



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 25TH DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
REGULAR SECOND APPEAL NO.100475 OF 2025 (POS)
C/W
REGULAR SECOND APPEAL NO.100405 OF 2025 (SP)

IN RSA NO.100475 OF 2025

BETWEEN:

SRI SUDHIR S/O. DATTATRAY INGALE,
AGE: 68 YEARS, OCC: BUSINESS,
R/O. 1020/1, RAVIWAR PETH,
KALAIGAR GALLI, DIST. BELAGAVI-590001.

...APPELLANT

(BY SRI SRINAND A. PACHHAPURE, ADVOCATE)

AND:

1. SMT. LATA W/O. SUMATILAL SHAH,
AGE: 59 YEARS, OCC: HOUSEHOLD WORK,
R/O. CTS NO.1020/2, KALAIGAR GALLI
FORT ROAD, BELAGAVI-590001.

2. SRI ANIL S/O. NATHLAL SHAH,
AGE: 54 YEARS, OCC: BUSINESS,
R/O. CTS NO.1020/2, KALAIGAR GALLI
FORT ROAD, BELAGAVI-590001.

SRI KIRAN S/O. NATHLAL SHAH,
(SINCE DECEASED BY HIS LR'S).

3. SMT. JOTSNA W/O. KIRAN SHAH,
AGE: 59 YEARS, OCC: HOUSEHOLD WORK,





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R/O. CTS NO.1020/2, KALAIGAR GALLI
FORT ROAD, BELAGAVI-590001.

4. SRI ANKIT S/O. JOTSNA SHAH,
AGE: 31 YEARS, OCC: BUSINESS,
R/O. CTS NO.1020/2, KALAIGAR GALLI,
FORT ROAD, BELAGAVI-590001.

...RESPONDENTS

(BY SRI A. S. SHAIKH, ADV. FOR R1 TO R4)

THIS REGULAR SECOND APPEAL IS FILED UNDER SECTION 100 OF THE CODE OF CIVIL PROCEDURE, PRAYING TO CALL FOR THE RECORDS AND SET ASIDE THE JUDGMENT AND DECREE DATED 25.01.2025 PASSED BY THE COURT OF III ADDITIONAL SENIOR CIVIL JUDGE AND CJM, BELAGAVI IN R.A.NO.4/2020 CONFIRMING THE JUDGMENT AND DECREE DATED 05.12.2019 PASSED BY THE COURT OF V ADDITIONAL CIVIL JUDGE AND JMFC, BELAGAVI IN O.S.NO.24/2006 BY ALLOWING THIS APPEAL, IN THE INTEREST OF JUSTICE.

IN RSA NO.100405 OF 2025

BETWEEN:

SRI SUDHIR S/O. DATTATRAY INGALE,
AGE: 63 YEARS, OCC: BUSINESS,
R/O. 1020/1, RAVIWAR PETH,
KALAIGAR GALLI, DIST. BELAGAVI-590001.

...APPELLANT

(BY SRI SRINAND A. PACHHAPURE, ADVOCATE)

AND:

1. SRI AJIT S/O. GOPALRAO GINDE,
AGE: 38 YEARS, OCC: BUSINESS,



R/O. KEDAR APARTMENT, 2ND FLOOR,
54, KADAPABAND, PONDA, GOA-403401.

2. LATA W/O. SUMTILAL SHAH,
AGE: 54 YEARS, OCC: HOUSEHOLD WORK,
R/O. 1020/2, KALAIGAR GALLI,
FORT ROAD, BELAGAVI-590001.

3. ANIL S/O. NATHLAL SHAH,
AGE: 49 YEARS, OCC: BUSINESS,
R/O. CTS NO.1020/2, KALAIGAR GALLI,
FORT ROAD, BELAGAVI-590001.

SRI KIRAN S/O. NATHLAL SHAH,
(SINCE DECEASED BY HIS LR'S).

4. SMT. JOTSNA W/O. KIRAN SHAH,
AGE: 54 YEARS, OCC: HOUSEHOLD WORK,
R/O. CTS NO..1020/2, KALAIGAR GALLI,
FORT ROAD, BELAGAVI-590001.

