IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 4TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

REGULAR FIRST APPEAL NO.200156 OF 2018 (PAR/POS)

BETWEEN:

VISHNUDASJI
S/O LATE DATTATRI SAPTE
AGE: 40 YEARS,
OCC: AGRICULTURE,
R/O: CHAWAR DABKA VILLAGE
TQ: AURAD-B, DIST: BIDAR.

...APPELLANT

(BY SMT. HEMA L.KULAKARNI, ADVOCATE)

AND:

1. HEERAJI
   S/O LATE DATTATRI SAPTE
   AGE: 61 YEARS,
   OCC: AGRICULTURE,

2. GUNDABAI
   W/O LATE DATTATRI SAPTE
   AGE: 82 YEARS,
   OCC: HOUSEHOLD & AGRICULTURE,

3. SHANTABAI
   W/O HEERAJI SAPTE
   AGE: 58 YEARS,
   OCC: HOUSEHOLD & AGRICULTURE,

4. KASTURIBAI

Digitally signed by SHIVAKUMAR HIREMATH
Location: HIGH COURT OF KARNATAKA

W/O DHANAJI SAPTE
AGE: 40 YEARS,
OCC: HOUSEHOLD & AGRICULTURE,

5. SANGRAM
S/O HEERAJI SPATE
AGE: 32 YEARS,
OCC: HOUSEHOLD & AGRICULTURE,

6. RAMSHETTY
S/O VISHWANATH SINDBANDGE,
AGE: 69 YEARS,
OCC: PENSIONER & AGRIL.,

7. BABU
S/O BAPURAO JADHAV
AGE: 65 YEARS,
OCC: AGRICULTURE,

ALL ARE R/O: CHAWAR DABKA VILLAGE
TQ: AURAD-B, DIST: BIDAR – 585 401.

8. MAINABAI
W/O KASHIRAM MANKARI
AGE: 85 YEARS,
OCC: HOUSEHOLD,
R/O: DAHARAJ WADI,
TQ: AURAD, DIST: BIDAR – 585 401.

9. ZUMUBAI
W/O GYANOBA BIRADAR
AGE: 72 YEARS,
OCC: AGRICULTURE,
R/O: VILLAGE HANDIKERA,
TQ: AURAD, DIST: BIDAR – 585 401.

10. SHARADABAI
W/O SUDAM SAVALE
AGE: 70 YEARS,
OCC: AGRICULTURE,
R/O: VILLAGE SAVALI,
TQ: AURAD, DIST: BIDAR – 585 401.

11. KAMALABAI
W/O PANDURANG JADHAV
AGE: 69 YEARS,
OCC: AGRICULTURE,
R/O: VILLAGE-HOLSMUDRA
TQ: AURAD, DIST: BIDAR – 585 401.

12. KYANTABAI
W/O BHANUDASRAO KALE
AGE: 68 YEARS,
OCC: HOUSEHOLD,
R/O: VILLAGE GHORWADI,
TQ: AURAD, DIST: BIDAR – 585 401.

13. VIMALABAI
W/O TRIMBKARAO
AGE: 67 YEARS,
OCC: AGRICULTURE,
R/O: VILLAGE TONDCHIR,
TQ: UDGIR, DIST: LATUR (MS) 413 517.

14. DHANAJI
S/O LATE DATTATRI SAPTE
AGE: 45 YEARS,
OCC: AGRICULTURE,
R/O: VILLAGE CHAWAR DABKA,
TQ: AURAD, DIST: BIDAR – 585 401.

…RESPONDENTS

(BY SRI RAVI B.PATIL, ADVOCATE FOR R7;
SRI GURUBASAVA NAYAK, ADVOCATE FOR R14;
V/O DTD.18.06.2021 THE APPEAL IS AGAINST R2 AND R6 STAND ABATED;
R1, R3, R4, R5, R8 TO R12 ARE SERVED)

THIS REGULAR FIRST APPEAL IS FILED UNDER SECTION 96 READ WITH ORDER 41 RULE 1 OF THE CPC, PRAYING TO ALLOW THIS APPEAL BY SETTING ASIDE THE JUDGMENT AND DECREE PASSED BY THE SENIOR CIVIL JUDGE AND J.M.F.C. AT AURAD (B), DATED 31.07.2018 IN O.S.NO.64/2018, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS REGULAR FIRST APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE)

1. It is stated that, the appeal does not lie before this Court as the valuation of the suit property is Rs.10,00,000/-.

2. In this circumstances, the appeal does not lie before this Court.

3. The appellant is at liberty to prefer appeal before the appropriate Court.

4. The time spent in prosecuting this appeal from 19.10.2018 till today has to be excluded in computing the limitation period.

5. Registry to return the certified copy of the Judgment and decree to the appellant.

6. The appeal is dismissed for want of pecuniary jurisdiction and not on merits.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

SVH
List No.: 1 Sl No.: 18