



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 23RD DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
REVIEW PETITION NO.100001 OF 2026

BETWEEN:

1. SMT. SHANTAVVA
W/O. CHANDRASHEKHAR CHANNAPPAGOL,
AGE: 55 YEARS, OCC: AGRICULTURE.
2. SRI FAKIRAPPA S/O. RAMAPPA HERAKALL,
AGED ABOUT 50 YEARS, OCC: AGRICULTURE.
3. SMT. KAMALAXI W/O. MALLAPPA HERAKALL,
AGED ABOUT 32 YEARS, OCC: AGRICULTURE.
4. KUMAR PRANAV S/O. MALLAPA HERAKALL,
AGED 5 YEARS, MINOR REPRESENTED BY
MOTHER AND NATURAL GUARDIAN,
PETITIONER NO.3 SMT. KAMALAXI
MALLAPPA HERAKALL.
5. KUMAR PREETAM S/O. MALLAPPA HERAKALL,
AGED ABOUT 8 YEARS, MINOR REPRESENTED
BY MOTHER AND NATURAL GUARDIAN,
PETITIONER NO.3 SMT. KAMALAXI
MALLAPPA HERAKALL.
6. SMT. BASALINGAVVA
W/O. RAMAPPA HERAKALL,
AGED ABOUT 65 YEARS, OCC: AGRICULTURE.
7. SMT. PARVATEVVA
W/O. NANDABASAPPA HERAKALL,
AGED ABOUT 50 YEARS, OCC: AGRICULTURE.





8. SRI SANGAMESH
S/O. NANDABASAPPA HERAKALL,
AGED ABOUT 30 YEARS, OCC: AGRICULTURE,
ALL R/AT: BUDIHAL SG, TQ. BILAGI,
DIST. BAGALKOTE-587116.
9. SMT. CHANDRAKALA W/O. PARASHU TALLUR,
AGED ABOUT 32 YEARS, OCC: AGRICULTURE,
R/AT: KULALI, TQ. MUDHOL,
DIST. BAGALKOTE-587313.
10. SRI IRAPPA S/O. NANDABASAPPA HERAKALL,
AGED ABOUT 25 YEARS, OCC: AGRICULTURE,
R/AT: BUDIHAL SG, TQ. BILAGI,
DIST BAGALKOTE-587116.
11. SRI SHIVAPPA S/O. RAMAPPA HERAKALL,
AGED ABOUT 65 YEARS, OCC: AGRICULTURE,
R/AT: BUDIHAL SG, TQ. BILAGI,
DIST BAGALKOTE-587116.

...PETITIONERS

(BY SRI MRUTYUNJAY TATA BANGI, ADVOCATE)

AND:

1. SMT. BOURAVVA
W/O. BASAPPA PATTANSHETTI,
AGED ABOUT 39 YEARS,
OCC: HOUSEHOLD WORK,
R/O. KERUR TAL: BILAGI-587116.

SMT. LAXMAVVA W/O. SAGARAPPA HERAKAL,
SINCE DECEASED BY LR'S AS RESPONDENTS.
2. SMT. MAHANANDA
W/O. RACHAPPA PATTANSHETTI,
AGED ABOUT 55 YEARS, OCE: HOUSEHOLD,
R/AT KERUR, TQ. BILAGI,
DIST. BAGALKOTE-587116.



