



CNR: KAHC010458402018

NC: 2026:KHC:40224
RSA No. 39 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL No.39 OF 2018 (SP)

BETWEEN:

SRI RAMANNA BALLYAYA
(SINCE DECEASED BY LR'S)
AGED ABOUT 64 YEARS
S/O NARAYANA BALLYAYA
BALANTHIMOGERU HOUSE
PUNACHA VILLAGE -574 243
BANTWAL TALUK
D.K

1(a) RANJITH .B
S/O LATE RAMANNA BALLYAYA
AGED ABOUT 32 YEARS
BALANTHI MOGERU
MUDAMBAIL
POST -PUNACHA - 574 260
VITLA TALUK
D.K.

...APPELLANT

[BY SRI. CHANDRANATH ARIGA K, ADVOCATE FOR A1(A)]

AND:

1. SRI GOVINDHA BHAT
AGED ABOUT 83 YEARS
S/O RAMA BHAT
CULTIVATOR
KOOJODI OF SAVANNOOR VILLAGE
SAVNOOR POST -574 202
PUTTUR TALUK
DK

Digitally
signed by
MALATESH
K C

Location:
HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:40224
RSA No. 39 of 2018

CNR: KAHC010458402018

- 1(a) SMT. GOWRI
W/O LATE GOVINDA BHAT
AGED ABOUT 96 YEARS
KOOJODI OF SAVANOOR VILLAGE
POST: SAVNOOR – 574 202
PUTTUR TALUK
D.K
2. SRI K RAGHAVA
AGED ABOUT 53 YEARS
HINDU BRAHMIN
C/O K K BELIAPPA NO.4
19TH MAIN, 2ND CROSS,
MUNESHWARA BLOCK
OPP:GANESH TEMPLE
BANGALORE-560 026
3. SRI VISHNU SHARMA
AGED ABOUT 51 YEARS
S/O GOVINDA BHAT
HINDU BRAHMIN
R/A KOOJODI
SAVANOOR VILLAGE AND POST-574 202
PUTTUR TALUK
DK
4. SRI SADASHIVA
AGED ABOUT 42 YEARS
S/O GOVINDA BHAT
HINDU BRAHMIN
R/A KOOJODI
SAVANOOR VILLAGE AND POST-574 202
PUTTUR TALUK
DK
5. SMT JAYALAKSHMI
AGED ABOUT 48 YEARS
D/O GOVINDA BHAT
W/O SHRIDHARA BHAT
HINDU BUNTS



NC: 2026:KHC:40224
RSA No. 39 of 2018

CNR: KAHC010458402018

R/A MITTUR HOUSE
IDKIDU VILLAGE AND POST-574 220
BANTWAL TALUK
D . K

MISS SHEELAVATHI (SINCE DECEASED)
AGED ABOUT 73 YEARS
D/O NARAYANA BALLYAYA
R/A BULERIKATTE
BALANTHMOGERU HOUSE
PUNCHA VILLAGE
MUDAMBAILU POST
BANTWALA TALUKU
D.K

6. MISS LALITHA
AGED ABOUT 48 YEARS
D/O NARAYANA BALLYAYA
BULERIKATTE
BALANTHIMOGERU HOUSE
PUNCHA VILLAGE
MUDAMBAILU POST -574 260
BANTWAL TALUK
D.K

7. SMT NARAYANI
AGED ABOUT 66 YEARS
W/O KRISHNA BALLYAYA
AGED ABOUT 36 YEARS
D/O NARAYANA BALLYAYA
BULERIKATTE
BALANTHIMOGERU HOUSE
PUNCHA VILLAGE
MUDAMBAILU POST-574 260
BANTWALA TALUK
D.K.

8. VISHWANATH
AGED ABOUT 38 YEARS
S/O KUNHANNA BALLYAYA



NC: 2026:KHC:40224
RSA No. 39 of 2018

CNR: KAHC010458402018

R/A MUNDODI
SANTHIGODU VILLAGE AND POST
PUTTUR TALUK-574 202
D.K

9. VITTAL BALLYAYA
AGED ABOUT 46 YEARS
S/O KUNHANNA BALLYAYA
R/A MUNDODI
SANTHIGODU VILLAGE AND POST-574 202
PUTTUR TALUK
DK

10. ANANDA BALLYAYA
AGED ABOUT 44 YEARS

11. DAMODARA BALLYAYA
AGED ABOUT 42 YEARS

12. BALAKRISHNA BALLYAYA
AGED BOUT 40 YEARS

13. YATHISH BALLYAYA
AGED ABOUT 41 YEARS

RESPONDENTS 5 TO 10 ARE
S/O KUNHANNA BALLYAYA
AND LATE SUMATHI
R/AT MUNDODI
POST:SANTHIGODU VILLAGE -574 202
PUTTUR TALUK
DK

14. SMT KUNJAKSHI
AGED ABOUT 78 YEARS
W/O KARISHNA BALLYAYA
D/O NARAYANA BALLYAYA
R/A BULERIKATTE
BALANTHIMOGERU HOUSE
PUNCHA VILLAGE



CNR: KAHC010458402018

NC: 2026:KHC:40224
RSA No. 39 of 2018

MUDAMBAILU POST -574 260
BANTWALA TALUK
DK

15. SMT LAXMI
AGED ABOUT 60 YEARS
D/O NARAYANA BALYAYA
W/O KRISHNA BALYAYA
R/A BULERIKATTE
BALANTHIMOGERU HOUSE
PUNCHA VILLAGE
MUDAMBAILU POST-574 260
BANTWALA TALUK
D.K

...RESPONDENTS

(BY SRI G.RAVISHANKAR SHASTRY, ADVOCATE FOR R2 TO R5;
R6 AND R7 SERVICE HELD SUFFICIENT;
R8 TO R15 NOTICE DISPENSED WITH;
R1(A) SERVED)

THIS RSA IS FILED UNDER SECTION 100 OF C, AGAINST
THE JUDGEMENT AND DECREE DTD 21.09.2017 PASSED IN
R.A.NO.171/2008 ON THE FILE OF THE ADDITIONAL SENIOR
CIVIL JUDGE AND JMFC.,PUTTUR, D.K. ALLOWING THE APPEAL
AND SETTING ASIDE THE JUDGEMENT AND DECREE DTD
02.09.2008 PASSED IN OS.NO.27/1999 ON THE FILE OF THE
PRINCIPAL CIVIL JUDGE (JR.DN) PUTTUR., D.K.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA



CNR: KAHC010458402018

ORAL JUDGMENT

Heard Sri K.Chandranath Ariga, learned counsel for the appellant and Sri G.Ravishankar Shastry, learned counsel for the respondents.

2. Parties are referred to as plaintiffs and defendants as per their original ranking before the Trial Court, for the sake of convenience.

3. Present appeal is filed by the plaintiffs whose suit decreed in O.S.No.27/1999 was dismissed by the judgment of the First Appellate Court in R.A.No.171/2008 for the relief of specific enforcement of agreement of sale.

4. Facts of the case which are utmost necessary for disposal of the present appeal are as under:

4.1 A suit in O.S.No.27/1999 for specific enforcement of an agreement to sell in respect of the following properties hereinafter referred as the 'suit properties' came to be filed by the plaintiffs on the file of the Principal Civil Judge (Junior Division), Putturu, Dakshina Kannada.

*"Property situated in Savanoor village, Puttur Taluk,
within the Puttur Sub Registration Office.*



CNR: KAHC010458402018

NC: 2026:KHC:40224
RSA No. 39 of 2018

<i>S.No./S.D.No.</i>	<i>Kissam</i>	<i>Extent</i>	<i>Assessment</i>
<i>124/1P1 Denoted as 124/1(ಎ) in the RTC</i>	<i>Wet III</i>	<i>0-37</i>	<i>0-98</i>
<i>124/1P3 Denoted as 124/1(ಆ) in the RTC</i>	<i>Wet III</i>	<i>1-68</i>	<i>4-44</i>
<i>124/2P1 Denoted as 124/2(ಇ) in the RTC</i>	<i>Wet III</i>	<i>0-83</i>	<i>0-50</i>
<i>162/2P1 Denoted as 162/2(ಈ) in the RTC</i>	<i>Dry</i>	<i>0-37</i>	<i>0-15</i>

With trees, buildings, kumki rights. Rights of way and water and all other appurtenants thereto."

4.2 The defendants executed an agreement to sell dated 29.12.1984 in favour of the plaintiffs.

4.3 The land was granted to the defendants under the Karnataka Land Reforms Act.

4.4 There was a non-alienation clause. However, when there was no compliance to the clauses in the agreement to sell, a suit for specific enforcement of the agreement to sell came to be filed in O.S.No.27/1999.

5. The suit on contest came to be decreed. Operative portion of the Judgment passed in O.S.No.27/1999 reads as under:



CNR: KAHC010458402018

"The suit filed by the plaintiffs against the defendants is hereby decreed with cost of the suit. The 1st defendant is hereby directed to execute the sale deed by receiving balance amount of Rs.8,000/- from the 1st plaintiff as per the terms of the agreement of sale in relation to plaint 'A' schedule property entered into between 1st defendant and father of plaintiffs by name Narayana Ballaya dated 29.12.1984 within 3 months from the date of this order, failing which the 1st plaintiff is entitled to get the registered sale deed or conveyance in respect of plaint 'A' schedule property through the process of the Court at the cost of the defendants."

6. Being aggrieved by the same, defendants filed appeal in R.A No.171/2008 on the file of the Additional Senior Civil Judge and JMFC, Puttur, Dakshina Kannada.

7. Learned Judge in the First Appellate Court after securing the records did not dismiss the suit on the question of prohibition under Section 61 of the Karnataka Land Reforms Act, but dismissed suit on merits.

8. Being further aggrieved by the same, plaintiffs are before this Court.



9. At the outset, this Court posed the question about the enforcement of the agreement to sell to the learned counsel for appellant.

10. Sri K.Chandranath Ariga, learned counsel, would fairly submit that the principles of law enunciated by the Hon'ble Apex Court in the case of ***Narayanamma and another vs. Govindappa and others*** reported in ***(2019)19 SCC 42*** would be applicable to the case on hand and by the time the matter was disposed of before the First Appellate Court, the said decision had not been passed. Therefore, the Trial Court and the First Appellate Court had recorded divergent opinions on enforcement of contract of agreement to sell.

11. *Per contra*, Sri G.Ravishankar Shastri, learned counsel for the respondents would however contend that prohibition under Section 61 of the Karnataka Land Reforms Act is absolute and any agreement that has been entered into within the period of non-alienation, would be *void ab initio*. Therefore, the contract of agreement to sell suit property is incapable of enforcement and sought for dismissal of the appeal.



**NC: 2026:KHC:40224
RSA No. 39 of 2018**

CNR: KAHC010458402018

12. Having heard the arguments of the parties, in view of the principles of law enunciated by the Hon'ble Apex Court in the case of *Narayanamma* supra, especially paragraph 24, this Court is of the considered opinion that the suit agreement is incapable of enforcement.

13. Insofar as return of advance sale consideration is concerned, parties have already joined issues in another suit in O.S No.89/1999 wherein suitable orders have been passed.

14. As such, the following:

ORDER

Appeal is meritless and is hereby ***dismissed***.

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

kcm
List No.: 1 Sl No.: 33