



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.200746 OF 2025 (INJ)

BETWEEN:

1. KASHINATH S/O RACHAPPA ADDI,
AGE: 44 YEARS,
OCC: AGRICULTURE & BUSINESS,
R/O. NAGATHAN,
TQ. & DIST. VIJAYAPURA-586 112.
2. CHANDRAKANT S/O RACHAPPA ADDI,
AGE: 42 YEARS,
OCC: AGRICULTURE & BUSINESS,
R/O. NAGATHAN,
TQ. & DIST. VIJAYAPURA-586 112.
3. VISHWANATH S/O RACHAPPA ADDI,
AGE: 40 YEARS, OCC: AGRICULTURE,
R/O. NAGATHAN,
TQ. & DIST. VIJAYAPURA-586 112.
4. MANJUNATH S/O RACHAPPA ADDI,
AGE: 35 YEARS, OCC: AGRICULTURE,
R/O. NAGATHAN,
TQ. & DIST. VIJAYAPURA-586 112.

...APPELLANTS

(BY SRI ANIL RATHOD, ADVOCATE)



AND:

1. SMT. SUMITRA W/O HANAMANT WALIKAR,
AGE: 62 YEARS, OCC: HOUSEHOLD WORK,
R/O. NAGATHAN,
TQ. & DIST. VIJAYAPURA-586 112.
2. THE ASST. EXECUTIVE ENGINEER (E.I)
O AND M SUB-DIVISION HESCOM LTD,
TQ. & DIST. VIJAYAPURA-586 112.
3. THE SECTION OFFICER,
O AND M SUB-DIVISION HESCOM LTD.,
SHIVANAGI,
TQ. & DIST. VIJAYAPURA-586 112.

...RESPONDENTS

THIS RSA IS FILED UNDER SECTION 100 OF C.P.C.,
PRAYING TO ALLOW THIS APPEAL AND SET-ASIDE THE
JUDGMENT AND DECREE DATED 05.02.2024 IN O.S.
NO.508/2013 PASSED BY THE LEARNED II ADDL. CIVIL
JUDGE AND JMFC, VIJAYAPURA, AT VIJAYAPURA AND
IMPUGNED JUDGMENT AND ORDER DATED 25.09.2025
IN R.A. NO.19/2024 PASSED BY THE LEARNED II ADDL.
SENIOR CIVIL JUDGE AT VIJAYAPURA AND DISMISS THE
SUIT AND DECREE THE COUNTER CLAIM OR REMAND
CASE FOR A FRESH CONSIDERATION ON MERITS.

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 appellants and
also the learned counsel for the respondents. Perused
the relevant materials on record.



2. This appeal is filed by the defendant No.1 and defendants No.2A to 2D challenging the judgment and decree of the II Addl. Senior Civil Judge, Vijayapura, ('the First Appellate Court') dated 25.09.2025 in RA No.19/2024, wherein, the counter claim of the appellants was dismissed.

3. The materials on record would show that the respondent No.1 filed suit before the Trial Court in OS No.508/2013 for the relief of permanent injunction against the appellants and the respondents No.2 and 3. The said suit was decreed by the Trial Court as per the judgment and decree dated 05.02.2024 and the counter claim of defendant No.1 was dismissed.

4. Being aggrieved by the judgment and decree of the Trial Court, the defendant No.1 and defendants No.2A to 2D filed the appeals in RA No.19/2024 and RA No.20/2024 challenging the decree passed in favour of the plaintiff and also dismissal of counter claim of the



defendant No.1. The First Appellate Court dismissed those appeals as per the impugned judgment and decree. Hence, there is concurrent finding by both the Trial Court and the First Appellate Court.

5. Moreover, it is pertinent to note that the defendants No.3 to 4 have not challenged the judgment and decree of the Trial Court. There is concurrent finding by the Trial Court and also of the First Appellate Court. Moreover, the suit is for the relief of permanent injunction. Hence, there is no ground to consider the following substantial questions of law raised by the appellants in the appeal memo:

(i) Whether the trial court below is justified in decreeing the suit without there being any evidence of nuisance and dismissing the counter claim?

(ii) Whether the first appellate court is justified in dismissing the appeals holding that the civil court has no power to curtail



*the rights of statutory authorities in
exercising their power?*

6. Any of the grounds urged by the appellants does not make out any ground to show that there is substantial questions of law to be considered in the present appeal and hence, the appeal is not maintainable. Therefore, the appeal fails.

7. In the result, the appeal is hereby **dismissed**.

8. Consequently, the pending application, if any, shall stand disposed of.

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE

SBS
List No.: 1 Sl No.: 30
CT: SB