



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 17TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE H.P.SANDESH

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

REGULAR FIRST APPEAL NO.100639 OF 2025 (PAR)

BETWEEN:

J G RAVINDRANATH,
SINCE DEAD BY HIS LRS,

1. SMT. LAYA J R W/O. LATE J G RAVINDRANATH,
AGE: 51 YEARS, OCC. HOUSEWIFE,
2. MISS HARSHA D/O. J G RAVINDRANATH,
AGE: 25 YEARS,
3. VIGNESH S/O. LATE J G RAVINDRANATH,
AGE: 22 YEARS,
4. KUMARI J G RAMA D/O. LATE GURUDASAPPA,
AGE: 58 YEARS, OCC. HOUSE WIFE,

APPELLANT NOS.1 TO 4 ARE
R/O. JAI SANTOSHIMATHA NIALAYAM,
3RD CROSS, NEHARU COLONY,
OPP. EX. MLA NAGANAGOUDA HOUSE,
BALLARI-583101.

...APPELLANTS

(BY SRI. GODE NAGARAJA, ADVOCATE)

AND:

1. SMT. R SATYA W/O. R MALLIKARJUNA,
D/O. LATE GURUDASAPPA,
AGE: 52 YEARS, OCC. HOUSEWIFE,
R/O. H.NO. 18-323, K-31,





10 CROSS, 50 ROAD GUNTAKAL,
ANANTAPURA DISTRICT, A P-515801.

2. J G SHOBHA W/O. P PRAHLAD KUMAR,
D/O. GURUDASAPPA,
AGE: 50 YEARS, OCC. HOUSEWIFE,
R/O. 87-438, SRINGAR COLONY,
KURNOOL, AP-518002.
3. J G PRAMEELA W/O. S LAXMIKANTH,
D/O. LATE GURUDASAPPA,
AGE: 56 YEARS,
R/O. BESIDE AKRUTI CONSULTANCY,
4TH CROSS, NEHARU COLONY,
BALLARI-583101.
4. SMT. ROOPA MURALIDHAR,
W/O. W MURALIDHAR,
YOGA MADAM INSTRUCTOR,
R/O. 'RAMAPRIYA', 2ND CROSS,
NEHARU COLONY, BALLARI-583101.

...RESPONDENTS

THIS RFA IS FILED UNDER SECTION 96 READ WITH ORDER 41 RULE 1 OF CPC., 1908, PRAYING TO CALL FOR THE CONNECTED RECORDS AND SET ASIDE THE JUDGMENT AND DECREE DATED 19.04.2025 PASSED IN O.S.NO. 159/2019 BY THE COURT OF PRINCIPAL SENIOR CIVIL JUDGE AND CJM., BALLARI, BY ALLOWING THIS APPEAL WITH COST AND CONSEQUENTLY AND DISMISS THE SUIT IN O.S. NO. 159/2019, FILED BY THE RESPONDENTS NO 1 AND 2/PLAINTIFFS, ON THE FILE OF PRINCIPAL SENIOR CIVIL JUDGE AND CJM., AT BALLARI AND ETC.

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

CORAM: THE HON'BLE MR. JUSTICE H.P.SANDESH
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.P.SANDESH)

This matter is listed along with IA No.1/2026 seeking condonation of delay of 140 days in filing the appeal.

2. The suit was filed for the relief of partition and separate possession in respect of the claim made by the plaintiffs i.e., 1/5th share each. There is no dispute with regard to the relationship between the parties and also specific defence was taken by the appellants that defendant Nos.1 to 3 contend that the plaintiffs have taken their share out of the suit schedule properties in the form of cash and jewelry during the lifetime of their father late Gurudasappa and the trial Court considering the material available on record, answered the issue as negative and that is the only defence taken by defendant Nos.1 to 3. Defendant No.4 took the defence that the mother of the plaintiffs sold Item No.4 of the suit schedule property to her to meet out the family necessities and trial Court considering the material available on record, particularly, all the family members also ratified the claim



made by the mother in favour of defendant No.4 and hence, answered the issue in favour of the defendant No.4.

3. When such being the case, in the absence of any material having paid the cash and jewelry during the lifetime of the father and the same is also taken note of by the trial Court and even in spite of it, there is a delay of 140 days in filing this appeal and when such material available before the Court, no ground is made out to condone the delay and even on merits also, the trial Court has taken note of the factual aspects of the case and held that the plaintiffs are also entitled for 1/5th share each as sought. Hence, we do not find any ground on merit also. Accordingly, IA No.1/2026 is dismissed, consequently, the appeal also ***dismissed***.

**SD/-
(H.P.SANDESH)
JUDGE**

**SD/-
(B. MURALIDHARA PAI)
JUDGE**