



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 25TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
REVIEW PETITION NO.100111 OF 2024

BETWEEN:

LAXMIBAI W/O. BHARAMAPAP PATATAR,
AGE: 64 YEARS, OCC: HOUSEHOLD & AGRICULTURE,
R/O. MABANUR VILLAGE, TALUK. SAUNDATTI,
DISTRICT: BELAGAVI.

...PETITIONER

(BY SRI SRINIVAS B. NAIK, ADVOCATE)

AND:

1. AJJAPPA S/O. SIDDAPPA TALAWAR,
AGE: 61 YEARS, OCC: AGRICULTURE,
R/O. JALIKATTI VILLAGE, TALUK. SAUNDATTI,
DISTRICT: BELAGAVI-581123.
2. SURESH S/O. SIDDAPPA TALAWAR,
AGE: 50 YEARS, OCC: AGRICULTURE,
R/O. JALIKATTI VILLAGE, TALUK. SAUNDATTI,
DISTRICT: BELAGAVI-581123.
3. RAVI S/O. SURESH TALAWAR,
AGE: 10 YEARS, OCC: AGRICULTURE,
R/O. JALIKATTI VILLAGE, TALUK. SAUNDATTI,
DISTRICT: BELAGAVI-581123.
SINCE MINOR, REPRESENTED BY NATURAL
FATHER I.E. RESPONDENT NO.2.

...RESPONDENTS

(BY SRI H. M. DHARIGOND, ADV. FOR R1 & R2)

THIS REVIEW PETITION IS FILED UNDER ORDER 47 RULE 1(A) OF THE CODE OF CIVIL PROCEDURE, PRAYING TO REVIEW THE ORDER DATED 18.03.2024 PASSED BY THIS HONBLE COURT IN RSA NO.100264/2022 IN THE ENDS OF JUSTICE AND EQUITY.

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



CORAM: THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL ORDER

This review petition is filed by the petitioner under Order XLVII Rule 1(a) of the CPC, seeking review of the order dated 18.03.2024 passed by this Court in RSA No.100264/2022, whereby the appeal is allowed.

2. The learned counsel for the petitioner, who was the respondent in the regular second appeal, submitted that the matter was posted for admission and, on the very same day, substantial questions of law were framed and the appeal was disposed of. It is his submission that adequate opportunity of hearing was not afforded, therefore, he prays for review of the order passed by this Court and places reliance on the judgment of the Hon'ble Supreme Court in the case of ***Hardeep Kaur vs. Malkiat Kaur***¹.

3. This Court had issued notice on admission before considering the appeal. After the appearance of the respondent/plaintiff in the regular second appeal at the

¹ (2012) 4 SCC 344



stage of admission, arguments were heard, substantial questions of law were framed, and the appeal was disposed of.

4. It is not the case of the petitioner that the appeal was disposed of without framing substantial questions of law. As per Section 100 of the CPC, in a second appeal, substantial questions of law are required to be framed. In the present case, arguments were heard on both sides, substantial questions of law were framed, and the appeal was disposed of on merits.

5. Therefore, there is due compliance with Section 100 of the CPC. The principles laid down in ***Hardeep Kaur vs. Malkiat Kaur***, as stated *supra*, have also been adhered while considering the second appeal under Section 100 of the CPC, substantial questions of law were framed and addressed, and the same procedure has been followed in the present appeal.



6. The suit being one for specific performance, and considering the nature of the suit, substantial questions of law were answered while disposing of the appeal. No error apparent on the face of the record, nor any other sufficient ground, is made out to warrant interference under the review jurisdiction. Accordingly, the review petition is liable to dismissed and it is ***dismissed***.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE