



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 24TH DAY OF FEBRUARY, 2026
BEFORE
THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR
REGULAR SECOND APPEAL NO.100768 OF 2024 (PAR)

BETWEEN:

1. SMT. GANGAVVA @ LAXMAVVA
W/O. YANKAPPA SHINDOGI,
AGE: 63 YEARS, OCC: HOUSEHOLD,
R/O. BISARAHALLI,
TQ. DIST. KOPPAL-583238.
2. SMT. HONNAVVA
W/O. SANGANABASAPPA TEGGIHAL,
AGE: 60 YEARS, OCC: HOUSEHOLD,
R/O. JANTAPUR, TQ: LINGSUGUR,
POST: BANNIGOL, DIST: RAICHUR-584125.

...APPELLANTS

(BY SRI V.G.BHAT AND SRI SURAJ M. KATAGI, ADVOCATES.)

AND:

1. MUDAKAPPA S/O. CHANDRAPPA GODI,
AGE: 26 YEARS, OCC: PRIVATE WORK,
R/O. BARDUR, TQ. MUNDARGI,
DIST. GADAG, NOW WORKING &
RESIDING AT PHASE II,
JIGANI INDUSTRIAL AREA,
BEHIND SWAMI NITYANANDA SCHOOL,
BENGALURU.





2. SMT. MAHADEVAKKA W/O. MARUTEPPA GODI
AGE: 61 YEARS, OCC: HOUSEHOLD,
R/O: BARDUR, TQ: MUNDARGI,
DIST: GADAG.
3. NINGAPPA S/O. FAKIRAPPA GODI,
AGE: 74 YEARS, OCC: AGRICULTURE,
R/O. BARDUR, TQ: MUNDARGI,
DIST: GADAG.
4. LAXMAVVA W/O. CHANDRAPPA GODI,
AGE: 54 YEARS, OCC: AGRICULTURE,
R/O. BARDUR, TQ: MUNDARGI,
DIST: GADAG.
5. CHAITRA D/O. CHANDRAPPA GODI,
AGE: 25 YEARS, OCC: STUDENT,
R/O. BARDUR, TQ: MUNDARGI,
DIST: GADAG.
6. PRAVEEN S/O. CHANDRAPPA GODI,
AGE: 18 YEARS, OCC: STUDENT,
R/O. BARDUR, TQ: MUNDARGI,
DIST: GADAG.
7. SHIVAGANGAVVA D/O. CHANDRAPPA GODI,
AGE: 19 YEARS, OCC: STUDENT,
R/O. BARDUR, TQ: MUNDARGI,
DIST: GADAG.
8. MALLAPPA S/O. FAKIRAPPA GODI,
AGE: 72 YEARS, OCC: AGRICULTURE,
R/O. BARDUR, TQ: MUNDARGI,
DIST: GADAG.
9. SURAPPA S/O. FADIRAPPA GODI,
AGE: 68 YEARS, OCC: AGRICULTURE,
R/O. BARDUR, TQ: MUNDARGI,
DIST: GADAG.



10. KANTEPPA S/O. FAKIRAPPA GODI,
AGE: 66 YEARS, OCC: AGRICULTURE,
R/O. BARDUR, TQ: MUNDARGI,
DIST: GADAG.
11. SHIVAPUTRAPPA S/O. GUDAPPA KURIYAVAR,
AGE: 66 YEARS, OCC: AGRICULTURE,
R/O. BHAIRAPUR, POST: BOCHENHALLI,
TQ. DIST: KOPPAL-583226.
12. NINGAPPA S/O. SHIVAPUTRAPPA KURIYAVAR,
AGE: 42 YEARS, OCC: AGRICULTURE,
R/O. BHAIRAPUR, POST. BOCHENHALLI,
TQ. DIST: KOPPAL-583226.
13. RAMAPPA D/O. SHIVAPUTRAPPA KURIYAVAR,
AGE: 39 YEARS, OCC: AGRICULTURE,
R/O. BHAIRAPUR, POST. BOCHENHALLI,
TQ. DIST. KOPPAL-583 226.
14. SUVARNA D/O. SHIVAPUTRAPPA KURIYAVAR,
AGE: 33 YEARS, OCC: HOUSEHOLD,
R/O. BHAIRAPUR, POST, BOCHENHALLI,
TQ. DIST. KOPPAL-583226.

...RESPONDENTS

(BY SRI VIDYASHANKAR G. DALWAI, ADVOCATE FOR R3;
SRI LAXMANT T. MANTAGANI, ADVOCATE FOR R2;
SRI S.S.HEGDE, ADVOCATE FOR R4 TO R7;
SRI BERESH KUNTAGERI, ADVOCATE FOR R8 & R9;
NOTICE TO R10 TO R14 SERVED.)

THIS REGULAR SECOND APPEAL IS FILED UNDER SECTION 100 OF THE CODE OF CIVIL PROCEDURE, 1908, PRAYING TO SET ASIDE THE JUDGMENT AND DECREE DATED 13.03.2020, PASSED BY THE COURT OF SENIOR CIVIL JUDGE AND JMFC, LAXMESHWAR, SITTING AT MUNDARAGI, IN R.A.NO.96/2018 IN THE ENDS OF JUSTICE AND TO MODIFY THE JUDGMENT AND DECREE DATED 08.12.2016, PASSED BY THE COURT OF THE CIVIL JUDGE AND JMFC, MUNDARAGI, IN O.S.NO.104/2012, BY AWARDED 1/9TH SHARE TO THE APPELLANTS BY ALLOWING THIS APPEAL IN THE ENDS OF JUSTICE.



