



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

RFA CROSS OBJ NO.200001 OF 2017 (PAR/POS)

BETWEEN:

MAREMMA W/O RAYAPPA KANAKAPUR,
D/O MALLAYYA NAIKODI,
AGE:49 YEARS, OCC: AGRI,
R/O. ANABI, TQ. SHAHAPUR
DIST. YADGIR.

...CROSS OBJECTOR

(BY SRI. S.B. HANGARKI, ADVOCATE)

AND:

1. SMT.GANGAMMA W/O LATE SIDDAPPA
NAIKODI, AGE:68 YEARS,
OCC: HOUSEHOLD,

} Amended as per order
of Hon'ble Court
dated 06.03.2025

SINCE DECEASED BY HER LR's ALREADY ON
RECORD AS RESPONDENT NO.2 TO 4.

2. DEVAKKI W/O NARASAPPA KANAKAPAR,
AGE: 48 YEARS, OCC: HOUSEHOLD,
3. NIRANJAN @ GIRIJAPPA S/ SIDDAPPA,
AGE:43 YEARS, OCC: AGRI.,
4. YELLAMMA W/O NIRANJAN NAIKODI,
AGE: 48 YEARS, OCC: HOUSEHOLD,

ALL R/O. ANABI, TQ-SHAHAPUR,
DIST-YADGIR.

Digitally signed by
SOMANATH
PENTAPATI MITTE
Location: HIGH
COURT OF
KARNATAKA



...RESPONDENTS

(R1 IS DEAD, R2 TO R4 ARE LEGAL REPRESENTATIVES OF
DECEASED R1,
R2 TO R4 ARE SERVED)

THIS RFA CROB. IS FILED UNDER ORDER 41 RULE
22 OF THE C.P.C., PRAYING TO SET-ASIDE THE
JUDGMENT AND DECREE PASSED BY THE COURT OF
THE SENIOR CIVIL JUDGE AT SHORAPUR SITTING AT
SHAHAPUR, IN O.S. No.35/2014, DATED 16.01.2016,
INREGAR TO ISSUE No.4 AND THEREBY CONSEQUENTLY
DECREE THE SUIT OF THE CROSS-OBJECTOR/PLAINTIFF
IN RESPECT TO SUIT ITEM No.4 i.e., LAND Sy.No.412
MEASURING 2 ACRES, IN THE INTEREST OF JUSTICE AND
EQUITY.

THIS PETITION, COMING ON FOR FINAL HEARING,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

Heard the learned counsel for the Cross objector.

Perused the relevant materials on record.

2. In spite of service of notice, the respondents
No.2 to 4 have not chosen to appear and contest the
appeal. The respondent No.1 is already dead and the



respondents No.2 to 4 are legal representatives of the deceased respondent No.1.

3. This appeal is RFA Crob No.200001/2017 and it is the cross objection filed by the respondents in RFA No.200021/2016 and the said appeal filed by the respondents was already dismissed for non prosecution.

4. This Cross objection filed by the plaintiff before the trial Court, wherein suit by her was decreed in respect of items No.1 to 3 and 5 of the suit property and dismissed in respect of item No.4 of the suit schedule property. Being aggrieved by the dismissal of the suit in respect of item No.4 of suit property, the plaintiff is before in this appeal/ cross objection.

5. From the papers on record, it is clear that the defendant No.4 is wife of the defendant No.3 and hence, she being sister in law of the plaintiff is not the member of joint family. It is also not in dispute that the item No.4 of suit property was purchased in the name of



defendant No.4. The evidence on record would show that on 01.08.1998 the item No.4 of the suit property was purchased by the defendant No.4 for the amount of Rs.50,000/- and 50% of the sale consideration was paid by SC/ST Corporation, Kalaburagi with condition that the defendant No.4 should pay remaining consideration amount in 10 installments with interest at 6% per annum. The defendant No.4 was identified as beneficiary under the scheme 'Bhoo-odethana' as per the Government Notification. The scheme was launched by Karnataka SC/ST Corporation.

6. As held by the trial Court, there is absolutely no material forthcoming from the plaintiff to show that the remaining amount in respect of sale consideration was paid either by the plaintiff or by defendants No1 to 3 from out of the joint family fund.

7. Moreover, the defendant No.4 being not the member of joint family, the item No.4 suit property



purchased by her in her name under registered sale deed would become her absolute property and therefore, there is no error committed by the trial Court in denying share to the plaintiff in respect of item No.4 suit property under impugned judgment and decree.

8. There is absolutely no ground made out by the plaintiff in the present appeal to set aside the impugned judgment and decree of the trial Court to the extent of dismissal of her suit in respect of item No.4 of the suit property. Therefore, this appeal fails on fact of the case also in law.

9. In the result, this appeal filed by the plaintiff/appellant is hereby dismissed.

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE