



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

REGULAR FIRST APPEAL NO. 2365 OF 2025 (PAR)

BETWEEN:

1. SRI. M.D. RAMESH
S/O LATE MADIVALARA DURGAPPA,
AGED ABOUT 48 YEARS,
RESIDING AT MILTECH FACTORY,
HOSUR ROAD, BENGALURU - 560 100.
2. SMT. HANUMAKKA,
D/O LATE MADIVALARA DURGAPPA,
W/O NEELAKANTAPPA (MADIVALARA),
AGED ABOUT MAJOR, 68 YEARS
RESIDING AT THUMBIGERE VILLAGE,
DAVANAGERE TALUK - 577 512.
3. SMT. RATNAMMA,
D/O LATE MADIVALARA DURGAPPA,
W/O CHANDRAPPA,
AGED ABOUT MAJOR, 64 YEARS
RESIDING NEAR BHUTAPPANA KATTE,
WARD NO. 30, OLD KUNDAWADA VILLAGE,
DAVANAGERE - 577 566.
4. SMT. VANAJAKSHAMMA,
D/O LATE MADIVALARA DURGAPPA,
W/O MADIVALARA NAGARAJAPPA,
AGED ABOUT MAJOR, 56 YEARS
RESIDING AT MUSTUGARAHALLI VILLAGE,





JAGALUR TALUK - 577 528.

5. SMT. GIRIJAMMA @ NEELAMMA,
D/O LATE MADIVALARA DURGAPPA,
W/O MADIVALARA NINGAPPA,
AGED ABOUT MAJOR, 50 YEARS
RESIDING AT PUTAGANAL VILLAGE,
DAVANAGERE TALUK - 577 002.

...APPELLANTS

(BY SRI. MANJUNATH K, ADVOCATE)

AND:

1. SRI. M. KARIYAPPA
S/O LATE MADIVALARA DURGAPPA,
AGED ABOUT MAJOR, 54 YEARS
R/O HADADI VILLAGE,
DAVANAGERE TALUK - 577 525.
2. SRI. BASAVARAJAPPA,
S/O LATE MADIVALARA DURGAPPA.
AGED ABOUT MAJOR, 60 YEARS
R/O JANATHA COLONY, HADADI VILLAGE,
DAVANAGERE TALUK - 577 525.
3. SMT. CHANNABASAMMA,
D/O LATE MADIVALARA DURGAPPA,
W/O NINGAPPA (NEELAPPAJJARA),
AGED ABOUT MAJOR, 62 YEARS
R/O JADAGANAHALLI VILLAGE,
DAVANAGERE TALUK - 577 002.
4. SMT. SAKAMMA,
D/O LATE MADIVALARA DURGAPPA,
W/O LATE SHANKARALINGAPPA,



AGED ABOUT MAJOR, 58 YEARS
R/O CHIKKAJAJUR, HOLALKERE TALUK,
CHITRADURGA DISTRICT - 577 523.

5. LATE MADIVALARA DURGAPPA.
SINCE DEAD REPRESENTED BY
APPELLANT NO. 1 TO 5 AND
RESPONDENT NO.1 TO 4

...RESPONDENTS

THIS RFA FILED UNDER SEC.96 OF CPC., AGAINST THE
ORDER DATED 13.11.2019 PASSED IN FDP NO.2/2012 ON THE
FILE OF I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
DAVANAGERE., ALLOWING THE PETITION FILED UNDER ORDER
20 RULE 18 OF CPC.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL JUDGMENT

The office has raised an objection regarding the
maintainability of the captioned appeal on the ground that the
valuation for the purpose of pecuniary jurisdiction is less than
₹10,00,000/- and therefore the appeal would not lie before this
Court.

2. Having examined the office objection and the records
placed on file, this Court finds that the objection raised by the
office is well-founded. In view of the valuation being less than



₹10,00,000/-, the present appeal is not maintainable before this Court.

3. Accordingly, the appeal stands dismissed as not maintainable. Liberty is reserved to the appellants to present the appeal before the appropriate appellate court in accordance with law.

4. The Registry is directed to forthwith return all the certified copies to the appellants after retaining photocopies of the same on record. In the event the appellants file an appeal before the appropriate court within a period of three weeks from the date of receipt of certified copy of this order, the time spent in prosecuting the present appeal before this Court shall be excluded while computing limitation, by extending the benefit under Section 14 of the Limitation Act, 1963.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE