



**IN THE HIGH COURT OF KARNATAKA,
AT DHARWAD**

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V.HOSMANI

CIVIL REVISION PETITION NO.100162 OF 2025

BETWEEN:

SRI ISHWARAPPA
S/O BASAVANEPPA BHUTARADDI,
AGE. 65 YEARS,
OCC. AGRICULTURE,
R/O HIREBAN HALADAKERI,
TQ. LAXMESHWAR,
DIST. GADAG-582116.

...PETITIONER

(BY SRI HANUMANTHAREDDY SAHUKAR, ADVOCATE)

AND:

SRI MALLAPPA
S/O FAKKIRAPPA BHUTARADDI,
SINCE DECEASED BY HIS LRS

1. SRI FHAKKIRAPPA
S/O MALLAPPA BHOOTARADDI,
AGE. 68 YEARS,
OCC. AGRICULTURE,
R/O LAXMESHWAR,
TQ. LAXMESHWAR,
DIST. GADAG 582116.



2. SRI NINGAPPA
S/O MALLAPPA BHOOTARADDI,
AGE. 55 YEARS,
OCC. AGRICULTURE,
R/O LAXMESHWAR,
TQ. LAXMESHWAR,
DIST. GADAG 582116.
3. SRI MANJUNATH
S/O MALLAPPA BHOOTARADDI,
AGE. 53 YEARS,
OCC. AGRICULTURE,
R/O LAXMESHWAR,
TQ. LAXMESHWAR,
DIST. GADAG 582116.

...RESPONDENTS

(BY SMT.SHOBHA H., ADVOCATE FOR
SRI ASHOK T. KATTIMANI, ADVOCATE FOR R1 TO R3)

THIS CRP IS FILED UNDER SECTION 115 OF CPC, 1908 PRAYING TO SET ASIDE THE ORDER DATED 12.11.2025 ON PRELIMINARY ISSUE NO.4 IN OS NO.108/2020 PASSED BY THE LEARNED CIVIL JUDGE AND JMFC LAXMESHWAR, AND ORDER MAY KINDLY BE PASSED HOLDING THAT THE SUIT IN OS NO.108/2020 IS UNDERVALUED AND COURT HAS NO PECUNIARY JURISDICTION TO TRY THE SUIT, BY ALLOWING THE ABOVE REVISION PETITION AS PRAYED FOR, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS CRP COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE RAVI V.HOSMANI



ORAL ORDER

Challenging order dated 12.11.2025 passed by Civil Judge and JMFC, Laxmeshwar in OS no.108/2020 on preliminary Issue no.4 and thereby holding valuation of relief by plaintiff as proper, this revision petition is filed.

2. Sri Hanumanthareddy Sahukar, learned counsel for petitioner submitted that, petition was by defendant in OS no.108/2020 filed by respondents, legal representatives of original plaintiff. It was submitted, suit was filed for relief of declaration of title, for possession and permanent injunction over suit property namely CTS no.169/B-2 measuring 205 ³/_{9th} square yards situated at Hireban village in Laxmeshwar Taluk.

3. After appearance, defendant filed written statement, questioning valuation of suit properties by plaintiffs as improper. It was asserted that market value of suit property was more than Rs.16,30,000/- and beyond pecuniary jurisdiction of Civil Court.

4. Based on same, Trial Court framed issues wherein, issue no.4 regarding valuation and court fee was treated as preliminary issue enquiry held. In course of same, defendant



produced Sub-Register Guidance Value (SRGV) of properties for year 2018-19 indicating market value at Rs.1,600/- per square metre. He also produced sale deed of nearby property executed in year 2020 for Rs.9,00,000/-. But Trial Court answered issue no.4 in negative on ground that sale deed at Ex.D2 was in respect of a larger extent of land located in residential area and its value could not be compared with suit property, which was a smaller extent and SRGV for year 2018-19, even if applied to suit property, its market value would be Rs.2,74,240/- well within pecuniary jurisdiction and substantially close to valuation of suit property at Rs.2,00,000/-.

5. It was submitted, said finding would be contrary to material on record and therefore, determination would be suffered from material irregularity calling for interference. On said grounds sought for allowing revision.

6. On other hand, Smt.Shobha H., learned counsel for plaintiffs/respondents no.1 to 3 opposed revision petition.

7. Heard learned counsel, perused impugned order and material available on record.



8. In view of above, point that arises for consideration is:

'Whether finding of trial Court on Issue no.4 would warrant interference in revision?'

9. This revision petition is by defendant challenging finding of trial Court on issue no.4 treated as preliminary issue. Main ground urged is that valuation of suit property by plaintiff was improper. To substantiate same, defendant produced SRGV as Ex.D1 and sale deed of nearby property as Ex.D2. Valuation of suit property as per SRGV for year 2014-15 is Rs.1,600/- per square meters. If same is applied to equivalent extent of suit property, value would be Rs.2,74,240/-. Even valuation in Ex.D2 at Rs.9,00,000/- is for a landed property measuring 53.140516 square metres with RCC building occupying 48.774075 square metres.

10. Admittedly, suit property is of a larger extent than property in Ex.D2 and cannot be presumed to fetch same market value. Besides defendant would require to establish similarity. Moreover value of Rs.9,00,000/- is for land and building, without material to establish value of land only. Therefore said value



cannot be held to apply to suit property, which is a vacant land.
Precisely on said reasoning, trial Court has answered issue no.4.

11. In view of above, there is no illegality or irregularity pointed out in impugned order warranting interference in a revision under Section 115. Hence, revision petition is ***dismissed.***

In view of dismissal, pending application/objections are disposed of as unnecessary.

Sd/-
(RAVI V.HOSMANI)
JUDGE

EM/CLK
CT:VP
LIST NO.: 1 SL NO.: 54