



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

**DATED THIS THE 16<sup>TH</sup> DAY OF OCTOBER, 2025**

**PRESENT**

**THE HON'BLE MR. JUSTICE D K SINGH**

**AND**

**THE HON'BLE MR. JUSTICE RAJESH RAI K**

**REGULAR FIRST APPEAL NO. 1444 OF 2018 (SP)**

**BETWEEN:**

1. SMT. LAKSHMAMMA  
AGED ABOUT 50 YEARS,  
W/O SRI.K.VASANTHAKUMAR,
2. SRI.K. VASANTHAKUMAR  
AGED ABOUT 55 YEARS,  
S/O LATE KALAI AH
3. V KRISHNAKANTH  
AGED ABOUT 28 YEARS,  
S/O SRI.K. VASANTHA KUMAR

ALL ARE RESIDING AT:  
NARASIMHASWAMY CHAITHANYA MUTT,  
DODDAGOSAI GHAT, GANJAM,  
SRIRANGAPATNA,  
MANDYA DISTRICT-571438

...APPELLANTS

(BY SRI. BALAJI R., ADVOCATE)

**AND:**

1. SRI. J. SOMASHEKAR  
S/O A.B. JAGADISH,  
AGED ABOUT 51 YEARS,  
BOMMURU AGRAHARA VILLAGE,  
BELAGOLA HOBLI,  
SRIRANGAPATNA TALUK

Digitally  
signed by  
VASANTHA  
KUMAR B K  
Location:  
HIGH COURT  
OF  
KARNATAKA



MANDYA DISTRICT-571438.

2. MRS.V.KRISHNAVENI  
AGED ABOUT 30 YEARS,  
D/O MR. K. VASANTHA KUMAR  
RESIDING AT FLAT No.203,  
THAPOVANA SARASWATHI,  
INDUSTRIAL SUBURB,  
VISVESHWARANAGARA,  
MYSURU CITY, PIN 570 008.
3. MR. V. SRIKRISHNA  
AGED ABOUT 25 YEARS,  
S/O MR. K. VASANTHA KUMAR  
RESIDING AT NO.4504/9A, 8<sup>TH</sup> CROSS,  
ST.MARRY'S MAIN ROAD,  
NARASIMHARAJA MOHALLA,  
MYSURU CITY-570 007

RESPONDENT No.2 & 3 WERE  
FORMERLY RESIDING AT  
NARASIMHASWAMY CHAITHANYA MUTT,  
DODDAGOSAI GHAT, GANJAM,  
SRIRANGAPATNA, MANDYA DISTRICT  
PIN 571438.

...RESPONDENTS

(BY SRI. R.S.RAVI, SENIOR COUNSEL FOR  
SRI. AKARSH KUMAR GOWDA., ADVOCATE FOR R-1)

THIS RFA IS FILED UNDER SECTION 96 OF CPC.,  
AGAINST THE JUDGMENT AND DECREE DATED 20.04.2018  
PASSED IN OS.NO.77/2013 ON THE FILE OF THE PRINCIPAL  
SENIOR CIVIL JUDGE AND JMFC., SRIRANGAPATNA,  
DECREEING THE SUIT FOR SPECIFIC PERFORMANCE.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH  
and  
HON'BLE MR. JUSTICE RAJESH RAI K



**ORAL JUDGMENT**

(PER: HON'BLE MR. JUSTICE D K SINGH)

Learned counsel for the appellants and learned counsel for respondent No.1 are *consensus ad idem* that certain mistakes have crept in the impugned judgment and decree which would go to the root of the matter and it would be expedient and in the interest of justice to allow the appeal and set aside the impugned judgment and decree and remand the matter back to the Trial Court for fresh decision in accordance with law.

2. Considering the aforesaid submissions and *consensus ad idem* between the learned counsel appearing for the parties, we set aside the impugned judgment and decree and remand the matter back to the Trial Court for fresh decision in accordance with law from the stage of evidence.

3. The parties may lead further evidence, if they so desire from the stage of evidence.



3. The Trial Court shall dispose of the suit expeditiously preferably, within a period of six months subject to co-operation of the parties.

Accordingly, the appeal is **allowed**.

**Sd/-  
(D K SINGH)  
JUDGE**

**Sd/-  
(RAJESH RAI K)  
JUDGE**

RKA  
List No.: 1 Sl No.: 8