



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL NO. 233 OF 2010 (INJ)

BETWEEN:

D NARAYANAPPA S/O LATE DODDAIAH
SINCE DECEASED BY LRS

- 1A. SMT. CHIKKAHANUMAKKA
W/O. LATE D NARAYANAPPA
AGED ABOUT 70 YEARS
R/O. CHIKKABELAVANGALA
DODDABELAVANGALA POST
DODDABALLAPUR POST
BANGALORE DISTRICT
- 1B. SMT. C.N. BHAGYALAKSHMI
AGED ABOUT 35 YEARS
D/O. LATE D. NARAYANAPPA
W/O. SRI. B. MOHAN KUMAR
R/AT NO.330, ANJANEYA TEMPLE ROAD
SRI KAVALAPURA (ANCHEPALYA)
NAGASANDRA POST
NELAMANGALA TALUK
BENGALURU RURAL DISTRICT - 562 162
- 1C. SRI. C.N. VENKATESH MURTHY
AGED ABOUT 32 YEARS
S/O. LATE D. NARAYANAPPA
R/AT CHIKKABELAVANGALA
DODDABELAVANGALA POST





DODDABALLAPUR POST
BANGALORE DISTRICT.

...APPELLANT

(BY SRI. R. VIJAYAKUMAR, ADVOCATE)

AND:

1. T. ANJANAPPA
S/O THIMMEGOWDA
SINCE DEAD BY HIS LRS
- 1A. SMT. LAKSHMAMMA
W/O. LATE SRI. T. ANJINAPPA
AGED ABOUT 69 YEARS
- 1B. SMT. JAYALAKSHMAMMA
D/O. LATE SRI. T. ANJINAPPA
AGED ABOUT 41 YEARS
- 1C. SRI. THIMMEGOWDA
S/O. LATE T. ANJINAPPA
AGED ABOUT 39 YEARS
- 1D. SMT. SUKANYA
D/O. LATE T. ANJINAPPA
AGED ABOUT 33 YEARS

ALL ARE R/AT CHUNCHEGOWDANA
HOSAHALLI VILLAGE
DODDABELAVANGALA HOBLI
RAMESHWARA POST
DODDABALLAPUR TALUK
BANGALORE RURAL DISTRICT - 561 204

2. C K RAMAIAH
S/O THIMMEGOWDA



R/O CHIKKABELAVANGALA VILLAGE
DODDABELAVANGALA POST
DODDABALLAPUR POST
BANGALORE DISTRICT

SINCE DEAD BY LRS

2A. SMT. RADHA
W/O. LATE SRI. C.K. RAMAIAH
AGED ABOUT 38 YEARS

2B. SRI. HARSHA
S/O. LATE SRI. C.K. RAMAIAH
AGED ABOUT 16 YEARS

BOTH ARE R/AT CHIKKABELAVANGALA
DODDABELAVANGALA POST
DODDABALLAPUR POST
BANGALORE DISTRICT.

...RESPONDENTS

(BY SRI. C.R. GOPALASWAMY, SENIOR ADVOCATE

SMT. NANDINI B., ADVOCATE FOR R2(A AND B)

R1(A TO D) - SERVED)

THIS RSA IS FILED U/S 100 OF CPC, AGAINST THE
JUDGMENT AND DECREE DATED 27.11.2009 PASSED IN
R.A.57/2002 ON THE FILE OF THE PRESIDING OFFICER, FAST
TRACK COURT, DODDABALLAPUR, ALLOWING THE APPEAL
CONFIRMING THE JUDGMENT AND DECREE DATED 14.07.2000
PASSED IN O.S.240/1989 ON THE FILE OF THE ADDL. CIVIL
JUDGE, (SR.DN) AND JMFC., DODDABALLAPUR.



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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL JUDGMENT

1. After addressing the arguments for some time, a memo is filed by the counsel for the appellant. Contents of the memo reads as under:

"The LRs of the deceased Appellant respectfully submit that suit in [O.S.No.](#) 240/1989 on the file of Addl. Civil Judge Junior Division and JMFC at Doddaballapur be confined to 2 Acres of land in the suit schedule property in Sy.No. 82/2 which is an agricultural land measuring 2 Acres 30 Guntas bounded East by: Hanumanthaiah's property, West By: Ramaiah's Property, North By: Shanbhog Inam Land and South By: Lands of Hanumanthaiah (out of 2 acres 30 guntas in the said Sy.No.82/2) and the suit be decreed in relation to undisputed extent of 2 acres of land out of 2 acres 30 guntas of land in the suit schedule property.

Insofar of 30 guntas of land which is situate towards the Northern side of the suit schedule property, beyond 2 acres of land be permitted to be withdrawn with liberty to file a fresh suit on same cause of action seeking appropriate reliefs.



It is prayed that by recording this memo, the Appeal be disposed of in the above terms, in the interest of justice and equity."

2. Copy of the memo is furnished to the counsel for the respondents. He has endorsed no objection on the memo subject to liberty with regard to the question of limitation.

3. The above appeal came to be admitted on the following substantial questions of law:

a) Whether the courts below committed an error of law in dismissing the suit of the appellant by ignoring the statutory presumptions arising under Section 133 of the K.L.R.Act?

b) Whether the Judgment and decree of the courts below is erroneous and perverse on account of non-consideration of evidence on record or ignoring the material evidence on record? material

c) Whether the Judgment and decree of the courts below is erroneous as they ignore the admissions made by the defendants both in their written additional written statement, statement and in evidence (D.W.1)?



4. In the light of the fact that there is no dispute with regard to the 2-00 acres of the suit property, the suit is to be decreed in respect of the 2-00 acres of the suit property which is not in dispute by the respondents.

5. Accordingly, substantial questions of law is answered 'partly in the affirmative'. Consequently, there shall be a decree in respect of the 2-00 acres of the suit property. Insofar as remaining 0-30 guntas of land of the suit property in the memo filed by appellant, liberty is sought for to file a suit for declaration and consequential relief.

6. Sri. C.R. Gopalaswamy, learned senior counsel representing the respondents would submit that after lapse of forty years of the institution of the suit in the original, there cannot be any reservation of the right of saving of the limitation under Section 14 of the Limitation Act in the intended suit.

7. Such an objection on behalf of contesting respondents is a valid objection. Therefore, in the intended



suit, the respondents who would be the defendants have the right to oppose the intended suit even on the ground of limitation which shall be decided by the Trial Court in accordance with.

8. With that observation, the following order:

ORDER

- (i) The Appeal stands *disposed off* by decreeing the suit in respect of 2-00 acres of the suit property.
- (ii) Liberty reserved to file fresh suit.
- (iii) The question of limitation kept open to be decided in the Trial Court in the intended suit.

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

SNC
List No.: 1 Sl No.: 77