



CNR: KAHC010520562015

NC: 2026:KHC:47923
R.F.A. No.1568/2015
C/W R.F.A. No.1567/2015

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 3RD DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
REGULAR FIRST APPEAL NO.1568/2015 (PAR)
C/W
REGULAR FIRST APPEAL NO.1567/2015 (PAR)

IN R.F.A. No.1568/2015:

BETWEEN:

1. MRS. ZEENA MASCARENHAS
ADULT
D/O LATE PETER D'SOUZA
W/O DR. SEMIRO MASCARENHAS
OPP:ST. ANDREWS CHURCH
MASCARENHAS BUILDING
VASCO-DA-GAMA, GOA-403001.

...APPELLANT

Digitally signed
by RUPA V

Location: HIGH
COURT OF
KARNATAKA

(BY SRI. ANISH ACHARYA, ADV.,)

AND:

1. MRS. AMY R. VASANTH
ADULT
D/O LATE PETER D'SOUZA
W/O LATE RABINDRANATH R. VASANTH
R/AT. JEPPU KUDUPADY ROAD
MANGALORE-575001.
2. MRS. CALINE D'SOUZA (BRIFFA)
ADULT
D/O LATE PETER D'SOUZA
R/AT AUSTRALIA 8 CASTLE ROAD



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WOODLANDS, 6018
WESTERN AUSTRALIA
W/O ADRIN BRIFFA.

3. MRS. STELLA AGNES D'SOUZA
ADULT
W/O LATE JOHN FRANK D'SOUZA
(DAUGHTER-IN-LAW OF LATE
PETER D SOUZA)
R/AT BAJPE, MANGALORE TALUK.
4. MRS. MOLLY D SOUZA
ADULT
W/O LATE GRACIAN N D'SOUZA
(DAUGHTER-IN-LAW OF LATE PETER
D SOUZA), R/AT ALVARIS ROAD
KADRI, MANGALORE-575002.
5. MRS. STELLA D SOUZA
ADULT
W/O LATE DOMINIC PAUL D SOUZA
(DAUGHTER-IN-LAW OF LATE
PETER D SOUZA).
6. MR. VIVIAN D SOUZA
ADULT
S/O LATE DOMINIC PAUL D SOUZA.
7. MRS. ALZIRA MASCARENAHAS NEE D SOUZA
ADULT
W/O ELIAS MASCARENHAS
D/O LATE DOMINIC PAUL D SOUZA.
8. MRS. PALMIRA REGO NEE D'SOUZA
ADULT
W/O SYLVESTER REGO
D/O LATE DOMINIC PAUL D SOUZA.
9. MR. EDWIN D SOUZA PAUL
ADULT



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S/O LATE DOMINIC PAUL D SOUZA.

NO.5 TO 9 ARE R/AT
MARIYA BAKERY HOUSE
NEAR MAHAVEERA CIRLCE
MANGALORE-575 002.

10. MR. UMESH ACHARY
ADULT
S/O YAMUNA ACHARY
ANILA COMPOUND, OMBATTUKERE
ULLAL VILLAGE & POST
MANGALORE TALUK-574159.
11. K.J. THERESIA KUTTI
ADULT
D/O LATE K V JOSEPH
18-54, ANILA COMPOUND
OMBATTUKERE, ULLAL VILLAGE & POST
MANGALORE TALUK-574159.
12. KATHRINE D'SA
ADULT
W/O VALERINE D SA
OMBATTUKERE
ULLAL VILLAGE & POST
MANGALORE TALUK-574159.
13. MRS. MARIYA SOANS
AGED ABOUT 63 YEARS
D/O LATE PETER D SOUZA
INDIAN CHRISTIAN
W/O LATE MR. GRIFFITH SOANS.
14. MISS. DORA D SOUZA
AGED ABOUT 70 YEARS
D/O LATE PETER D SOUZA
INDIAN CHRISTIAN.



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15. MISS. SHARON
ADULT
D/O MR. JAMES FERNANDES (LATE)
AND MRS. GLADYS FERNANDES
INDIAN CHRISTIAN BY G.P.A. HOLDER
NO.1 ABOVE I.E. MRS. MARIYA SOANS.

16. ARUN FERNANDES
S/O LATE MRS. GLADYS FERNANDES
INDIAN CHRISTIAN.

ALL ARE R/AT "SPACE SHIP"
NEERMARGA VILLAGE
PADAMALE POST-575029
MANGALORE TALUK, (D.K DIST).

...RESPONDENTS

(BY SRI. S. RAJASHEKAR, ADV., FOR R13 TO R16
SRI. SANATH KUMAR SHETTY K, ADV., FOR R3 & R6)

THIS RFA IS FILED UNDER SEC.96 AND ORDER XLI RULE
1 CPC, 1908, AGAINST THE JUDGMENT AND DECREE DATED
24.06.2015 PASSED IN O.S.303/2006 ON THE FILE OF THE II
ADDITIONAL SENIOR CIVIL JUDGE, MANGALORE, D.K.,
DISMISSING THE SUIT FOR PARTITION AND SEPARATE
POSSESSION.

