



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

REGULAR SECOND APPEAL NO. 1372 OF 2013 (DEC/INJ)

C/W

REGULAR SECOND APPEAL NO. 1371 OF 2013

IN RSA No. 1372/2013

BETWEEN:

1. BALANNA
SINCE DEAD BY LRs.
- A. SAKAMMA
W/O LATE BALANNA
SINCE DEAD
- B. B DASAPPA
S/O LATE BALANNA
AGED ABOUT 48 YEARS
- C. B BALAKRISHNA
S/O LATE BALANNA
AGED ABOUT 42 YEARS
ALL ARE RESIDING AT
HOSAKERE GOLLARA-HATTI
HAMLET OF HOSAKERE
MEDIGESI HOBLI
TUMKUR DISTRICT.

...APPELLANTS

(BY SRI. R JAYAPRAKASH ., ADVOCATE
SRI H V BHANUPRAKASH, ADVOCATE FOR A1(B& C))

Digitally
signed by
SHILPABAI S

Location
HIGH COURT
OF
KARNATAKA





AND:

1. GUNDAMMA
SINCE DEAD BY LR_s.

A. THIPPERANGAMA
W/O DASAPPA
AGED ABOUT 64 YEARS

B. THIPPANNA
S/O GUNDANNA
AGED ABOUT 49 YEARS

BOTH ARE RESIDING AT
HOSAKERE, CHIKKA GOLLARAHATTI
MEDIGESI HOBLI
MADHUGIRI TALUK
TUMKUR DISTRICT
2. MARIYANNA
SINCE DEAD BY LR_s

A. DASANNA
S/O MARIYANNA
AGED ABOUT 52 YEARS

B. BADACHITHAKKA
W/O KARIYANNA
AGED ABOUT 81 YEARS

C. BALAKKA
D/O MARIYANNA
AGED ABOUT 47 YERS
3. GUNDAMMA
W/O CHITTANNA
AGED ABOUT 57 YEARS

ALL ARE R/AT HOSKERE, GOLLARAHATTI
HAMLET OF HOSKERE, MIDIGESHI HOBLI,
MADHUGIRI TALUK-572132

...RESPONDENTS



(BY SRI. KASHYAP N NAIK, ADVOCATE FOR R1(A & B):
V/O DATED 04.04.2016 NOTICE TO R2(A TO C) ARE
DISPENSED WITH)

THIS RSA IS FILED U/S. 100 OF CPC AGAINST THE
JUDGEMENT & DECREE DATED: 11.10.2012 PASSED IN
R.A.NO.156/2001 ON THE FILE OF ADDITIONAL SENIOR CIVIL
JUDGE AND JMFC, MADHUGIRI, ALLOWING THE APPEAL AND
SETTING ASIDE THE JUDGEMENT AND DECREE DTD:
29.8.2001 PASSED IN OS.NO.304/84 ON THE FILE OF
ADDITIONAL CIVIL JUDGE (JR.DN.) AND JMFC, MADHUGIRI.

IN RSA NO. 1371/2013

BETWEEN:

1. BALANNA
SINCE DEAD BY LRS
- A ERAMMA
W/O LAE BALANNA
AGED ABOUT 72 YEARS
- B. SAKAMMA
SINCE DAED BY LRs.
- C. B DASAPPA
S/O LATE BALANNA
AGED ABOUT 48 YEARS
- D. B BALAKRISHNA
S/O LATE BALANNA
AGED ABOUT 42 YEARS
ALL ARE RESIDING AT
HOSAKERE GOLLARAHATTI
HAMLET OF HOSAKERE
MEDIGESI HOBLI MADHUGIRI TALUK



TUMKUR DISTRICT

...APPELLANTS

(BY SRI. R JAYAPRAKASH .,ADVOCATE FOR
SRI. BHANU PRAKASH, ADVCOATE)

AND:

1. C. RAMACHANDRA REDDY
SINCE DEAD BY LRS
- 1A. JAYARAMA REDDY
S/O C RAMACHANDRA REDDY
- 1B. VENKATARAMA REDDY
S/O C RAMACHANDRA REDDY
AGED ABOUT 48 YEARS
BOTH ARE RESIDENTS OF
CHENENAHALLI, HOSAKERE CHIKKERE
GOLLARAHATTI, MEDIGESI HOBLI
MADHUGIRI TALUK.
2. GUNDAMMA
SINCE DEAD BY LRS.
- A. THIPPERANGAMMA
W/O DASAPPA
AGED ABOUT 64 YEARS
- B. THIPPANNA
S/O GUNDANNA
AGED ABOUT 49 YEARS
BOTH ARE RESIDENTS OF
HOSAKERE, CHIKKERE GOLLARAHATTI
MEDIGESI HOBLI
MADHUGIRI TALUK
TUMKUR DISTRICT.
3. MARIYANNA
SINCE DEAD BY LRS



A DASANNA
S/O MARIYANNA
AGED ABOUT 52 YEARS

B. BADATHITHAKKA
W/O MARIYANNA
AGED ABOUT 81 YEARS

C. BALAKKA
D/O MARIYANNA
AGED ABOUT 47 YEARS

4. GUNDAMMA
W/O CHITTANNA
AGED ABOUT 57 YEARS
ALL ARE R/AT HOSAKERE, GOLLARAHATTI
HAMLET OF HOSAKERE
MEDIGESI HOBLI
MADHUGIRI TALUK
TUMKUR DISTRICT

...RESPONDENTS

(BY SRI. KASHYAP N NAIK, ADVOCATE FOR R2(A & B)
V/O DATED:31.08.2016 APPEAL
DISMISSED AGAINST R1(B)
V/O DATED: 04.04.2016 NOTICE TO R3(A TO C) & 4
ARE DISPENSED WITH)

THIS RSA IS FILED U/S. 100 OF CPC AGAINST THE
JUDGEMENT & DECREE DATED: 11.10.2012 PASSED IN
R.A.NO.156/2001 ON THE FILE OF ADDITIONAL SENIOR
CIVIL JUDGE AND JMFC, MADHUGIRI, ALLOWING THE
APPEAL AND SETTING ASIDE THE JUDGEMENT AND DECREE
DTD: 29.8.2001 PASSED IN OS.NO.304/84 ON THE FILE OF
ADDITIONAL CIVIL JUDGE (JR.DN.) AND JMFC, MADHUGIRI.



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

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL JUDGMENT

1. These regular second appeals are filed challenging the judgment and decree dated 11.10.2012 passed in R.A. Nos.156 of 2001 and 161 of 2011 by the Court of learned Additional Senior Civil Judge and JMFC, Madhugiri (**'First Appellate Court'** for short) allowing the appeal and setting aside the judgment and decree dated 29.08.2001 passed in O.S. Nos.304 of 1984 and 211 of 1984 by the learned Additional Civil Judge (Junior Division) and JMFC, Madhugiri (**'Trial Court'** for short).
2. Today, learned counsel for the respondents has filed separate Memos dated 07.07.2026 in both appeals. In R.S.A. No.1371 of 2013, the memo is signed by appellant Nos.1(a), 1(c), 1(d) and respondent Nos.3 and 4, and, in R.S.A. No.1372 of 2013, the memo is signed by appellant Nos.1(a), 1(c), 1(d) and



respondent Nos.1 and 2. Both memos read as follows:

In RSA No.1371 of 2013:

"MEMO FOR WITHDRAWAL

The Appellants and Respondents most respectfully submits as follows:

1. It is submitted that the above mentioned Appeal arises out of the judgment and decree dated 11.10.2012 passed by the Ld. Senior Civil Judge and JMFC, Madhugiri, in R.A. No. 161/2001, confirming the judgment and decree dated 29.08.2001 passed by the Ld. Additional Civil Judge (Jr. Dn.) in O.S. No.211/1984.

2. It is submitted that during the pendency of the above appeal, the Appellants and the contesting Respondent No. 3 and 4 have mutually discussed and arrived at amicable terms of settlement. As such, in view of the fact that the Respondent No. 3 and 4 i.e., the LRs of Gundamma, having agreed to pay a sum of Rs. 5,00,000/- (Rupees Five Lakhs) to the Appellants,



within 2 (Two) months from the date of withdrawal of the above- mentioned Appeal, the Appellants no longer intend to prosecute the above appeal.

3. Accordingly, with an understanding that the aforesaid amount of Rs. 5,00,000/- (Rupees Five Lakhs) would be deposited before this Hon'ble Court within 2 (Two) months from the date of withdrawal of the above appeal, to be available for withdrawal by the Appellants, the present appeal is sought to be withdrawn. The Respondents have no objection to withdraw the said amount by the Appellants. Further, the Appellants shall undertake not to interfere with the possession of the Schedule Property.

WHEREFORE, the Appellants and Respondents humbly pray that this Hon'ble Court maybe pleased to receive this instant memo on record and DISMISS the above appeal as withdrawn, in the interests of justice and equity."



In RSA No.1372 of 2013:

"MEMO FOR WITHDRAWAL

The Appellants most respectfully submits as follows:

1. It is submitted that the above-mentioned Appeal arises out of the judgment and decree dated 11.10.2012 passed by the Ld. Senior Civil Judge and JMFC, Madhugiri, in R.A. No. 156/2001, confirming the judgment and decree dated 29.08.2001 passed by the Ld. Additional Civil Judge (Jr. Dn.) in O.S. No. 304/1984.

2. It is submitted that during the pendency of the above appeal, the Appellants and the contesting Respondent No. 1 and 2 have mutually discussed and arrived at amicable terms of settlement. As such, in view of the fact that the Respondent No. 1 and 2 i.e., the LRs of Gundamma, having agreed to pay a sum of Rs. 5,00,000/- **(Rupees Five Lakhs)**, to the Appellants, in RSA No. 1371 of 2013, the Appellants no longer intend to prosecute the above appeal.



3. Accordingly, with an understanding that the aforesaid amount of Rs. 5,00,000/- (Rupees Five Lakhs) would be deposited before this Hon'ble Court in R.S.A No. 1371 of 2013 as per the terms of the memo for withdrawal filed therein, the present appeal is sought to be withdrawn.

WHEREFORE, the Appellants humbly pray that this Hon'ble Court maybe pleased to receive this instant memo on record and DISMISS the above appeal as withdrawn, in the interests of justice and equity."

3. The memos are placed on record.
4. The appeals are ***dismissed*** in terms of the Memos.

Sd/-
(ASHOK S.KINAGI)
JUDGE

RK
List No.: 2 SI No.: 3