



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF AUGUST, 2025

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE UMESH M ADIGA

REGULAR FIRST APPEAL NO. 874 OF 2012 (PAR)

C/W

REGULAR FIRST APPEAL NO. 992 OF 2012 (PAR)

IN RFA No. 874/2012

BETWEEN:

1. BASAVARAJAPPA
AGED ABOUT 56 YEARS,
S/O H. VEERABHADRAPPA ODANAVAR
SALESHWAR DRYERS
SHOBHA TALKIES ROAD,
HARIHARA,
DAVANAGERE DISTRICT- 577 001.
SINCE DEAD BY HIS LRS
- 1(a) SHAMBULINGAPPA
AGED ABOUT 38 YEARS,
S/O BASAVARAJAPPA ODANAVAR
SALESHWAR DRYERS,
SHOBHA TALKIES ROAD,
HARIHARA,
DAVANAGERE DISTRICT - 577 001.
- 1(b) RAVIKUMAR
AGED ABOUT 36 YEARS,
S/O BASAVARAJAPPA ODANAVAR
SALESHWAR DRYERS,
SHOBHA TALKIES ROAD,
HARIHARA,





DAVANAGERE DISTRICT - 577 001.

1(c) YOGIRAJ
AGED ABOUT 34 YEARS,
S/O BASAVARAJAPPA ODANAVAR
SALESHWAR DRYERS,
SHOBHA TALKIES ROAD,
HARIHARA,
DAVANAGERE DISTRICT - 577 001.

2. CHANDRASHEKARAPPA
AGED ABOUT 54 YEARS,
S/O H. VEERABHADRAPPA ODANAVAR,
SALESHWAR DRYERS,
SHOBHA TALKEIS ROAD,
HARIHARA,
DAVANAGERE DISTRICT- 577 001.

(SINCE DEAD BY HIS LR'S
AS PER COURT ORDER DATED 08.02.2023
AMENDMENT HAS BEEN CARRIED OUT)

2(a) S.PARVATHI
AGED ABOUT 58 YEARS
W/O LATE O. CHANDRASHEKARAPPA

2(b) SARASWATHI
AGED ABOUT 36 YEARS
D/O LATE O. CHANDRASHEKARAPPA,
W/O RAVIKIRAN

2(c) C. GURUSIDDAPPA
AGED ABOUT 35 YEARS
S/O LATE O. CHANDRASHEKARAPPA

ALL ARE RESIDING AT
NO.198/A, 3RD CROSS,
OLD P.B. ROAD,
BHARMAPURA,



HARIHARA,
DAVANAGERE DISTRICT - 577 001.

3. NAGALINGAPPA
AGED ABOUT 50 YEARS,
S/O H.VEEARABHADRAPPA ODANAVAR
SALESHWAR DRYERS,
SHOBHA TALKIES ROAD,
HARIHARA,
DAVANAGERE DISTRICT - 577 001.

...APPELLANTS

(BY SRI. M. VINAYA KEERTHY AND SRI. G.M. SHARATH KUMAR,
ADVOCATES FOR A1 (A TO C)(ABSENT)

AND:

1. GANGADHARAPPA
AGED ABOUT 50 YEARS,
S/O. H.MAHESHWARAPPA ODANAVAR,
CHOTANAVAR CHALA,
VEERAPUR,
HUBBALLI - 580 020.
2. SHANTHAMMA
AGED ABOUT 58 YEARS,
W/O SOMASHEKAR CHAKRADA,
SHIVANANDA NILAYA,
D.NO.466, II CROSS, IV MAIN,
MANJUNATHANAGAR,
BENGALooru - 560 020.
 - 2(a) RATNAMMA
AGED ABOUT 54 YEARS
D/O SHANTHAMMA
W/O SANGAPPA KALYANI,
SS KALYAN SHIVALINGESHWARA NILAYA,
HALE NAADA KACHERI ROAD, KARATAGI.
 - 2(b) RENUKAMMA,
AGED ABOUT 52 YEARS,



D/O SHANTHAMMA,
W/O ASHOK, NEAR SHIVAPPA YATI MATH,
AMARAPPA TANDUR NAGAR,
KHANPET, WARD NO.2, GULEDAGUDDA.

2(c) PARVATHAMMA,
AGED ABOUT 50 YEARS
D/O SHANTHAMMA,
W/O CHANDRASHEKARAPPA ODDANNAVAR,
BHARAMPURA ONI,
OPP: GOPALAKRISHNA LODGE,
NEAR KEB, HARIHARA
DAVANAGERE DISTRICT.

2(d) GANESHA,
AGED ABOUT 48 YEARS,
S/O LATE SHANTHAMMA

2(e) NIJAGUNA,
AGED ABOUT 44 YEARS,
S/O LATE SHANTHAMMA

SL.NOS.2d AND 2e ARE RESIDENTS
OF SHIVANANDA NILAYA,
D.NO.466, XI CROSS, IV MAIN,
MANJUNATHANAGAR,
BENGALooru- 560 010.

2(f) SHAKUNTHALA,
AGED ABOUT 46 YEARS
D/O LATE SHANTHAMMA,
W/O H.SHANKAR,
NO.17/193, MADAKATTI,
DEVANGAPET, KAMPLI.

2(g) NIRMALA,
AGED ABOUT 42 YEARS,
D/O LATE SHANTHAMMA,
W/O SHIVALINGAPPA,
NO.73/12, REDDY STREET,
NEAR KALA MATH, BALLARI.



3. CHANNAMMA
AGED ABOUT 48 YEARS,
W/O CHANNAPPA HULLAMANI
NEAR OLD GRAMADEVI TEMPLE,
NEW BRAHMAPURI EXTN.,
HARIHARA,
DAVANAGERE DISTRICT.
4. RATNAVVA
AGED ABOUT YEARS,
W/O K. CHANNABASAPPA KUDARI,
OPP: BASAVESHWARA TEMPLE,
GANTIKERI LANE, HUBBALLI.
5. LAKSHMAVVA
AGED ABOUT 68 YEARS,
W/O H. MAHESHWARAPPA ODANAVAR
NEAR OLD GRAMADEVI TEMPLE,
NEW BRAHMAPURI EXTN.,
HARIHARA,
DAVANAGERE DISTRICT.
6. SHANMUKHAPPA
AGED ABOUT 48 YEARS,
S/O H. MAHESHWARAPPA ODANAVAR,
NEAR OLD GRAMADEVI TEMPLE,
NEW BRAHMAPURI EXTN.,
HARIHARA,
DAVANAGERE DISTRICT.
 - 6(a) MANJULA,
AGED ABOUT 42 YEARS,
W/O LATE SHANMUKHAPPA
 - 6(b) SHAMBULINGA,
AGED ABOUT 21 YEARS,
S/O LATE SHANMUKHAPPA
 - 6(c) SHWETHA,
AGED ABOUT 19 YEARS,



D/O LATE SHANMUKHAPPA

ALL ARE RESIDING NEAR OLD
GRAMADEVI TEMPLE,
NEW BRAHMAPURI EXTN.,
HARIHARA,
DAVANAGERE DISTRICT.

7. TRANSPOSED AS APPELLANT 1a
8. TRANSPOSED AS APPELLANT 1b
9. TRANSPOSED AS APPELLANT 1c
10. K R S SUBRAMANIAM
MANAGING DIRECTOR,
TAJ MAHAL AGRO INDUSTRIES
NO. 4, COALS ROAD,
T. NAGAR,
CHENNAI-600 017.
11. RAJAMMA
AGED ABOUT 50 YEARS,
W/O VARGIES,
BHARATH OIL MILL COMPOUND
HARIHARA,
DAVANAGERE DISTRICT.
12. PARVATHAMMA
AGED ABOUT 50 YEARS,
W/O MAHANTESH
NEW BRAHMAPURAI EXTN.,
OPP. KEB OFFICE,
HARIHARA,
DAVANAGERE DISTRICT.
13. H. CHANNAPPA
AGED ABOUT 55 YEARS,
S/O NOORANDAPPA HULAMANI
SM KRISHNA NAGAR (ISLAMPURA)



HUBBALLI,
DHARWAD DISTRICT.

14. BASAVANNYAPPA VEERABHADRAPPA
MULLUGUND
AGED ABOUT 60 YEARS,
ONION & POTATO MERCHANT
OPP. MALLIKARJUNA STUDIO
LAXMESHWARA, SHIRAHATTI TALUK,
GADAG DISTRICT.

14(a) EERANNA,
AGED ABOUT 19 YEARS,
S/O BASAVANNYAPPA
VEERABHADRAPPA MULGUND,

14(b) VIJAYALAKSHMI,
AGED ABOUT 18 YEARS,
D/O BASAVANNYAPPA
VEERABHADRAPPA MULGUND.

