

Decree in Appeal (Or. 41, R 35)

Form No. 9(Civil) Appendix-G

Govt. of Karnataka.

**IN THE COURT OF THE I ADDL. SENIOR CIVIL JUDGE AND JMFC.,
AT CHAMARAJANAGAR.**

R. A. No.10/2025.

Appellants:

- 1.** Basavalingappa,
S/o Late Devappa,
Aged about 74 years,
Died on 26.05.2025.
- 1(a).** Devamma,
W/o Late Basavalingappa,
Aged about 61 years,
- 1(b).** B.Madappa,
S/o Late Basavalingappa,
Aged about 45 years,
- 1(c).** B.Nagarajappa,
S/o Late Basavalingappa,
Aged about 43 years,
1(a) to (c) are
R/at:- Katnavadi Village,
Harave Hobli,
Chamarajanagara Taluk.
- 2.** Guruswamappa,
S/o Late Shivappa,
Aged about 50 years,
- 3.** Shivappa,
S/o Gurusiddappa,
Aged about 50 years,
- 4.** Mahesha,
S/o Mahadevappa,
Aged about 48 years,

5. Guruswamappa,
S/o Gurumallappa,
Dead by His LR
 - 5(a). Rajamma,
W/o Late Guruswamappa,
Aged about 60 years,
 6. Shekara,
S/o Gurumallappa,
Aged about 53 years,
 7. Mahesha,
S/o Gurumallappa,
Aged about 45 years,
 8. Shiavappa,
S/o Late Nagappa,
Aged about 60 years,
 9. Shambulingappa,
S/o Late Siddamallappa,
Aged about 45 years,
- Appellants 01 to 09 are
R/at:- Katnavadi Village,
Harave Hobli,
Chamarajanagara Taluk.

V/S

Respondents:

1. Shivamma,
W/o Late Siddamallappa,
Aged about 65 years,
2. Siddamallappa,
S/o Late Madappa,
Aged about 75 years,
Respondent No. 1 and are

R/at:- Katnavadi Village,
Harave Hobli,
Chamarajanagara Taluk.

3. Panchayath Development Officer,
Kothalavdi Grama Panchayath,
Chamarajanagara Taluk.

Appeal on O.S. No.146/2014 from the Decree of the court of the Learned I Addl. Senior Civil Judge and JMFC., at Chamarajanagara dated:23.10.2024.

MEMORANDUM OF APPEAL

Appellants : Basavalingappa and others
V/S

Respondents : Shivamma and others

The above named appellants, appeal to the I Addl. Senior Civil Judge and JMFC., Court Chamarajanagar, from the decree in O.S. No. 146/2014 of the court of the Learned Prl. Civil Judge and JMFC., at Chamarajanagar dated:23.10.2024.

Appeal Filed on:13.02.2025.

Prayer: The appellants pray that this Hon'ble court in interest of justice and equity be pleased to Call for the records in O.S.No.146 of 2014 from the file of the Hon'ble Principal Civil Judge at Chamarajanagara and to set aside the judgment and decree dated 23.10.2024 and remand the suit with liberty to the appellants to adduce their evidence and direct the honorable trial court to dispose of the suit by giving opportunity to all the parties to

adduce their evidence with costs throughout. Such other reliefs as are necessary under the circumstances of the case may kindly be granted.

This appeal is coming on this the 9th day July - 2026 for final disposal before Sri. Sunil.R. B.com,LLB I Addl. Senior Civil Judge & J.M.F.C, Chamarajanagara, in the presence of Sri.R.Virupaksha Advocate for Appellants, Sri.M.Chinnaswamy Advocate for Respondent No.1 and 2, and Respondent No.3 is Exparte.

By Pronouncing the judgment it is ordered that, The appeal filed by the appellants/defendant No.1 to 7, 9 and 10 under Sec.96 and under order 41 Rule 1 of CPC is hereby Partly allowed.

Further it is ordered and decreed that, Accordingly, the Judgment and decree in O.S.No. 146/2014 , dated :23.10.2024. Passed by the learned Prl. Civil Judge and JMFC., Chamarajanagara is hereby set aside.

The matter is remanded to the learned Trial court for fresh disposal in accordance with law.

The learned Trail court shall collect evidence regarding the identity, location and boundaries of the suit schedule property, particularly in respect of eastern boundary of suit schedule property.

The learned trial court shall dispose of the suit afresh by recording of the suit afresh by recording independent findings on all the issues, uninfluenced by any observations made in this judgment, after affording reasonable opportunity to both parties.

Both parties shall appear before the learned trial court on 10.08.2026 without awaiting further notice.

Both parties shall co-operate with the learned trial court for the expeditions disposal of the original suit as the matter was instituted in the year 2014.

No order as to costs.

Given under my hand and seal of this court, this the 9th day of July -2026

I Addl.Senior Civil Judge and JMFC
Chamarajanagara

MEMORANDUM OF COST INCURRED IN THIS APPEAL BY THE

	Appellant/s	Respondent/s
Court fee on plaint	: 25-00	--
Court fee on power of attorney	: -	--
Service of processes	: 50-00	--
Commissioner's Fee	: -	--
Fees copying translating etc:	-	--
<u>Pleader's Fee</u>	:	<u>--</u>
<u>Total</u>	: <u>75-00</u>	<u>--</u>

I Addl.Senior Civil Judge and JMFC
Chamarajanagara

SCHEDULE

The agricultural landed property bearing Sy.NO. 241 having the total extent of 3 acres 25 guntas out of which the plaintiffs have approached for the relief of 1 acre 18 guntas only and the said property is situated at Katnavadi Village ,Harave Hobli, Chamarajanagar Taluk and the said property is bounded on;

East by : Govt. road,

West by : Plaintiffs another Property,

North by : Plaintiffs another Property,

South by : Govt. road.

I Addl.Senior Civil Judge and JMFC
Chamarajanagara.