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

ORAL JUDGMENT

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

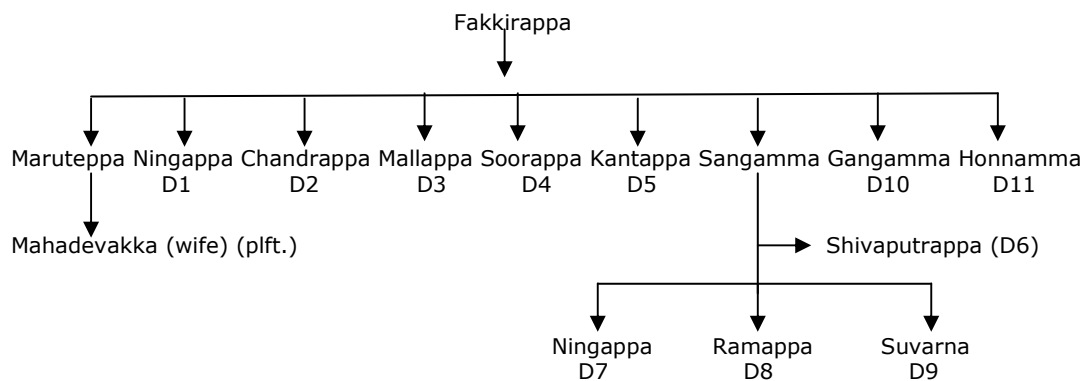
This Regular Second Appeal is filed by defendants No.10 and 11 in the suit calling in question the judgment and decree dated 13.03.2020, passed in R.A.No.96/2018, by the Senior Civil Judge, Mundaragi (First Appellate Court), which confirms the judgment and decree dated 08.12.2016, passed in O.S.No.104/2012, by the Civil Judge and JMFC, Mundaragi (Trial Court), thereby, the suit filed by the plaintiff for partition and separate possession claiming 1/6th share in all the suit schedule properties is partly decreed.

2. The Trial Court has granted share of 10/63 in item No.1(a) property to the plaintiff and defendants No.1, 3, 4 and 5 and granted 10/63 share to defendant No.2(a) to 2(e) and 10/63 share to defendants No.7, 8 and 9 and 1/63 share was granted to defendants No.10 and 11, which is challenged before the First Appellate Court and the First



Appellate Court has confirmed the judgment and decree of the Trial Court granting the share. Therefore, defendants No.10 and 11 are before this Court challenging the judgment and decree passed by both the Trial Court and the First Appellate Court granting 1/63 share only.

3. The following is the genealogy of the parties.



4. The following substantial question of law would arise for consideration in the present appeal.

Whether, under the facts and circumstances involved in the case, both the Trial Court and the First Appellate Court have committed error while passing the judgment and decree of granting share contrary to the principles of law laid down by the Hon'ble Supreme Court in the case of **Vineeta Sharma**



vs. Rakesh Sharma and others, reported in
(2020) 9 SCC 1?

5. The Trial Court has adopted the theory of notional partition without recognizing the daughters as coparceners and has granted 1/63 share to appellants/defendants No.10 and 11, which is confirmed by the First Appellate Court. Therefore, both the Trial Court and the First Appellate Court have committed error in not recognizing the daughters as coparceners and hence, they are entitled for equal share as that of sons.

6. The judgment and decree passed by both the Trial Court and the First Appellate Court are contrary to the principles of law laid down by the Hon'ble Supreme Court in ***Vineeta Sharma (supra)***. Fakkirappa is the original propositus who has nine children. Among them, the husband of plaintiff and defendants No.1 to 5 are sons and defendants No.6, 10, 11 are daughters. Defendants No.7, 8 and 9 are children of defendant No.6. Therefore, the appellants/defendants No.10 and 11 are also entitled for



equal share as that of the sons. Therefore, the judgment and decree passed by both the Trial Court and the First Appellate Court requires interference and allotment of shares shall be in terms of the judgment of the Hon'ble Supreme Court in the case of ***Vineeta Sharma (supra)***. Therefore, appellants/defendants No.10 and 11 are entitled for $1/9^{\text{th}}$ share each. Therefore, the plaintiff and defendants No.1 to 6, 10 and 11 are entitled for $1/9^{\text{th}}$ share each. Therefore, the judgment and decree passed by the Trial Court and the First Appellate Court are liable to be set aside. Therefore, the substantial question of law is answered in the affirmative.

7. In the result, the appeal is liable to be allowed.
Hence, I proceed to pass the following:

ORDER

- i) The appeal is allowed.



ii) The judgment and decree dated 13.03.2020, passed in R.A.No.96/2018, by the Senior Civil Judge, Mundaragi and the judgment and decree dated 08.12.2016, passed in O.S.No.104/2012, by the Civil Judge and JMFC, Mundaragi, are set aside.

iii) The suit O.S.No.104/2012 is partly decreed.

iv) The plaintiff and defendants No.1 to 6 and defendants No.10 and 11 are entitled for $1/9^{\text{th}}$ share each by metes and bounds.

v) Defendants No.7, 8 and 9 shall workout their share in the share of defendant No.6 Shivaputrappa.

vi) Draw decree accordingly.

vii) No order as to costs.

Sd/
(HANCHATE SANJEEVKUMAR)
JUDGE