



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

MISCELLANEOUS SECOND APPEAL NO. 21 OF 2017

BETWEEN:

SRI. ESHWARAIAH,
S/O LATE GANGAPPA,
SINCE DECEASED BY LRS.

1. SMT.SIDDAMMA,
W/O LATE ESHWARAIAH,
AGED ABOUT 72 YEARS.
2. SMT. SARAVAMANGALAMMA,
D/O ESHWARAIAH,
W/O SIDDARAMAIAH,
AGED ABOUT 50 YEARS.
3. SMT. SAROJA G,
D/O ESHWARAIAH,
W/O S.RAJASHEKARAIAH,
AGED ABOUT 49 YEARS.

ALL ARE RESIDENTS OF
AMBALAGERE VILLAGE,
DODDABELAVANGALA HOBLI,
DODDABALLAPURA TALUK,
BANGALORE DISTRICT-561 204.

...APPELLANTS

(BY SRI SHANKARLINGAPPA NAGARAJ, ADVOCATE)

AND:

1. SRI. SHIVAGANGAIAH,
S/O SOMASHEKARAIAH,

Digitally
signed by C
HONNUR SAB
Location:
HIGH COURT
OF
KARNATAKA



AGED ABOUT 65 YEARS,
SINCE DECEASED REP. BY HIS LRS

1(a) SMT K UMA,
W/O LATE SHIVAGANGAIAH,
AGED ABOUT 62 YEARS.

1(b) SRI HEMANTH A S,
S/O LATE SHIVAGANGAIAH,
AGED ABOUT 36 YEARS.

BOTH ARE R/AT NO.5, 4TH CROSS,
GARDEN VILLAS, MARUTHINAGAR,
NAGARABHAVI ROAD,
BANGALORE - 560 072.
(AMENDMENT CARRIED OUT
AS PER COURT ORDER DATED 04.06.2025)

2. SRI MAHALINGAMURTHY
S/O SOMASHEKARAIAH,
AGED ABOUT 60 YEARS,
R/AT AMBALAGERE VILLAGE,
DODABELAVANGALA HOBLI,
DODDABALLAPUR TALUK,
BANGALORE DISTRICT-561 204.

...RESPONDENTS

(R1(A), R1(B) AND R2 ARE SERVED)

THIS MSA IS FILED UNDER ORDER 43 RULE 1(U) OF CPC, 1908, AGAINST THE ORDER DATED 12.08.2015 PASSED IN RA NO.20/2012 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, DODDABALLAPUR, ALLOWING THE APPEAL AND SETTING ASIDE THE JUDGMENT AND DECREE DATED 13.07.2012 PASSED IN OS NO.285/2006 ON THE FILE OF THE PRL. CIVIL JUDGE AND JMFC DODDABALLAPUR.

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



CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL JUDGMENT

This appeal is filed against the judgment and decree dated 12.08.2015 in RA No.20/2012 on the file of the Senior Civil Judge at Doddaballapur. In terms of the said judgment and decree, the appeal is allowed in part and the matter is remitted back to the Trial Court for fresh consideration.

2. The First Appellate Court has set aside the judgment and decree on the premise that the Civil Court has no jurisdiction to decide the case in view of pendency of Form No.7 application before the Land Tribunal under the Karnataka Land Reforms Act, 1961.

3. Learned counsel for the Plaintiff/Appellant would submit that there was no issue relating to tenancy before the Trial Court.

4. The defendant before the Trial Court claimed that her husband was a tenant in respect of the suit schedule property and the claim made by the husband of the defendant for grant of occupancy right was initially granted



by the Land Tribunal and later on a remand by the Court, the matter was considered by the Land Tribunal afresh and same was rejected. Thus it is contended that the order rejecting the claim for grant of occupancy rights has attained finality and the matter could not have been remitted to the trial court.

5. It is his further submission that there was no issue relating to tenancy to be decided by the Civil Court, as such, the order is erroneous.

6. The court has considered the contentions raised by the parties and perused the records.

7. As could be seen from the order dated 04.08.2022 (produced along with the memo dated 16.03.2026) passed by the Land Tribunal, the Form No.7 application filed by the defendants/respondents is rejected by the Land Tribunal. No document is placed on record to show that the said order is called in question or the dispute is still pending consideration.



8. Under these circumstances, the findings of the Appellate Court that the judgment and decree passed by the Trial Court is without jurisdiction is unsustainable.

9. Hence the following:

ORDER

- (i) The appeal is ***allowed.***
- (ii) The judgment and decree dated 12.08.2015 passed by the Senior Civil Judge, Doddaballapur in R.A.No.20/2012 are set-aside.
- (iii) The judgment and decree passed on 13.07.2012 passed by the Principal Civil Judge, Doddaballapura in O.S.No.285/2006 are restored.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

BRN,KMV
List No.: 1 Sl No.: 23