BOTH ARE RESIDING OPP:
MALLIKARJUNA STUDIO,
LAXMESHWARA, SHIRAHATTI TALUK,
GADAG DISTRICT.

15. R MOHAN
AGED ABOUT 55 YEARS,
S/O RAMASA BADI
OLD PB ROAD,
OPP:KEB
HARIHARA,
DAVANAGERE DISTRICT.

...RESPONDENTS

(VIDE ORDER DATED 29.08.2017,
R7 TO R9 ARE TRANSPOSED AS A1 (A TO C),
SRI.M.B.KULKARNI, ADVOCATE FOR R1 AND R3,
VIDE ORDER DATED 03.01.2018,



NC: 2025:KHC:31197-DB
RFA No. 874 of 2012
C/W RFA No. 992 of 2012

NOTICE TO R2 (1 AND &), R10 AND R13 ARE HELD
SUFFICIENT,
R2(2), R2(3), R2(4), R2(5), R2(6), R4, R5, R6(1), R6(2),
R6(3), R7, R8, R9, R11, R12, R15 ARE SERVED AND
UNREPRESENTED,
VIDE ORDER DATED 25.10.2018, R5 IS DEAD AND R1 IS LR,
VIDE ORDER DATED 29.08.2017, R7 TO R9 ARE TRANSPOSED
AS A1 (A TO C),
VIDE ORDER DATED 03.01.2018,
NOTICE TO R14 (1 AND 2) IS DISPENSED WITH)

THIS RFA IS FILED UNDER SEC.96 R/W ORDER XLI RULE
1 OF CPC., AGAINST THE JUDGMENT AND DECREE DATED
3.3.2012 PASSED IN O.S.NO.490/2002 ON THE FILE OF THE
SENIOR CIVIL JUDGE, HARIHAR, PARTLY DECREERING THE SUIT
FOR PARTITION AND SEPARATE POSSESSION.

IN RFA NO. 992/2012

BETWEEN:

1. SHAMBULINGAPPA
AGED ABOUT 38 YEARS
S/O BASAVARAJAPPA ODANAVAR.
2. RAVIKUMAR
AGED ABOUT 38 YEARS
S/O BASAVARAJAPPA ODANAVAR
3. YOGIRAJ
AGED ABOUT 34 YEARS
S/O BASAVARAJAPPA ODANAVAR

ALL HAVING ADDRESS AT
SALESHWAR DRYERS
SHOBHA TALKIES ROAD,
HARIHARA
DAVANAGERE DISTRICT.

...APPELLANTS

(BY SRI. G S PRASANNA KUMAR, ADVOCATE (ABSENT))



AND:

1. GANGADHARAPPA
AGED ABOUT 50 YEARS
S/O H MAHESHWARAPPA ODANAVAR
CHOTANAVARA CHALA,
VEERAPURHUBBALLI.
2. SHANTHAMMA
AGED ABOUT 58 YEARS
W/O SOMASHEKAR CHAKRADA
D.NO. 466, II CROSS,
IV MAINMANJUNATHANAGAR,
BENGALooru- 560 020.
 - 2(a) RATNAMMA
AGED ABOUT 54 YEARS
D/O SHANTHAMMA
W/O SANGAPPA KALYANI,
SS KALYAN SHIVALINGESHWARA NILAYA,
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AGED ABOUT 50 YEARS
D/O SHANTHAMMA,
W/O CHANDRASHEKARAPPA ODDANNAVAR,
BHARAMPURA ONI,
OPP: GOPALAKRISHNA LODGE,
NEAR KEB, HARIHARA
DAVANAGERE DISTRICT.



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BENGALLOORU- 560 010.

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W/O CHANNAPPA HULLAMANI
NEAR OLD GRAMADEVI TEMPLE
NEW BRAHAMAPURI EXTN.,
HARIHARA, DAVANAGERE DISTRICT.

4. RATNAVVA
AGED ABOUT YEARS
W/O K CHANNABASAPPA KUDARI
OPP:BASAVESHWARA TEMPLE



GANTIKERI LANE,
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5. LAKSHMAVVA
AGED ABOUT 68 YEARS
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NEW BRAHMAPURI EXTN.,
HARIHARA,
DAVANAGERE DISTRICT.

