

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 5409/2008

KAMALA (DEAD) THR. LRS.

Appellant(s)

VERSUS

KALYANI SHERIGARTHI & ORS.

Respondent(s)

O R D E R

We have heard learned counsel for the parties.

This is a case where two courts have decided against the appellants and decreed the suit for partition.

We notice that though the application filed by the plaintiff under the Karnataka Land Reforms Act was indeed dismissed as contended by the appellants, the said application had been consolidated along with the application filed by the predecessor in interest of the appellants, namely, defendant No.1 and an order was passed by the Land Tribunal.

The order further reveals that the application was allowed in favour of the "applicants". There is nothing to show that it was allowed exclusively in favour of the predecessor in interest of the appellants. We cannot also ignore the deposition of PW2, who is admittedly the landlord under whom the predecessor in interest of the appellants setup her case.

We would think that the appellants have not made out a case for interference in this appeal.

The civil appeal is, accordingly, dismissed. No order as to costs.

.....J.
[K.M. JOSEPH]

.....J.
[S. RAVINDRA BHAT]

NEW DELHI;
AUGUST 5, 2021

