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Manchappa vs Sri. Chayappa

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Court : Karnataka

Decided On : Jun-30-2025

Judge : Sachin Shankar Magadum

Appeal No. : RFA/528/2025

Appellant : Manchappa

Respondent : Sri. Chayappa

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2025 BEFORE THE HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM REGULAR FIRST APPEAL NO. 528 OF 2025 (PAR) BETWEEN:

1. MANCHAPPA AGE 78 YEARS OCC: AGRICULTURIST SHIVAMOGGA DISTRICT APPELLANT (BY SRI. VEERENDRA R. PATIL, ADVOCATE) AND:

1. SRI. CHAYAPPA AGE ABOUT 58 YEARS Digitally signed by

NAGARAJA B M R/O PUTTANAHALLI VILLAGELocation:

KARNATAKA

2. CHANDRAPPA AGE 56 YEARS SHIVAMOGGA DISTRICT - 577419.

3. SMT. SMT PUTTAMMA W/O SHIVAPPA AGE 90 YEARS -2- KUPPAGADEE HOBLI SORABA TALUK, SHIVAMOGGA DISTRICT - 577419.

4. SRI. MANJAPPA AGE 67 YEARS SHIVAMOGGA DISTRICT- 577419.

5. NEELAMMA W/O ESHWARAPPA AGE 61 YEARS R/O GUDAVI VILLAGE KASABA HOBLI, SORABA TALUK

6. SMT. RADHMMA W/O NAGAPPA AGE 59 YEARS R/O GUDAVI VILLAGE KASABA HOBLI, SORABA TALUK

7. SMT. TARAMMA W/O KENCHAPPA AGED ABOUT 57 YEARS R/O KUPPAGADDDE VILLAGE KUPPAGADE HOBLI, SORABA TALUK SHIVAMOGGA DISTRICT -577429.

8. SRI. THOPAPPA AGE 56 YEARS -3- PTTANAHALLI VILLAGE SHIVAMOGGA DISTRICT -577419.

9. SMT. KALAVATHI W/O TOKAPPA AGE 55 YEARS R/O YALAVATA VILLAGE KASABA HOBLI, SORAB TALUK SHIVAMOGGA DISTRICT - 577429.

10. SMT. HALAMMA W/O SHIAVAMURTHY AGE 50 YEARS R/O YALAVALLI VILLAGE KASBA HOBLI, SORABA TALUK

11. SRI. TARAKESHWARA

AGE 45 YEARS KUPPAGADDE HOBLI SORABA TALUK SHIVAMOGGA DISTRICT-577419 RESPONDENTS (BY SRI. S.V. PRAKASH, ADVOCATE FOR R1 AND R2; SRI. RAJENDRA .S, ADVOCATE FOR R5 TO R11) THIS RFA IS FILED UNDER SEC.96 OF

CPC., AGAINST THE JUDGMENT AND DECREE DATED 27.11.2024 PASSED IN OS NO.48/2021 ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC, SORABA., PARTLY DECREEING THE SUIT FOR PARTITION AND SEPARATE POSSESSION. THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,

JUDGMENT WAS DELIVERED THEREIN AS UNDER:

-4- CORAM: HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM

ORAL JUDGMENT

Learned counsel for the appellant has sought to persuade this Court by contending that the plaint was not properly valued for the purposes of pecuniary jurisdiction at the time of registration. He simultaneously points out, by referring to the list of Schedule A properties, that the overall valuation exceeds Rs.10,00,000/- and therefore, the appeal would lie before this Court.

2. This Court is not inclined to accept the said

submission. A perusal of the valuation slip filed along with the appeal memo indicates that Schedule A, B and C properties have collectively been valued at Rs.20,01,268/-. While it is true that the wording of the valuation slip lacks clarity and precision, it nevertheless reflects that the suit schedule properties have been comprehensively valued, both for the purposes of court fee and for determining pecuniary jurisdiction. Once such a valuation is accepted at the trial stage and the plaint is registered accordingly, the defendant -5- cannot, at the appellate stage, be permitted to challenge or dispute the valuation for purposes of pecuniary jurisdiction.

3. The valuation slip further clarifies that the plaintiffs

at Rs.1,66,773/-, which remains a constant factor throughout. Therefore, the objection raised by the appellant with regard to jurisdiction, based on alleged undervaluation, is unsustainable.

4. In light of the above, this Court is of the considered view that the present appeal is not maintainable before this Court on the ground of pecuniary jurisdiction. Accordingly, the office objections are upheld.

5. The appeal stands disposed of, reserving liberty to the appellant to institute the appeal before the appropriate appellate Court having pecuniary jurisdiction.

6. It is made clear that, in the event an appeal under

Section 96 of the Code of Civil Procedure is filed before the competent appellate Court, the appellant shall be entitled to the benefit of Section 14 of the Limitation Act, 1963, provided -6- the appeal is instituted within a period of four weeks from the date of receipt of a certified copy of this order. Sd/- (SACHIN SHANKAR MAGADUM) JUDGE CA List No.: 1 Sl No.: 101

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