HC-KAR

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 2ND DAY OF JULY, 2025

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

REGULAR FIRST APPEAL NO. 200158 OF 2025 (PAR/POS)

BETWEEN:

1. KAMALABAI
   W/O LATE SIDDARAM,
   D/O SHIVAYOGEPPA BIRADAR,
   AGE: 61 YEARS,
   OCC: HOUSEHOLD/AGRICULTURE,
   R/O: BAIRAMADAGI VILLAGE,
   TQ: AFZALPUR,
   DIST: KALABURAGI - 585 265.

2. GURULINGAPPA
   S/O LATE SHIVAYOGEPPA BIRADAR,
   AGE: 66 YEARS,
   OCC: AGRICULTURE,
   R/O: BAIRAMADAGI VILLAGE,
   TQ: AFZALPUR,
   DIST: KALABURAGI - 585 265.

3. KUPENDRA
   S/O LATE SHIVAYOGEPPA BIRADAR,
   AGE: 56 YEARS,
   OCC: AGRICULTURE,
   R/O: BAIRAMADAGI VILLAGE,
   TQ: AFZALPUR,
   DIST: KALABURAGI - 585 265.

...APPELLANTS

(BY SRI AJAY KUMAR ASHOK KUMAR, ADVOCATE)

Digitally signed by NIJAMUDDIN JAMKHANDI
Location: HIGH COURT OF KARNATAKA

AND:

1. MAHADEVI
W/O SHARANABASAPPA GAROOR,
D/O LATE SHIVAYOGEPPA BIRADAR,
AGE: 46 YEARS,
OCC: HOUSEHOLD WORK,
R/O: GUDUR VILLAGE,
TQ: AFZALPUR,
DIST: KALABURAGI,
NOW AT KALABURAGI,
TQ: & DIST: KALABURAGI - 585 101.

2. PARAMESHWAR
S/O LATE SHIVAYOGEPPA BIRADAR,
AGE: 61 YEARS,
OCC: AGRICULTURE,
R/O: BAIRAMADAGI VILLAGE,
TQ: AFZALPUR,
DIST: KALABURAGI - 585 265.

…RESPONDENTS

THIS RFA IS FILED UNDER SECTION 96 READ WITH ORDER 41 RULE 1 OF CIVIL PROCEDURE CODE, PRAYING TO SET ASIDE THE JUDGMENT AND DECREE DATED 01.04.2025 PASSED BY THE LEARNED SENIOR CIVIL JUDGE AND JMFC, AFZALPUR IN O.S.NO.06.2024 AND ETC.

THIS RFA, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL JUDGMENT

Matter is listed today for counsel submission regarding maintainability of appeal.

2. Though, learned counsel for appellants submits that valuation of shares of each appellant is Rs.7,00,000/- and since, all three of them have jointly filed appeal, valuation is

Rs.21,00,000/-, appeal filed before this Court would not be maintainable. Hence, office objection is sustained.

3. Appeal is ordered to be returned for re-filing before District Court, Kalaburagi on or before 15.07.2025.

Sd/-
(RAVI V HOSMANI)
JUDGE

NJ
List No.: 1 Sl No.: 20