



**IN THE HIGH COURT OF KARNATAKA**

**KALABURAGI BENCH**

**DATED THIS THE 26<sup>TH</sup> DAY OF MARCH, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY**

**REGULAR SECOND APPEAL NO.7184 OF 2012 (SP)**

**BETWEEN:**

ALLAUDDINKHAN S/O RUKMUDDINKHAN  
PATHAN KAPNOORWALE, AGE: 49 YEARS,  
OCC: AGRICULTURE, R/O INGALGI MOHALLA  
RAJABASKER ASOORKHAN SHAHABAD,  
TQ.CHITAPUR, DIST. GULBARGA PIN – 585 211.

...APPELLANT

(BY SRI. ANANTH S. JAHAGIRDAR, ADVOCATE)

**AND:**

1. YAKOOBKHAN S/O MEHABOOB KHAN,  
AGE: 43 YEARS, OCC: AGRICULTURE,
2. CHAND KHAN S/O MEHABOOB KHAN,  
AGE: 38 YEARS, OCC: AGRICULTURE,
3. OSMANKHAN S/O MEHABOOB KHAN,  
AGE: 33 YEARS, OCC: AGRICULTURE,
4. MEERAN KHAN S/O MEHABOOB KHAN,  
AGE: 25 YEARS, OCC: AGRICULTURE,
5. SHARIFABEE W/O MEHABOOB KHAN,  
AGE: 68 YEARS, OCC: AGRICULTURE,  
ALL R/O KAPNOOR, TQ. &  
DIST. GULBARGA – 585 103.

Died LR's are already  
on record as R1 to  
R4, R6 & R7

Amended as per  
order of this Hon'ble  
Court on 04.03.2026.



6. FATEEMABEE W/O PEERAHMAD MADREWALE,  
AGE: 31 YEARS, OCC: HOUSEHOLD WORK,  
R/O. RAM MOHALLA SHAHABAD,  
TQ. CHITAPUR, DIST. GULBARGA- 585 228.
7. SHABANABEGUM W/O KAREEMSAB,  
AGE: 27 YEARS, OCC: HOUSEHOLD WORK,  
R/O. MADINA COLONY MSK MILL AREA  
GULBARGA- 585 301.

...RESPONDENTS

(BY SRI. P.S. MALIPATIL, ADVOCATE FOR R1 TO R4,  
SRI. B.V. JALDE, ADVOCATE FOR R6 AND R7,  
V/O DATED 07.02.2023, R1 TO R4, R6 AND R7 ARE  
TREATED AS LR's OF DECEASED R5)

THIS RSA IS FILED UNDER SECTION 100 OF THE  
CODE OF CIVIL PROCEDURE, PRAYING TO ALLOW THIS  
APPEAL AND TO SET ASIDE THE JUDGMENT AND  
DECREE DATED 19.03.2011 PASSED IN R.A. NO.7/2010  
BY THE LEARNED I ADDL. DIST. JUDGE, GULBARGA,  
CONFIRMING THE JUDGMENT AND DECREE DATED  
19.08.2009 PASSED IN O.S. NO.174/2006 BY THE  
LEARNED II ADDL. CIVIL JUDGE (JR. DN) GULBARGA, IN  
THE INTEREST OF JUSTICE.

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

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



**ORAL JUDGMENT**

There is no representation from the learned counsel for the respondents.

2. Heard the learned counsel for the appellant and perused the relevant materials on record. The matter is posted today for admission.

3. As per the papers on record, it is clear that the respondents filed the suit before the trial Court in O.S.No.174/2006 for the relief of specific performance of contract on the basis of agreement of sale dated 24.06.2004. The trial Court decreed the suit and the defendant No.1 is directed to execute the registered sale deed by receiving the remaining consideration of Rs.36,150/- within one month from the date of decree. The relief of permanent injunction is also granted against the defendant No.1 from interfering with the peaceful possession of the plaintiffs in respect of the suit property.



4. As submitted by the learned counsel for the appellant, it is true that the trial Court held that the sale agreement at Ex.P.1 was tampered by the plaintiffs and regarding that the trial Court imposed duty and penalty on the plaintiffs payable within five days from the date of the judgment and decree.

5. Thereafter, the defendant No.1 filed the appeal before the first appellate Court in R.A.No.7/2010 challenging the judgment and decree of the trial Court and the first appellate Court dismissed the appeal as per the judgment and decree dated 19.03.2011.

6. Being aggrieved by the said judgment and decree of the first appellate Court, the defendant No.1 is before this Court. There is concurrent finding by both the trial Court and the first appellate Court. Moreover, as per the evidence on record, it is clear that the execution of the sale agreement between father of the plaintiffs and the defendant No.1 is not disputed by the



appellant. There is no substantial question of law to be considered in the case on hand and therefore, the appeal fails.

7. In the result, this appeal filed by the appellant is hereby ***dismissed***.

**Sd/-**  
**(TYAGARAJA N. INAVALLY)**  
**JUDGE**

BL  
List No.: 1 Sl No.: 21  
CT: SB