



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

REGULAR SECOND APPEAL NO.200055 OF 2026 (PAR/POS)

BETWEEN:

JAINABI W/O LALESAB OTHIHAL,
AGE ABOUT:56 YEARS, OCC:HOUSE WORK,
R/O. HONNALLI VILLAGE-586 128
TQ. SINDAGI, DIST. VIJAYAPURA.

...APPELLANT

(BY SRI. LIYAQAT FAREED USTAD & PRAMOD A. MASKIKAR,
ADVOCATES)

AND:

ASHABI W/O LALESAB OTHILAL,
(SINCE SHE DIED HER LR's ARE ALREADY ON
RECORD AS RESPONDENT NO.1 AND 2)

Digitally signed by
BASALINGAPPA S D
Location: HIGH
COURT OF
KARNATAKA

1. SAIFANBI W/O BANDENAWAZ HOSAMANI,
AGE:30 YEARS, OCC:H.H. WORK,
R/O. HONNALLI VILLAGE-586 128
TQ. SINDAGI, DIST. VIJAYAPURA.
2. BURANABI W/O BABU DONUR,
AGE:35 YEARS, OCC:H.H. WORK,
R/O. HADAGALI VILLAGE-586 127
TQ. SINDAGI, DIST. VIJAYAPURA.
3. DAVALSAB S/O LALESAB OTHIHAL,
AGE:35 YEARS, OCC:AGRICULTURE,
R/O. HONNALLI VILLAGE-586 128
TQ. SINDAGI, DIST. VIJAYAPURA.



4. MAHIBOOB S/O LALESAB OTHIHAL,
AGE:32 YEARS, OCC:AGRICULTURE,
R/O. HONNALLI VILLAGE-586 128
TQ. SINDAGI, DIST. VIJAYAPURA.
5. MOULANABI W/O DAVALSAB NADUVINAMANI,
AGE:30 YEARS, OCC:H.H. WORK,
R/O. KHANAPUR, TQ. SINDAGI,
DIST. VIJAYAPURA- 586 128.
6. MABANNI W/O RAJESAB AWATI,
AGE:26 YEARS, OCC:H.H. WORK,
R/O. DINDAVAR, TQ. B. BAGEWADI,
DIST. VIJAYAPURA – 586 128.

...RESPONDENTS

(BY SRI. B. BHIMASHANKAR, ADVOCATE FOR R1 & R2)

THIS RSA IS FILED UNDER SECTION 100 OF THE CODE OF CIVIL PROCEDURE – 1973, PRAYING TO CALL FOR THE RECORDS AND SET-ASIDE THE JUDGMENT AND DECREE DATED 15.11.2025 PASSED BY THE II ADDL. DISTRICT AND SESSION JUDGE VIJAYPURA, IN R.A. NO.90/2024 WHEREIN THE LOWER APPELLANT COURT HAS DISMISSED THE APPEAL FILED BY THE DEFENDANTS THE AND CONFIRM THE JUDGMENT AND DECREE DATED 03.04.2024 PASSED IN O.S. NO.11/2019 PASSED BY THE ADDL. SENIOR CIVIL JUDGE AND JMFC AT SINDAGI IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY



ORAL JUDGMENT

1. Sri. B. Bhimashankar, learned counsel for the caveators/ respondents No.1 and 2 takes notice on behalf of respondents No.1 and 2 and he reports that he received copies of appeal memo and I.A. No. 1/2026 from the learned counsel of the appellant.

2. Heard the learned counsel for the appellant and also the learned counsel for the respondents No.1 and 2. Perused the relevant materials on record.

3. As per the papers on record, it would be clear that the appellant is defendant No. 1 in the suit. The defendants No. 2 to 5 are her children. The plaintiff No.1 has died. The respondents No.1 and 2, who are plaintiffs No.2 and 3 in the suit, are her daughters. As per the case alleged by the plaintiffs, the plaintiff No. 1 is the first wife and the plaintiffs No.2 and 3 are children of the deceased Lalesab Othihal. The defendant No. 1 is



the second wife and the defendants No. 2 to 5 are children of the deceased Lalesab Othihal.

4. There is no dispute regarding the relationship between the plaintiffs and defendants. The suit was filed by the plaintiff for the relief of partition and separate possession of their share in the suit properties. It is undisputed fact that the suit properties were belonging to the deceased Lalesab Othihal. The defendants appeared through their counsel before the trial Court and filed a written statement submitting that there was partition in respect of item No. 1 of suit properties and such contention was acceptable by the trial Court and the suit was decreed only in respect of item No. 2 of the suit properties.

5. Moreover, it is very pertinent to note that defendants No.2 to 5 have not chosen to challenge the decree of the trial Court in the appeal. Only the defendant No.1 filed the appeal before the First



Appellate Court/ II Addl. District and Sessions Judge, Vijayapura where the said appeal was dismissed. Hence, there are concurrent findings by both the trial Court and the First Appellate Court.

6. There is no substantial question of law to be considered in the Appeal.

7. Hence, this appeal does not merit consideration on the facts of the case and also in law and therefore the appeal fails.

8. In the result, the appeal filed by the appellant/ defendant No.1 is hereby dismissed.

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE

LL
List No.: 1 Sl No.: 39
CT: SB