



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 27<sup>TH</sup> DAY OF OCTOBER, 2025**

**BEFORE**

**THE HON'BLE MR. JUSTICE V SRISHANANDA**

**CIVIL PETITION No.20 OF 2025**

**BETWEEN:**

H O SUBRAMANYA @ HONNAIAH  
S/O LATE OBANNA GOWDA,  
AGED ABOUT 71 YEARS,  
R/O BALEKOPPA, BASAVANI POST,  
MUTTUR HOBLI,  
THIRTHAHALLI TALUK-577 432,  
SHIVAMOGGA DISTRICT

...PETITIONER

(BY SRI P N HARISH, ADVOCATE)

**AND:**

1. H O CHANDRASHEKARA  
S/O LATE OBANNA GOWDA,  
AGED ABOUT 75 YEARS  
R/O HOLEKOPPA, BASAVANI POST,  
MUTTUR HOBLI,  
THIRTHAHALLI TALUK-577 432,  
SHIVAMOGGA DISTRICT
2. H.O.SRIKANTA  
S/O LATE OBANNA GOWDA,  
AGED ABOUT 73 YEARS  
PRESENTLY R/O HOLEKOPPA,  
BASAVANI POST, MUTTUR HOBLI,  
THIRTHAHALLI TALUK-577 432,  
SHIVAMOGGA DISTRICT.
3. KRISHNAMURTHY  
S/O LATE SHAME GOWDA,  
MAJOR IN AGE

Digitally  
signed by  
MALATESH  
K C

Location:  
HIGH  
COURT OF  
KARNATAKA



R/O JOKARMANE,  
ANGALAGODIGE, SHEDGARU (P),  
THIRTHAHALLI TALUK-577 415,  
SHIVAMOGGA DISTRICT.

4. POORNIMA  
D/O LATE SHAME GOWDA,  
MAJOR IN AGE  
R/O JOKARMANE, ANGALAGODIGE,  
SHEDGARU (P),  
THIRTHAHALLI TALUK-577 415,  
SHIVAMOGGA DISTRICT
5. INDIRAMMA  
W/O VASAPPA GOWDA,  
MAJOR IN AGE  
R/O KUNCHERI, KATTEHAKLU POST,  
THIRTHAHALLI TALUK-577 415,  
SHIVAMOGGA DISTRICT
6. GEETHA  
W/O PARDEEP  
MAJOR IN AGE  
R/O BOMMANAGUDIGE,  
KOPPA TALUK-577 126,  
CHIKKAMAGALURU DISTRICT
7. MAMATHA  
W/O SUNDARESH  
MAJOR IN AGE  
R/O KUSKOLLI, GUNAVANTE POST,  
KOPPA TALUK-577 126,  
CHIKKAMAGALURU DISTRICT
8. ARUNA  
S/O CHINNAIAH GOWDA  
MAJOR IN AGE  
R/O KUSKOLLI, GUNAVANTE POST,  
KOPPA TALUK-577 126,  
CHIKKAMAGALURU DISTRICT



9. VANI  
W/O SATHISH,  
MAJOR IN AGE  
R/AT HOSAHALLI VILLAGE,  
HEDDURU POST,  
THIRTHAHALLI TALUK-577 415,  
SHIVAMOGGA DISTRICT.
10. VEENA  
W/O PRABHAKARA  
MAJOR IN AGE  
R/AT HOSAHALLI VILLAGE,  
HEDDURU POST,  
THIRTHAHALLI TALUK-577 415,  
SHIVAMOGGA DISTRICT.
11. PRAVEENA  
S/O LATE SHIVAPPA GOWDA,  
MAJOR IN AGE  
R/AT HOSAHALLI VILLAGE,  
HEDDURU POST, THIRTHAHALLI  
SHIVAMOGGA DISTRICT-577415
12. H M MANJUNATH  
S/O MANAPPA GOWDA ALIAS MANJAPPA GOWDA,  
MAJOR IN AGE  
R/O HOLEKOPPA, BASAVANI POST,  
THIRTHAHALLI TALUK-577 432,  
SHIVAMOGGA DISTRICT.
13. H.M.VISHWANATHA  
S/O MANAPPA GOWDA,  
MAJOR IN AGE  
R/O HOLEKOPPA, BASAVANI POST,  
THIRTHAHALLI TALUK-577 432,  
SHIVAMOGGA DISTRICT
14. H.M.RAGUNATH  
S/O MANAPPA GOWDA,  
MAJOR IN AGE



R/O HOLEKOPPA, BASAVANI POST,  
THIRTHAHALLI TALUK-577 432,  
SHIVAMOGGA DISTRICT

15. KAVYA.H.C.  
W/O PREETHAM,  
MAJOR IN AGE  
R/AT MAKODU, MALLANDUR POST,  
CHICKAMAGALUR TALUK-577 101,  
CHICKAMAGALUR DISTRICT
16. KAVANA.H.C.  
W/O HARSHA,  
MAJOR IN AGE  
R/AT HONAGAR,  
KADTHUR POST, KOPPA TALUK-577101,  
CHICKAMAGALUR DISTRICT
17. KRUTHI.H.C.  
W/O PRAJWAL PRAKASH,  
MAJOR IN AGE  
R/AT MALLIKANAGAR,  
SAKALESH PURA-573 134,  
HASSAN DISTRICT
18. MANJULA  
W/O NAGARAJ,  
D/O SRINIVASA MURTHY  
MAJOR IN AGE  
R/AT NO.684, 9<sup>TH</sup> A CROSS,  
MAHALAKSHMIPURAM LAYOUT,  
MAHALAKSHMIPURAM,  
BENGALURU NORTH,  
BENGALURU-560 086
19. MAMATHA  
W/O SRINIVAS REDDY,  
D/O LATE SRINIVASA MURTHY,  
MAJOR IN AGE  
R/AT NO.187/E, 83<sup>RD</sup> A CROSS,