3. SMT. BOURAVVA W/O. FAKIRAPPA HERAKAL,
AGED ABOUT 55 YEARS, OCC: HOUSEHOLD.
4. SRI MALLAPPA S/O. FAKIRAPPA HERAKAL,
AGED ABOUT 35 YEARS, OCC: AGRICULTURE.
5. SMT. JYOTI D/O. FAKHIRAPPA HERAKAL,
AGED ABOUT 33, OCC: HOUSEHOLD.
6. SRI SAGARAPPA S/O. FAKHIRAPPA HERAKAL,
AGED ABOUT 30 YEARS, OCC: AGRICULTURE,
ALL R/AT: BUDIHAL S.G., TQ. BILAGI,
DIST BAGAKOTE,
NOW R/AT: BOLCHIKKALAKI,
TQ. AND DIST. VIJAYPUR-586101.
7. SRI KANTU S/O. SAGARAPPA HERAKAL,
AGED ABOUT 53 YEARS, OCC: AGRICULTURE,
R/O. BUDIHAL S.G., TAL: BILAGI-587116.
8. SRI SHEKHAR S/O. SAGARAPPA HERAKAL,
AGED ABOUT 50 YEARS, OCC: AGRICULTURE,
R/O. BUDIHAL S.G., TAL: BILAGI-587116.

...RESPONDENTS

(NOTICE TO R1 TO R8 SERVED)

THIS REVIEW PETITION IS FILED UNDER ORDER 47 RULE 1 OF CODE OF CIVIL PROCEDURE, PRAYING TO REVIEW THE JUDGMENT PASSED BY THIS HON'BLE COURT DATED 10.09.2024 PASSED IN RSA NO.100138/2014 AND REHEAR THE APPEAL BY ALLOWING THE PRESENT PETITION IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION COMING ON FOR HEARING ON IA, THIS DAY ORDER WAS MADE THEREIN AS UNDER:



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR)

This review petition is filed by the review petitioners seeking to review the order dated 10.09.2024 passed by this Court in RSA No.100138/2014 on the ground that upon the second appeal filed by the counter-claimant (defendant No.7), the case was remanded to the Trial Court for fresh consideration. But, the decree granted in favour of the plaintiffs in the suit is reversed by the First Appellate Court and the plaintiffs accepted the dismissal of the suit, as they did not prefer any second appeal challenging the said dismissal. It is therefore contended that by remanding the entire matter for fresh consideration, the plaintiffs, who had not challenged the dismissal of their suit, are now being given an opportunity once again to contest the suit. This is the only ground urged in the present review petition.

2. It is further submitted that the review petitioners are the purchasers of the suit schedule property from defendants No.5 and 6. The plaintiffs, having not preferred any second appeal against the dismissal of their suit, cannot be said to be



aggrieved by the said judgment. However, by virtue of the remand order passed at the instance of the counter-claimant, the plaintiffs are now being given scope to re-agitate the matter. Therefore, the review petitioners pray to review the order.

3. This Court remanded the case to the Trial Court for fresh consideration on the reason that when the plaintiffs have filed the suit for partition, there are other properties available for partition, but they are not included in the suit. Therefore, enabling all the coparceners of the co-sharers to get their lawful shares in all the suit schedule properties, the case is remanded to the Trial Court for fresh consideration.

4. This Court further observed that the counter-claimant (defendant No.7) had brought to notice of this Court that there are other properties available, but they are not included in the suit schedule. Therefore, it was held that if such other properties available for partition are also to be considered in the suit along with the suit property and that will give substantial relief to all the plaintiffs and defendants. It was also observed that if the case is not remanded, then the consequence would be that the other properties would be remained enjoyed by other parties,



thereby the plaintiffs and other defendants will be derived of the share in the other properties also.

5. When this being the observations for remanding the case to the Trial Court and just because the counter-claimant has preferred the second appeal and the plaintiffs did not file any appeal against the dismissal of their suit and giving direction to the Trial Court to reconsider the counter claim in a suit, would result to deprivation of the rights of the plaintiffs, that to when the suit is one for partition and the plaintiffs are admittedly one of the co-sharers in the suit property. Therefore, there is no necessity to review the order passed by this Court.

6. However, the review petitioners being purchasers of the suit property from defendants No.5 and 6 can workout their remedy in a suit or in the final decree proceedings considering Section 6 of the Hindu Succession Act, 1956.

7. Accordingly, review petition is ***disposed of***.

**Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE**

PMP /CT-AN
List No.: 1 Sl No.: 43