency of the proceedings, the Judgment Debtors have preferred an application, I.A.No.I under Order XXI Rule 90 and 96 of CPC seeking enquiry and further seeking declaration that the judgment and decree in O.S.No.137/1995 on the file of the Trial Court is nullity in law. The said application was dismissed by the Execution Court by order dated 20.12.2013. It is also to be noted that, the Judgment Debtor No.2 has filed an application in I.A.No.III as an Objector seeking identical relief of challenging the judgment and decree in R.A.No.40/2002 on the file of the First Appellate Court which came to be dismissed on 13.03.2014. Feeling aggrieved by the same, the Judgment Debtors have preferred this appeal.

4. Heard Sri. H.K. Kenchegowda, learned Additional Government Advocate appearing for the



appellants and Sri. V. Vinay Raghavendra, learned counsel appearing for the respondent.

5. It is argued by the learned Additional Government Advocate appearing for the appellants that both the Courts below have committed an error in arriving at a conclusion that the land in question belongs to the plaintiff despite the fact that the land in question are forest lands and the revenue authorities have granted the suit lands in favour of the plaintiff without considering the fact that the land in question is forest lands and therefore, sought for interference of this Court.

6. In the light of the submissions made by the learned counsel appearing for the parties, it is not in dispute that the plaintiff has preferred O.S.No.137/1995 before the Trial Court seeking relief of declaration of title and possession in respect of the lands in question and the said suit came to be dismissed on 19.04.2002 and thereafter the plaintiff has preferred R.A.No.40/2002 before the First Appellate Court wherein the First Appellate



Court, allowed the appeal preferred by the plaintiff and the judgment and decree in dismissing the suit in O.S.No.137/1995 has been set aside. Feeling aggrieved by the same, the appellants herein have preferred R.S.A.No.1927/2008 which came to be dismissed by this Court.

7. In that view of the matter, as the judgment and decree passed by this Court in R.S.A.No.1927/2008 reached finality and thereafter the appellants herein have not challenged the judgment and decree in R.S.A.No.1927/2008 before the Hon'ble Supreme Court, I am of the opinion that, there is no perversity in the judgment and decree passed by the First Appellate Court in R.A.No.692/2014 dated 06.04.2016 dismissing the application filed in IA No.1 by the Judgment Debtors to declare that the judgment and decree passed in R.A.No.40/2002 is nullity in law. Therefore, I am of the opinion that the appellants herein have not made out a case for formulation of the substantial question of law as



required under Section 100 of CPC as the judgment and decree passed by this Court in R.S.A.No.1927/2008 has reached its finality.

Accordingly, the Regular Second Appeal is ***dismissed.***

**SD/-
(E.S.INDIRESH)
JUDGE**

KLV
List No.: 1 Sl No.: 31