IN R.F.A. NO.1567/2015:

BETWEEN:

1. MRS. MARIYA SOANS
AGED ABOUT 63 YEARS
D/O LATE PETER D SOUZA
INDIAN CHRISTIAN
W/O LATE MR. GRIFFITH SOANS.



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2. MISS. DORA D SOUZA
AGED ABOUT 70 YEARS
D/O LATE PETER D SOUZA
INDIAN CHRISTIAN.
3. MISS. SHARON, ADULT
D/O MR. JAMES FERNANDES (LATE)
AND MRS. GLADYS FERNANDES
INDIAN CHRISTIAN BY G.P.A. HOLDER
NO.1, ABOVE I.E. MRS. MARIYA SOANS.
4. ARUN FERNANDES
S/O LATE MRS. GLADYS FERNANDES
INDIAN CHRISTIAN.

ALL ARE R/AT "SPACE SHIP"
NEERMARGA VILLAGE
PADAMALE POST-575029
MANGALORE TALUK, (D.K. DISTRICT).

...APPELLANTS

(BY SRI. S. RAJASHEKAR, ADV.,)

AND:

1. MRS. AMY R. VASANTH
ADULT
D/O LATE PETER D SOUZA
W/O LATE RABINDRANATH R VASANTH
R/AT JEPPU KUDUPADY ROAD
MANGALORE-575001.
2. MRS. CALINE D'SOUZA (BRIFFA)
ADULT
D/O LATE PETER D SOUZA
R/AT AUSTRALIA 8 CASTLE ROAD
WOODLANDS 6018, WESTERN AUSTRALIA
W/O ADRIN BRIFFA.
3. ZEENA MASCARENHAS, ADULT



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D/O LATE PETER D SOUZA
W/O DR. SEMIRO MASCARENHAS
OPP. ST. ANDREWS CHURCH
MASCARENHAS BUILDING
VASCO-DA GAMA, GOA-403001.

4. MRS. STELLA AGNES D SOUZA
ADULT
W/O LATE JOHN FRANK D SOUZA
(DAUGHTER-IN-LAW OF LATE PETER
D SOUZA)
RESIDING AT BAJPET
MANGALORE-574142.
5. MRS. MOLLY D SOUZA
ADULT
W/O LATE GRACIAN N. D'SOUZA
(DAUGHTER-IN-LAW OF LATE
PETER D SOUZA)
RESIDING AT ALVARIS ROAD
KADRI, MANGALORE-575 002.
6. MRS. STELLA D SOUZA, ADULT
W/O LATE DOMINIC PAUL D SOUZA
(DAUGHTER-IN-LAW OF
LATE PETER D SOUZA).
7. VIVIAN D SOUZA
ADULT
S/O LATE DOMINIC PAUL D SOUZA.
8. MRS. ALZIRA MASCARENHAS NEE
D SOUZA,
ADULT
W/O ELIAS MASCARENHAS
D/O LATE DOMINIC PAUL D SOUZA.
9. MRS. PALMIRA REGO NEE D SOUZA
ADULT
W/O SYLVESTER REGO
D/O LATE DOMINIC PAUL D SOUZA.
10. MR. EDWIN D SOUZA PAUL



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ADULT
S/O LATE DOMINIC PAUL D SOUZA.

NO.6 TO 10 ARE RESIDENTS AT
MARIYA BAKERY HOUSE
NEAR MAHAVEERA CIRCLE
MANGALORE-575002.

11. UMESH ACHARY, ADULT
S/O YAMUNA ACHARY
ANILA COMPOUND, OMBATTUKERE
ULLAL VILLAGE & POST
MANGALORE TALUK.
12. K J THERESIA KUTTI
ADULT
D/O LATE K V JOSEPH
18-54, ANILA COMPOUND
OMBATTUKERE
ULLAL VILLAGE & POST
MANGALORE TALUK.
13. KATHRINE D'SA
ADULT
W/O VALERINE D'SA
OMBATTUKERE
ULLAL VILLAGE & POST
MANGALORE TALUK-574159.

...RESPONDENTS

(BY SRI. MAHENDRA G, ADV., FOR R1
SRI. CHANDRASHEKARA M.S. ADV., FOR R2
SRI. SANATH KUMAR SHETTY, ADV., FOR R6 & R7
R11, R12 SERVED
SRI. ANISH ACHARYA, ADV., FOR R3)

THIS RFA IS FILED UNDER SEC.96 AND ORDER XLI
RULE 1 CPC, 1908, AGAINST THE JUDGMENT AND DECREE
DATED 24.06.2015 PASSED IN O.S.303/2006 ON THE FILE
OF THE II ADDITIONAL SENIOR CIVIL JUDGE, MANGALORE,
D.K., DISMISSING THE SUIT FOR PARTITION AND
SEPARATE POSSESSION.



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THESE APPEALS, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

In view of the judgment rendered by the Division Bench of this Court in **WP.No.17588/2024 c/w WA.No.200260/2025** dated **08.07.2026**, which is affirmed by the Hon'ble Supreme Court in **SLP(C).No.025075/2026 dated 03.08.2026**, the Registry is directed to take steps to transfer this appeal to the appropriate Court.

2. For statistical purposes, the appeal is **disposed of**.

3. All pending applications shall be considered by the transferee Court.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 2 Sl No.: 3