7. BASAVARAJAPPA
AGED ABOUT 56 YEARS
S/O H VEERABHADRAPPA ODANAVAR



NC: 2025:KHC:31197-DB
RFA No. 874 of 2012
C/W RFA No. 992 of 2012

8. CHANDRASHEKARAPPA
AGED ABOUT 54 YEARS

S/O H VEERABHADRAPPA ODANAVAR

(SINCE DEAD HIS HOR'S
AS PER COURT ORDER DATED (08.02.2023)
AMENDMENT HAS BEEN CARRIED OUT)

- 8(a) PARVATHI
AGED ABOUT 58 YEARS
W/O CHANDRASHEKARAPPA

- 8(b) SARASWATHI
AGED ABOUT 36 YEARS
D/O LATE O. CHANDRASHEKARAPPA,
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ALL ARE RESIDING AT
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OLD P.B. ROAD,
BHARMAPURA,
HARIHARA,
DAVANAGERE DISTRICT - 577 001.

9. NAGALINGAPPA
AGED ABOUT 50 YEARS
S/O H VEERABHADRAPPA ODANAVAR

SL NOS.7-9 ARE HAVING ADDRESS
AT SALESHWAR DRYERS
SHOBHA TALKIES ROAD
HARIHARA,
DAVANAGERE DISTRICT.



NC: 2025:KHC:31197-DB
RFA No. 874 of 2012
C/W RFA No. 992 of 2012

10. K R S SUBRAMANIAM
MANAGING DIRECTOR
TAJ MAHAL AGRO INDUSTRIES
NO.4,
COALS ROAD, T. NAGAR
CHENNAI-600 017.
11. RAJAMMA
W/O VARGIES,
AGED ABOUT 50 YEARS
BHARATH OIL MILL COMPOUND
HARIHARA,
DAVANAGERE DISTRICT.
12. PARVATHAMMA
W/O MAHANTESH,
AGED ABOUT 50 YEARS
NEW BRAHMAPURI EXTN.,
OPP.KEB OFFICE,
HARIHARA
DAVANAGERE DISTRICT.
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S/O NOORANDAPPA HULAMANI
AGED ABOUT 55 YEARS
SM KRISHNA NAGAR(SLAMPURA)
HUBBALI, DHARWAD DISTRICT
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AGED ABOUT 60 YEARS
ONION & POTATO MERCHANT
OPP:MALLIKARJUNA STUDIO
LAXMESHWARA,
SHIRAHATTI TALUK
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14(a) EERANNA,
AGED ABOUT 19 YEARS



NC: 2025:KHC:31197-DB
RFA No. 874 of 2012
C/W RFA No. 992 of 2012

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D/O BASAVANNYAPPA VEERABHADRAPPA
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BOTH ARE RESIDING OPP:
MALLIKARJUNA STUDIO,
LAXMESHWARA, SHIRAHATTI TALUK,
GADAG DISTRICT.

15. R. MOHAN
S/O RAMASA BADI,
AGED ABOUT 55 YEARS
OLD PB ROAD
OPP:KEB HARIHARA
DAVANAGERE DISTRICT.

...RESPONDENTS

(BY SRI. M.B. KUKARNI, ADVOCATE FOR R1 AND R3,
SRI.MALLIKARJUNA SWAMY T.C, ADVOCATE FOR
R2 (1 TO 7)
R4,R5,R8,R9,R11,R15 ARE SERVED AND
UNREPRESENTED,
VIDE ORDER DATED 03.01.2018,
NOTICE TO R10, R13 ARE DISPENSED WITH,
VIDE ORDE DATED 12.08.2024,
NOTICE TO R6(A TO C), R12, R14 (A AND B) AR HELD
SUFFICIENT BY WAY OF PAPER PUBLICATION,
VIDE ORDER DATED 27.11.2024, R7 IS DEAD,
A1 AND A3 ARE TREATED AS LRS OF DECEASED R7)

THIS RFA IS FILED U/S 96 R/W ORDER 46 OF CPC,
AGAINST THE JUDGEMENT AND DECREE DATED 3.3.2012
PASSED IN O.S.NO.490/2002 ON THE FILE OF SENIOR
CIVIL JUDGE, HARIHAR, DECREETING THE SUIT FILED FOR
PARTITION AND SEPARATE POSSESSION.



NC: 2025:KHC:31197-DB
RFA No. 874 of 2012
C/W RFA No. 992 of 2012

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JU0STICE UMESH M ADIGA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

None appears to press these appeals. These appeals are ***dismissed for non-prosecution.***

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(UMESH M ADIGA)
JUDGE

AG
List No.: 1 Sl No.: 14