



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
REGULAR SECOND APPEAL NO.200450 OF 2025 (SP)

BETWEEN:

SRI SIDDANAGOUDA
S/O SHIVARAYAGOUDA BIRADAR,
SINCE DECEASED BY LR -

1. SUMITRA W/O SIDDANAGOUDA BIRADAR,
AGE ABOUT: 55 YEARS, OCC: AGRICULTURE
R/O. DEVAR HIPPARAGI,
TQ. DEVAR HIPPARAGI,
DIST. VIJAYAPURA- 586 115.

...APPELLANT

(BY SRI D.P. AMBEKAR, ADVOCATE)

AND:

ANILKUMAR S/O SIDDAGONDAPPA PATIL,
AGE ABOUT: 44 YEARS, OCC: AGRICULTURE,
R/O. DEVAR HIPPARAGI, TQ. DEVAR HIPPARAGI,
DIST. VIJAYAPURA-586 115.

...RESPONDENT

(BY SRI B.D. HANGARKI, ADVOCATE)

THIS RSA IS FILED UNDER SECTION 100 CPC R/W.
ORDER 42 RULE 1 OF C.P.C., PRAYING TO ALLOW THIS
APPEAL AND SET-ASIDE THE IMPUGNED JUDGMENT AND



DECREE DATED 06.01.2025 PASSED BY THE ADDL. SENIOR CIVIL JUDGE AND JMFC, SINDAGI, DISMISSING RA NO.61/2021 AND THE JUDGMENT AND DECREE DATED 07.09.2021, PASSED BY THE ADDL. CIVIL JUDGE AND JMFC, SINDAGI, DECREERING O.S. NO.106/2014 AND FURTHER DISMISS THE SUIT OF THE PLAINTIFF IN O.S. NO.106/2014 ON THE FILE OF THE ADDL. CIVIL JUDGE AND JMFC, SINDAGI.

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

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

ORAL JUDGMENT

Heard the learned counsel for the appellant and also the learned counsel for the respondent. Perused the relevant materials on record.

2. This appeal is filed by the wife of the defendant challenging the judgment and decree dated 06.01.2025 of the Addl. Senior Civil Judge and JMFC, Sindagi ('the First Appellate Court') in RA No.61/2021



and the judgment and decree dated 07.09.2021 of the Addl. Civil Judge and JMFC, Sindagi ('the Trial Court'), in OS No.106/2014.

3. The respondent filed the suit in OS No.106/2014 before the Trial Court against the husband of the appellant for the relief of specific performance of contract on the basis of agreement of sale dated 12.12.2012 executed by him in respect to suit property.

4. The defendant appeared through the counsel and resisted the suit by filing the written statement.

5. As submitted by the learned counsel for the appellant and also as forthcoming from the papers, the defendant did not enter the witness box to prove his contentions put forth in the written statement. On the other hand, the wife of the defendant got herself examined as DW1, but she was not subjected to cross-



examination. Therefore, the contention of the plaintiff and also evidence of the plaintiff as PW1 before the Trial Court stood unchallenged by the defendant. Thereafter, the defendant filed appeal before the First Appellate Court in RA No.61/2021 and during the pendency of the appeal the defendant died and the appellant being the legal representative of the deceased defendant came on record.

6. It is pertinent to note that the appeal filed by the defendant before the First Appellate Court was dismissed and thereby the judgment and decree of the Trial Court in OS No.106/2014 was confirmed. This would go to show that there is concurrent finding by the Trial Court and also by the First Appellate Court.

7. Moreover, the substantial questions of law set forth in the appeal memo are regarding the facts of the case and there is no substantial question of law to be



considered in the case on hand. The learned counsel for the appellant in the grounds urged in the appeal has mentioned the substantial question of law as to whether the agreement of sale was executed by the plaintiff by playing fraud on the defendant and his wife and whether no consideration was passed to the defendant under the alleged agreement to sell and also whether the Trial Court and First Appellate Court failed to consider the veracity of the witnesses to the sale agreement and regarding the ready and willingness of the plaintiff to perform his part of the agreement. Those questions are regarding the facts of the case. Hence, any such substantial questions of law do not arise for consideration in the appeal on hand. Therefore, there is absolutely no ground made out by the appellant to show that Trial Court and the First Appellate Court have committed any error in decreeing the suit of the respondent/plaintiff. Hence, the present appeal does



not merit for consideration on the facts of the case and also in law and consequently the appeal fails.

8. In the result, the appeal is ***dismissed***.

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE

SBS
List No.: 1 Sl No.: 29
CT: SB