



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF MARCH, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

REGULAR FIRST APPEAL NO. 2362 OF 2024 (PAR)

BETWEEN:

1. RUDRAMMA
D/O LATE SIDDAPPA,
AGED ABOUT 57 YEARS,
2. VENKATESHA
S/O LATE SIDDAPPA,
AGED ABOUT 52 YEARS,
3. RAMESHAPPA
S/O LATE SIDDAPPA,
AGED ABOUT 47 YEARS,
AGRICULTURIST,

ALL ARE AGRICULTURISTS,
RESIDING AT SOLLAPURA VILLAGE,
AJJAMPURA HOBLI, AJJAMPURA TALUK,
CHIKKAMAGALURU DISTRICT.

...APPELLANTS

(BY SRI. NAVEEN.J.N., ADVOCATE)

AND:

1. GANGAMMA
W/O LATE HANUMANTHAPPA @ HANUMANNA,
AGED ABOUT 62 YEARS,

Digitally signed by
SUMATHY KANNAN
Location: HIGH
COURT OF
KARNATAKA



2. RENUKAMMA
D/O LATE HANUMANTHAPPA @ HANUMANNA,
AGED ABOUT 42 YEARS,
3. SHIVAMMA
S/O LATE HANUMANTHAPPA @ HANUMANNA,
AGED ABOUT 37 YEARS,
4. NETHRAMMA
D/O SIDDARAMAPPA,
AGED ABOUT 27 YEARS,
5. RENUKA
S/O LATE SIDDARAMAPPA,
AGED ABOUT 14 YEARS,
SINCE MINOR REPRESENTED BY
HER NATURAL GUARDIAN MOTHER
SMT NETHRAMMA.
ALL ARE RESIDING AT SOLLAPURA VILLAGE,
AJAMPURA HOBLI,
CHIKKAMAGALURU DISTRICT.
6. LAND ACQUISITION OFFICER
AND SUB-DIVISIONAL OFFICER,
BHADRA UPPER PROJECT,
MINI VIDHANA SOUDHA,
TARIKERE TALUK,
CHIKKAMAGALURU DISTRICT.
7. THE MANAGER,
KARNATAKA BANK,
AJJAMPURA BRANCH,
AJJAMPURA TALUK,
CHIKKAMAGALURU DISTRICT.

...RESPONDENTS

(BY SRI. KENDULI.S.N., ADVOCATE FOR R1 TO R4;
R5-MINOR REPRESENTED BY R4;
R6 & R7-SERVED AND UNREPRESENTED)

THIS RFA IS FILED UNDER SEC.96 OF CPC., AGAINST
THE JUDGMENT AND DECREE DATED 16.12.2023 PASSED IN



OS NO.193/2022 ON THE FILE OF SENIOR CIVIL JUDGE AND PRL. JMFC, TARIKERE., PARTLY DECREETING THE SUIT FOR PARTITION AND SEPARATE POSSESSION.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
&
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This appeal is filed challenging the judgment and decree dated 16.12.2023, passed by the Senior Civil Judge and Principal JMFC and Tarikere, in O.S.No.193/2022.

2. We have heard the learned counsel appearing on either side and perused the records.

3. The learned counsel appearing for the appellants submits that the impugned judgment and decree was passed ex-parte, without providing an opportunity to defendants No.1 to 3 to state their case.



4. It is submitted that the Notice issued to the defendants was served and that a counsel had been engaged. However, the counsel did not instruct the defendants to file the written statements and therefore the written statements could not be filed by defendants No.1 to 3. It is therefore contended that the impugned judgment and decree may be set-aside and the matter may be remanded to the trial Court to give an opportunity to the defendants to file their written statements and contest the suit.

5. The learned counsel appearing for the respondents, on the other hand, contends that Notice had been issued to the defendants and they had entered appearance but had not filed the written statements. It is submitted that no reason whatsoever was stated for non-filing of the written statements and the respondents herein who were the plaintiffs before the trial Court are all senior citizens.



6. It is further contended that the entire amount of compensation in respect of the property in question had been wrongly withdrawn by the defendants.

7. Having considered the contentions advanced, we notice that the appellants submit that they had a contestable case inasmuch as they contend that there was a prior partition and that the property in question had fallen to the share of one Siddappa who is their predecessor in interest.

8. Having considered the contentions advanced, we are of the opinion that the issue requires consideration at the trial stage. Accordingly:-

(i) The appeal is ***allowed***.

(ii) The judgment and decree dated 16.12.2023, passed by the Senior Civil Judge and Principal JMFC and Tarikere, in O.S.No.193/2022 is therefore set-aside on payment of cost of Rs.20,000/- (Rupees Twenty Thousand Only) to be paid to the respondents / plaintiffs.



(iii) The matter is remanded to the Senior Civil Judge and Principal JMFC and Tarikere for consideration on merits.

(iv) The parties shall appear before the trial Court without waiting for further notice on 08.04.2026.

(v) The written statement if any, shall be filed by the appellants on that date after serving copy to the other side.

(vi) The trial Court shall take all efforts to dispose of the matter at the earliest without undue delay and after giving proper opportunity to the parties.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

JJ
List No.: 1 Sl No.: 19