



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

REGULAR SECOND APPEAL NO. 439 OF 2023 (PAR)

BETWEEN:

D S RAMALINGAIAH
DEAD BY HIS LRS

1. SMT. SUSHEELAMMA
W/O LATE D .S RAMALINGAIAH,
AGED ABOUT 69 YEARS,
(APPELLANT DIED LEAVING
BEHIND THE APPELLANT 2 AND 3 WHO
ARE ALREADY ON RECORD)
2. SRI. YATHEESHA
S/O LATE D.S RAMALINGAIAH,
AGED ABOUT 47 YEARS
3. SRI. RAJASHEKAR
S/O LATE D.S RAMALINGAIAH,
AGED ABOUT 63 YEARS,
4. SRI. CHANDRASEHKARAIAH D S
S/O LATE SIDDALINGAPPA
AGED ABOUT 63 YEARS,
5. KUM. D.S DEVIRAMMA
D/O LATE SIDDALINGAPPA
AGED ABOUT 57 YEARS,
6. SRI. NAGARAJU (NAMED AS NAGARAJA)

Digitally signed
by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



S/O LATE SIDDALINGAPPA
AGED ABOUT 57 YEARS,

ALL ARE R/AT DODDERI VILLAGE,
BELLAVI HOBLI - 572 107
TUMAKURU TALUK
TUMAKURU DISTRICT.

...APPELLANTS

(BY SRI. T. GOVINDA RAJA, ADVOCATE)

AND:

1. SRI. D.S. DAMARUGENDRA
S/O S. SHANMUKAIAH
AGED ABOUT 30 YEARS,

KUM. GANGAMBIKA
D/O S SHANMUKAIAH
AGED ABOUT 36 YEARS,
DEAD BY LRS i.e.,
RESPONDENTS NO.1 AND 2

2. SRI. S SHANMUKHAIAH
S/O LATE SIDDALINGAPPA
AGED ABOUT 61 YEARS,

D.S VAJRAPPA DEAD BY LRS

3. SMT. PARVATHAMMA
W/O LATE D S VAJRAPPA
AGED ABOUT 71 YEARS,

4. SMT. NIRMALA
D/O LATE D.S VAJRAPPA
AGED ABOUT 54 YEARS,

5. SRI. RENUKAPRASAD
S/O LATE D.S. VAJRAPPA



AGED ABOUT 49 YEARS,

6. SMT. SHASHIKALA
D/O LATE D S VAJRAPPA
AGED ABOUT 41 YEARS,

7. SRI. LOKESH
S/O LATE D.S. VAJRAPPA
AGED ABOUT 39 YEARS,

SMT. RUDRAMMA
W/O LATE SIDDALINGAPPA D S
AGED ABOUT 86 YEARS,
DEAD BY LRS THE APPELLANTS

THE RESPONDENTS NO.1 TO 7 ARE
RESIDENTS OF DODDERI VILLAGE,
BELLAVI HOBLI - 572 107
TUMAKURU TALUK, TUMAKURU DISTRICT.

8. SMT. GANGAMMA
W/O ALTE MARILINGAIAH
AGED ABOUT 69 YEARS,
R/AT M.M.A KAVAL VILLAGE,
DODDERI KATTE
INFRONT OF SUGUNA POULTRY FORM
CHELURU HOBLI - 572 117
GUBBI TALUK, TUMAKURU DISTRICT.

...RESPONDENTS

(BY SRI. V.B. SIDDARAMAIAH, ADVOCATE FOR R1;
SRI. PRABUGOUD B. TUMBAGI, ADVOCATE FOR R2;
R3, R4, R5, R6 AND R7 SERVED;
VIDE ORDER DATED 10.07.2024, SERVICE OF NOTICE TO
R8 IS HELD SUFFICIENT)

THIS RSA IS FILED UNDER SECTION 100 OF CPC
AGAINST THE JUDGMENT AND DECREE DATED 30.10.2022
PASSED IN RA.No.149/2022 ON THE FILE OF THE VI
ADDITIONAL DISTRICT AND SESSIONS JUDGE, TUMAKURU,
DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT



AND DECREE DATED 01.04.2022 PASSED IN OS No.266/2014 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, TUMAKURU.

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

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL JUDGMENT

R.S.A.No.439 of 2023 is filed against the dismissal of the appeal filed by the appellant in R.S.A.No.1616/2023 and there is no any counter claim made by the defendants/appellants in the said appeal. Hence, the question of filing one more appeal by the legal heirs of defendant No.1 and defendant Nos.2, 4 and 5 doesn't arise and hence, R.S.A.No.439/2023 is liable to be dismissed as not maintainable.

Hence, the appeal is dismissed as not maintainable.

Sd/-
(H.P.SANDESH)
JUDGE