4<sup>TH</sup> MAIN, 5<sup>TH</sup> BLOCK,  
BHUVANESHWARI NAGAR,  
B.S.K 3<sup>RD</sup> STAGE,  
BENGALURU-560079

20. KRISHNAMURTHY  
S/O LATE BASAPPA GOWDA,  
MAJOR IN AGE  
R/O BASAVANI VILLAGE,  
THIRTHAHALLI TALUK-577 432,  
SHIVAMOGGA DISTRICT
21. THIMMAPPA  
S/O LATE BASAPPA GOWDA,  
MAJOR IN AGE  
R/O HOLEKOPPA, BASAVANI POST,  
THIRTHAHALLI TALUK-577 432,  
SHIVAMOGGA DISTRICT
22. GURUMURTHY  
S/O LATE BASAPPA GOWDA,  
MAJOR IN AGE  
PRESENTLY R/AT KALKATTE VILLAGE,  
KONDLURU POST,  
THIRTHAHALLIL TALUK-577 415,  
SHIVAMOGGA DISTRICT
23. PADMAVATHI ALIAS PADMA  
W/O RAMESH,  
D/O LATE BASAPPA GOWDA,  
MAJOR IN AGE  
R/AT KELA HEDDARI, KADTHURU POST,  
THIRTHAHALLIL TALUK-577 415,  
SHIVAMOGGA DISTRICT

...RESPONDENTS

(BY SRI K.N.DAYALU, ADVOCATE FOR R1, R15 AND R17;  
R2 TO R8 AND R10 TO R14 ARE SERVED AND  
UNREPRESENTED;

VIDE ORDER DATED 12.06.2025 NOTICE TO R9 IS HELD  
SUFFICIENT)



THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF THE CIVIL PROCEDURE CODE, 1908 PRAYING TO TRANSFER R.A No.1/2024 FROM THE COURT OF LEARNED III ADDITIONAL DISTRICT AND SESSIONS JUDGE TO THIS HON'BLE HIGH COURT OF KARNATAKA BENGALURU TO DISPOSE ALONGWITH RFA No.203/2024 PENDING BEFORE THIS HON'BLE COURT.

THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

**ORAL ORDER**

Heard Sri P.N. Harish and K.N. Dayalu, learned advocates for the parties.

2. Present Civil Petition is filed under Section 24 of the Code of Civil Procedure with the following prayer:

*"WHEREFORE, the petitioner most respectfully prays that this Hon'ble Court may kindly be pleased to:*

*(a) Transfer R.A.No.1/2024 from the Court of learned III Additional District and Sessions Judge to this Hon'ble High Court of Karnataka, Bengaluru, to dispose along with RFA No.203/2024 pending before this Hon'ble Court.*

*(b) Award the cost of this proceeding."*

3. Challenging the judgment and decree passed in O.S.No.31/2013 dated 25.10.2023 on the file of the Senior Civil Judge and JMFC, Thirthahalli, two appeals came to be filed.



One appeal before the III Additional District and Sessions Judge, Shivamogga, in R.A.No.1/2024, and in respect of the remaining portion of the properties, another appeal came to be filed before this Court in RFA No.203/2024.

4. This Court in the present Civil Petition, by the order dated 18.07.2025 permitted the respondents to take a contention that the Court does not have the pecuniary jurisdiction to entertain RFA No.203/2024. Till such time, the proceeding in RA No.1/2024 was ordered to be stayed.

5. It is settled principles of law and requires no emphasis that whenever a higher Court is seized of a particular matter in respect of the same judgment and decree, the inferior Court is not entitled to entertain any appeal or proceedings in respect of the same judgment or order.

6. If the respondents are to contend that the valuation made by the present petitioner in RFA No.203/2024 is on the higher side and if the said contention of the respondents is considered by this Court, invariably the appeal filed before this



Court would be relegated to the District Court, Shivamogga, for further adjudication.

7. But, if the valuation is accepted by this Court, then, the appeal in RA No.1/2024 cannot be entertained by the District Judge as the judgment and decree under challenge would be under the review and scope of RFA 203/2024 before this Court.

8. Therefore, to facilitate both the matters to be tried either before this Court or by the First Appellate Court, the pending RA No.1/2024 needs to be transferred to this Court with liberty for the respondents to question the valuation adopted by the present petitioner in RFA No.203/2024.

9. Hence, the following:

ORDER

(i) Civil Petition is ***allowed***.

(ii) R.A.No.1/2024 pending on the file of the III Addl. District and Sessions Judge, Shivamogga, is hereby withdrawn to be tried along with RFA No.203/2024.

**Sd/-**  
**(V SRISHANANDA)**  
**JUDGE**

kcm/List No.: 2 SI No.: 65