NC: 2026:KHC:22305
RFA No. 2772 of 2025

HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

REGULAR FIRST APPEAL NO. 2772 OF 2025 (PAR/POS)

BETWEEN:

MR. K.T.BELLIAPPA @ ROSHAN
AGED ABOUT 53 YEARS,
S/O LATE K.M. THIMMAAIAH,
R/ATT KATTY ESATE,
KOOTTOLI VILLAGE,
K. BOIKERI POST,
VIRAJPETT TALUK,
KODAGU DISTRICT.

...APPELLANT

(BY SRI. MOHANA CHANDRA P., ADVOCATE)

AND:

MR.K.T. GANAPATHY @ ROBIN
S/O LATE K.M. THIMMAIAH,
AGED ABOUT 55 YEARS,
C/O K.T. BOJAMMA,
140, KOTTOLI ROAD,
KATTY ESTATE, KOTTOLI VILLAGE,
K.BOIKERI POST, VIRAJPET TALUK

...RESPONDENT

Digitally signed by HEMALATHA J
Location: HIGH COURT OF KARNATAKA

THIS RFA FILED U/S. 96 OF CPC AGAINST THE JUDGMENT AND DECREE DATED 25.09.2025, PASSED IN OS NO.47/2022 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, VIRAJPET, DECREEING THE SUIT FOR PARTITION AND SEPARATE POSSESSION.

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL JUDGMENT

This is an appeal filed by the defendant challenging the judgment and decree dated 25.09.2025 passed by Senior Civil Judge and JMFC, Virajpet in O.S.No.47/2022.

2. Office has raised an objection that the suit was valued by the plaintiff at a sum of Rs.20,00,000/- and the value of the share of the plaintiff in the suit property was Rs.10,00,000/-. Therefore, the First Appeal before this Court is not maintainable in way of Section 19(1) of the Karnataka Civil Courts Act, 1964.

3. The learned counsel for the appellant submits that the value of the suit properties is more than Rs.50,00,000/- and therefore, an appeal before this Court is maintainable.

4. However, a perusal of the judgment and decree passed by the trial Court would show that the defendant did not contest the valuation of the suit as valued by the plaintiff. Therefore, the defendant cannot now contend that the value of the suit properties was more than Rs.20,00,000/-. If that be

so, this appeal also has to be valued at a sum of Rs.10,00,000/-, which is the value of the share of the defendant in the suit properties. Therefore, in view of Section 19(1) of the Karnataka Civil Courts Act, the appeal before this Court is not maintainable. Consequently, office objection regarding maintainability is upheld.

5. This appeal is ***dismissed*** as not maintainable. However, liberty is reserved to the appellant to file an appeal before the appropriate Appellate Court.

6. Office is directed to return the certified copy of the impugned judgment and decree after retaining a photocopy. The time consumed in pursuing this appeal shall be deducted while calculating limitation applicable to an appeal before the District Court.

Sd/-
(R. NATARAJ)
JUDGE

VM
List No.: 1 Sl No.: 9