**IN THE HIGH COURT OF KARNATAKA,**

**DHARWAD BENCH**

**DATED THIS THE 19TH DAY OF DECEMBER, 2024**

**BEFORE**

**THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE**

**REGULAR FIRST APPEAL NO. 100439 OF 2023 (PAR/POS)**

**BETWEEN:**

1. SMT. MAHALINGAVVA ALIAS KAVITH
W/O. VIRUPAKSHAPPAGOUDA PATIL,
AGE: 48 YEARS,
OCCUPATION: HOUSEHOLD WORK,
RESIDENT OF ARIGERI VILLAGE,
TQ: RON, DISTRICT: GADAG.

2. SMT. YALLAVVA
W/O. CHANABASAPPA MENASAGERI,
AGE ABOUT 41 YEARS,
OCCUPATION: AGRICULTURE,
RESIDENT OF CHIKKAMEGERI VILLAGE,
TQ: YELBURGA,
DISTRICT KOPPAL.

3. SMT. BHIMAVVA ALIAS SHANTAVVA
W/O. IRANNA HALLI,
AGE ABOUT 38 YEARS,
OCCUPATION: AGRICULTURE,
RESIDENT OF BEVOR VILLAGE,
TQ: YELBURGA,
DISTRICT: KOPPAL.

Digitally signed by ASHPAK KASHIMSA MALAGALADINNI
Location: HIGH COURT OF KARNATAKA

4. SMT. LALITHAVVA
D/O. CHANABASAPPA MENASAGERI,
AGE ABOUT 38 YEARS,
OCCUPATION: AGRICULTURE,
RESIDENT OF CHIKKAMEGERI VILLAGE,
TQ: YELBURGA,
DISTRICT: KOPPAL.

5. SMT. SAVITRI
W/O. CHANABASAPPA MENASAGERI,
AGE ABOUT 38 EYARS,
OCCUPATION: AGRICULTURE,

RESIDENT OF CHIKKAMEGERI VILLAGE,
TQ: YELBURGA,
DISTRICT: KOPPAL.

…APPELLANTS

(BY SRI. RAJASHEKHAR B. HALLI, ADVOCATE)

**AND:**

1. SMT. DEVAMMA
D/O. SANGAPPA MENASAGERI,
AGE: 53 YEARS,
OCCUPATION: AGRICULTURE,
RESIDENT OF CHIKKAMEGERI VILLAGE,
TQ: YELBURGA,
DISTRICT: KOPPAL.

2. SMT. BHEEMAMMA ALIAS SHANTAMMA
W/O. BASANAGOUDA,
AGE: 55 YEARS,
OCCUPATION: AGRICULTURE,
R/O: GONDIHOSALLI,
TQ: HULAGI,
DISTRICT: KOPPAL.
PIN CODE 583 231.

3. SMT. SHIVAMMA
W/O. SHARANAPPA MALIPATIL,
AGE: 57 YEARS,
OCCUPATION: AGRICULTURE,
R/O: NILOGAL,
TQ: YELBURGA,
DISTRICT: KOPPAL,
PIN COE 587 101.

4. CHANNABASAPPA
S/O. SANGAPPA MENASAGERI,
AGE: 67 YEARS,
OCCUPATION: AGRICULTURE,
RESIDENT OF CHIKKAMEGERI VILLAGE,
TQ: YELBURGA,
DISTRICT: KOPPAL,
PIN CODE - 583 231.

5. KUBERAPPA S/O. SANGAPPA MENASAGERI,
AGE ABOUT 37 YEARS,
OCCUPATION: AGRICULTURE,

RESIDENT OF CHIKKAMEGERI VILLAGE,
TQ: YELBURGA,
DISTRICT: KOPPAL,
PIN CODE 583 231.

6. GIRIJADEVI D/O. KUBERAPPA MENASAGERI,
AGE ABOUT 57 YEARS,
OCCUPATION: AGRICULTURE,
RESIDENT OF CHIKKAMEGERI VILLAGE,
TQ: YELBURGA,
DISTRICT: KOPPAL.
PIN CODE 583 231.

7. GIRIJADEVI D/O. KUBERAPPA MENASAGERI,
AGE ABOUT 57 YEARS,
OCCUPATION: AGRICULTURE,
RESIDENT OF CHIKKAMEGERI VILLAGE,
TQ: YELBURGA,
DISTRICT: KOPPAL.
PIN CODE 583 231.

8. SANTOSH S/O. KUBERAPPA MENASAGERI,
AGE ABOUT 33 YEARS,
OCCUPATION: AGRICULTURE,
RESIDENT OF CHIKKAMEGERI VILLAGE,
TQ: YELBURGA,
DISTRICT: KOPPAL.
PIN CODE 583 231.

9. SMT. GANGAMMA ALIAS SHARAVVA
W/O. DOLANAGOUDA POOJAR,
AGE ABOUT 60 YEARS,
OCCUPATION: AGRICULTURE,
RESIDENT OF RAVANAKI VILLAGE,
TQ: YELBURGA,
DISTRICT: KOPPAL.
PIN CODE 583 231.

…RESPONDENTS

THIS RFA IS FILED UNDER SECTION 96 R/W ORDER 41 RULE 1 OF CPC., PRAYING TO CALL FOR RECORDS, PERUSE THE SAME AND SET ASIDE THE JUDGMENT AND DECREE DATED 20.07.2023 PASSED IN O.S.NO.58/2016 BY THE SENIOR CIVIL JUDGE AND JMFC., YELBURGA, IN THE INTEREST JUSTICE AND EQUITY.

THIS APPEAL COMING ON FOR ORDERS THIS DAY, THE COURT DELIVERED THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

**ORAL ORDER**

The plaint averment would reveal that portion of the plaintiffs' share is Rs.10 lakh. Hence the appeal does not lie before this Court. Appeal is dismissed for want of pecuniary jurisdiction.

Liberty is reserved to the appellants to file appeal before the jurisdictional District Court. Time spent in prosecuting this appeal from 18.08.2023 to till this date is to be excluded in computing the period of limitation.

Registry to return the certified copies of the judgment and decree to the appellants.

**Sd/-**
**(ANANT RAMANATH HEGDE)**
**JUDGE**

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CT:ANB
List No.: 1 Sl No.: 13