5. SRI ANKIT S/O. JOTSNA SHAH,
AGE: 26 YEARS, OCC: BUSINESS,
R/O. CTS NO.1020/2, KALAIGAR GALLI,
FORT ROAD, BELAGAVI-590001.

...RESPONDENTS

(BY SRI A. S. SHAIKH, ADV. FOR R2 TO R5)

THIS REGULAR SECOND APPEAL IS FILED UNDER SECTION 100 OF THE CODE OF CIVIL PROCEDURE, PRAYING TO CALL FOR THE RECORDS AND SET ASIDE THE JUDGMENT AND DECREE DATED 25.01.2025 PASSED BY THE COURT OF III ADDITIONAL SENIOR CIVIL JUDGE AND CJM, BELAGAVI IN R.A.NO.5/2020 CONFIRMING THE JUDGMENT AND DECREE DATED 05.12.2019 PASSED BY THE COURT OF V ADDITIONAL CIVIL JUDGE AND



JMFC, BELAGAVI IN O.S.NO.173/2002 BY ALLOWING THIS APPEAL, IN THE INTEREST OF JUSTICE.

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

ORAL JUDGMENT

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

Though the appeals are listed for admission, with consent of both the learned counsels appearing on behalf of the parties, the matters are taken up for final disposal.

2. These two Regular Second Appeals are filed by the holder of agreement of sale, who is stated to be in possession of suit shop challenging the common judgment and decree dated 25.01.2025 passed in R.A.Nos.4 and 5 of 2020 by the III Additional Senior Civil Judge and CJM, Belagavi¹, which confirmed the common judgment and decree dated 05.12.2019 passed in O.S.No.24 of 2006 and O.S.No.173 of 2002 by the V Additional Civil Judge and

¹ hereinafter referred to as 'the First Appellate Court' for short



JMFC, Belagavi², thereby, the suit filed for specific performance of contract is dismissed and the suit filed for possession is decreed.

3. The appellant herein has filed a suit in O.S.No.173 of 2002 for specific performance of contract by making averment that the respondents are the owners of the suit shop and entered into an agreement dated 07.04.1970 for total sale consideration amount of Rs.30,000/- and out of that Rs.19,500/- has been paid and has stated that the appellant was put into possession.

4. The suit filed is for specific performance of contract is dismissed. The respondents herein have filed a suit for possession in O.S.No.24 of 2006 and the same is decreed.

5. Being aggrieved by the result of the two suits, the appellant/holder of agreement has filed two regular

² hereinafter referred to as 'the Trial Court' for short



appeals in R.A.Nos.5 and 4 of 2020 against the respondents before the First Appellate Court and the First Appellate Court has dismissed the appeals and confirmed the judgment and decree passed by the Trial Court.

6. The Trial Court held that the appellant has failed to prove execution of agreement of sale itself; therefore, dismissed the suit filed for specific performance of contract and decreed the suit filed for possession by the defendants (respondents herein), who are admittedly owners of the suit shop. Upon considering the evidence on record and the reasons assigned in the background of evidence discussed, the Court is of the opinion that there are no good grounds made out to entertain the appeals to consider the appeals on merits.

7. Learned counsel for the appellant submitted that the entire printing machineries are within the premises of suit shop; therefore, prays that it be vacated within six months' time.



8. On the other hand, learned counsel appearing on behalf of the respondents/owners submitted that possession has been taken and the suit shop is locked.

9. Admittedly, the respondents are the owners of the suit shop and the appellant is a mere agreement holder. The appellant has only limited rights as the holder of the agreement of sale, whereas the respondents are owners whose rights are substantial in nature. Therefore, both the First Appellate Court and the Trial Court have correctly appreciated the evidence on record and observed that the suit filed for specific performance of contract is to be dismissed and decreed the suit filed for possession. Therefore, there are no good grounds to interfere with the judgment and decree passed by both the First Appellate Court and the Trial Court. Thus, the appeals are liable to be dismissed.

10. If the appellant's printing machineries and other equipments are in the suit shop, the appellant is directed to



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remove those machineries from the suit shop and hand over vacant possession to the respondents within a period of two months.

11. With the above said observations, these two appeals are ***dismissed***.

12. Registry is directed to send back the Records to the First Appellate Court and to the Trial Court along with a copy of this judgment.

13. In view of dismissal of the appeals, pending IAs', if any, stands disposed of.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE