

IN THE HIGH COURT OF KARNATAKA, BANGALORE

DATED THIS THE 10TH DAY OF JANUARY 2012

BEFORE

THE HON'BLE MR. JUSTICE DILIP B. BHOSALE

RSA No 3017 OF 2006

C/W

R.S.A.No.2760 of 2006

R.S-A 3017/2006

BETWEEN

KALYANAMMA @ MANCHAMMA  
AGED ABOUT 70 YERS  
W/O LATE PATEL D S LINGAPPAGOWDA  
HOUSE NO 288, GANGOTRI  
HUDCO LAYOUT  
MYSORE - 570005.

... APPELLANT

(BY SRI. V B SIDDARAMAIAH, ADVOCATE)

AND

- 1 KAMALAMMA W/O THAMMANNAGOWDA  
MAJOR R/O KOTAGAHALLI VILLAGE  
JAGINAKERE POST, SANTEBACHALLI  
HOBLI, K.R PET, MANDYA DISTRICT.
- 2 JAYALAXMI  
W/OD NANJAPPA  
MAJOR R/O KIKKERI VILLAGE  
K R PET, MANDYA - 571401
- 3 PARWATHAMMA  
W/O H NANJUNDEGOWDA  
MAJOR R/O IKANAHALLI VILLAGE  
KIKKERI HOBLI  
K R PET, MANDYA DISTRICT - 571401

- 4 D L CHANDRASHEKAR  
S/O LATE PATEL LINGAPPAGOWDA  
MAJOR R/O DEVARAHALLI VILLAGE  
KIKKERI HOBLI  
K R PET, MANDYA DISTRICT - 571401
- 5 KUMARA  
S/O BHOJEGOWDA  
MAJOR R/O GOODE HOSAHALLI VILLAGE  
KIKKERI HOBLI, K R PET  
MANDYA DISTRICT - 571401.
- 6 D L BALAKRISHNA  
S/O PATEL D S LINGAPPAGOWDA  
MAJOR R/O DEVERAHALLI VILLAGE  
KIKKERI HOBLI, K R PET  
MANDYA DISTRICT - 571401.
- 7 VARALAXMI  
W/O RAMAKRISHNA  
MAJOR R/O IKANAHALI VILLAGE  
KIKKERI HOBLI, K R PET  
MANDYA DISTRICT - 571401.
- 8 KUSUMA  
W/O VENKATEGOWDA  
MAJOR R/O GONDTHALLI VILLAGE  
KIKKERI HOBLI, K R PET,  
MANDYA DISTRICT - 571401
- 9 GIRIJA KUMARI D/O KALYANAMMA @ MANCHAMMA,  
MAJOR, R/O C/O A.B.PRABAKAR,  
EWS HOUSE NO.28B, GANGOTHRI,  
HUDCO LAYOUT, MYSORE.
- 10 LAKSHMIDEVAMMA, W/O K.H.RAMAJAH,  
MAJOR. R/AT KALENAHALLI VILLAGE,  
KIKKERE HOBLI, K.R.PET TALUK,  
MANDYA DISTRICT.
- 11 RAMAKRISHNA S/O K.H.RAMAJAH, MAJOR,  
R/AT KALENAHALLI VILLAGE,  
KIKKERE HOBLI, K.R.PET TALUK,

MANDYA DISTRICT.

... RESPONDENTS

(BY SRI. C.S.PRASANNAKUMAR, ADV. FOR  
KUMAR & KUMAR FOR R1,  
SRI.RAJENDRA M.S., ADV. FOR KESVY & CO  
FOR R2, R3 AND R7,  
SMT. M.R.MAMATHA, ADV. FOR R9  
R4 , R5, R10 & R11 - SERVED)

RSA FILED U/S. 100 OF CPC AGAINST THE JUDGEMENT  
& DECREE DATED: 26.7.2006 PASSED IN R.A.NO.  
23/2001 ON THE FILE OF THE PRL.DISTRICT JUDGE,  
MANDYA, DISMISSING THE APPEAL AND CONFIRMING  
THE JUDGEMENT AND DECREE DATED: 15.2.2001  
PASSED IN OS.NO. 35/1992 ON THE FILE OF THE  
ADDL.CIVIL JUDGE (SR.DH.), SRIRANGA.PATNA ETC.

RSA No 2780 OF 2006

BETWEEN

- 1 SMT LAKSHMIDEVAMMA, 58 YEARS,  
W/O H.K. RAMAIAH  
R/AT KALENAHALLI VILLAGE  
KIKKERI HOBLI,  
K.R.PET TALUK  
MANDYA DISTRICT - 571401
- 2 SRI R RAMAKRSIHNA, 46 YEARS,  
S/O H.K. RAMAIAH  
R/AT KALENAHALLI VILLAGE  
KIKKERI HOBLI,  
K.R.PET TALUK  
MANDYA DISTRICT - 571401

...APPELLANTS

(BY SRI H P LEELADHAR, ADVOCATE)

AND :

- 1 SMT KAMALAMMA  
W/O THAMMANNAGOWDA  
MAJOR IN AGE  
R/AT KOTAGAHALLI VILLAGE  
JAGINAKERE POST  
SANTEBACHAHALLI HOBLI  
K.E.PET TALUK,  
MANDYA DISTRICT - 571401.
- 2 SMT KALYANAMMA @ MANCHAMMA  
W/O LATE PATEL LINGAPPA GOWDA  
MAJOR IN AGE  
R/AT C/O A.B. PRABHAKAR  
EWS HOUSE, NO.288  
GANGHOTHRI HUDCO LAYOUT,  
MYSORE - 570001.
- 3 SMT GIRIJA KUMARI  
D/O KALYANAMMA @ MANCHAMMA  
MAJOR IN AGE  
R/AT C/O A.B. PRABHAKAR  
EWS HOUSE, NO.288  
GANGHOTHRI HUDCO LAYOUT,  
MYSORE - 570001.
- 4 SMT JAYALAKSHMI  
W/O D. NANJAPPA  
MAJOR IN AGE  
R/AT IKANAHALLI VILLAGE  
KIKKERI HOBLI  
K.R.PET TALUK  
MANDYA DISTRICT 571401
- 5 SMT PARWATHAMMA  
W/O H. NANJUNDEGOWDA  
MAJOR IN AGE  
R/AT IKANAHALLI VILLAGE  
KIKKERI HOBLI  
K.R.PET TALUK  
MANDYA DISTRICT - 571401

6 SRI D L CHANDRASHEKHAR  
S/O LATE PATEL LINGAPPA GOWDA  
MAJOR IN AGE  
R/AT DEVARAHALLI VILLAGE  
KIKKERI HOBLI  
K.R.PET TALUK  
MANDYA DISTRICT - 571401

7 SRI KUMARA  
S/O BHOJEGOWDA  
MAJOR IN AGE  
R/AT GUDDEHOSAHALLI VILLAGE  
KIKKERI HOBLI  
K.R.PET TALUK  
MANDYA DISTRICT - 571401

8 SRI D L BALAKRISHNA  
S/O PATEL D.S. LINGAPPA GOWDA  
MAJOR IN AGE  
R/AT DEVARAHALLI VILLAGE,  
KIKKERI HOBLI  
K.R.PET TALUK  
MANDYA DISTRICT - 571401

9 SMT VARALAKSHMI  
W/O RAMAKRISHNA  
MAJOR IN AGE  
R/AT IKANAHALLI VILLAGE,  
KIKKERI HOBLI  
K.R.PET TALUK  
MANDYA DISTRICT - 571401

10 SMT KUSUMA  
W/O VENKATEGOWDA  
MAJOR IN AGE  
R/AT GONDIHALLI VILLAGE  
KIKKERI HOBLI  
K.R.PET TALUK  
MANDYA DISTRICT - 571401

... RESPONDENTS

(BY SRI. C.S.PRASANNAKUMAR, ADV. FOR R1,

BY SRI. M.S. RAJENDRA, ADV. FOR R6,  
R3 TO R5 AND R7 TO R10 - SERVED.

RSA FILED U/S 100 CPC AGAINST THE JUDGMENT AND DECREE DATED: 26.7.2006 PASSED IN R.A. NO. 6/2001 ON THE FILE OF THE PRL.DISTRICT JUDGE, MANDYA, DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED: 15.2.2001 PASSED IN OS.NO. 35/1992 ON THE FILE OF THE ADDL.CIVIL JUDGE (SR.DN.), SRIRANGAPATNA ETC.

These Appeals coming on for admission this day, the Court delivered the following:-

**P.C.**

These two second appeals arise from a common judgment passed in a suit filed by respondent no.1 - Smt. Kamalamma in both the appeals. The suit was filed for partition.

2. The appeal No.3017/2006 is by the original defendant no.1 - Kalyanamma @ Manchamma and the appeal No.2780/2006 is by defendant nos. 10 and 11, who claim that they had purchased the suit property by registered sale deed executed by defendant no.1.



7. In my opinion, both the courts below have considered the entire evidence on record in proper perspective and have rightly held that the Will had not been proved for the reasons recorded in the judgments. No substantial question is either raised or argued in the appeal.

B. Hence, this appeal is dismissed.

Sd/-  
JUDGE

Msu