

Sri. C. N. Kumar vs Sri. C. N. Surendra

Sri. C. N. Kumar vs Sri. C. N. Surendra

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Court : Karnataka

Decided On : Dec-15-2025

Judge : H.P.Sandesh

Appeal No. : RSA/969/2022

Appellant : Sri. C. N. Kumar

Respondent : Sri. C. N. Surendra

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF DECEMBER, 2025 BEFORE THE HON'BLE MR. JUSTICE H.P.SANDESH REGULAR SECOND APPEAL NO.969 OF 2022 (PAR) BETWEEN: SRI. C. N. KUMAR AGED ABOUT 52 YEARS SON OF SRI. A. CHINNAPPA R/AT GURUKULANAGENAHALLI VILLAGE NANDI HOBLI CHICKBALLAPUR TALUK-562 101 APPELLANT (BY SRI. C SHANKAR REDDY.,ADVOCATE) AND:

1. SRI. C. N. SURENDRA Digitally signed

by DEVIKA M

AGED ABOUT 61 YEARSLocation: HIGH

CHICKBALLAPUR TALUK- 562 101

2. SMT. C. MAMATHA AGED ABOUT 49 YEARS WIFE OF SRI. VENKATESH

3. SRI. VENKATAPPA AGED ABOUT 56 YEARS S/O LATE SMT. AMARAVATHI -2-

4. KUMARI. V. SPURTHI AGED ABOUT 33 YEARS D/O SRI. VENKATESH

5. KUMARI V. SHRUTHI AGED ABOUT 31 YEARS D/O SRI. VENKATAPPA

6. MASTER V. SANTHOSH AGED ABOUT 30 YEARS S/O SRI. VENKATAPPA RESPONDENTS NO.2 TO 6 ARE RESIDING AT NO.481 3RD MAIN ROAD, 2ND STAGE MANJUNATHANAGARA BANGALORE-560 010

7. SRI. Y. VENKATACHALAPATHI AGED ABOUT 61 YEARS S/O. LATE SRI. C. YAGAPPA R/AT VAPASANDRA, 1ST DIVISION CHICKBALLAPUR TOWN-562 101

8. SRI. A. CHICKATHAYAMMA @ RADHA AGED ABOUT 64 YEARS D/O C. ADEPPA AT NO.154, 3RD MAIN ROAD LAKSHMINARAYANAPURA BANGALORE-560 021

9. SMT. M. S. RADHA AGED ABOUT 45 YEARS W/O SRI. C. SURENDRA R/AT LAKSHMIVENKATESHWARA NILAYA DOOR NO.350, 2ND CROSS GOWRIPETE KOLAR TALUK AND DISTRICT-563 101

10. SMT. VISHALAKSHMAMMA AGED ABOUT 51 YEARS -3- W/O SRI. Y. VENKATACHALAPATHY R/AT NO.146, SREE KRISHNANUGRAHA

DHAMA WARD NO. 2, VAPASANDRA BEHIND COCOON MARKET
CHICKBALLAPURA-562 101

11. SMT. KRISHNAVENI AGED ABOUT 56 YEARS D/O SRI. A.
CHINNAPPA R/AT NO.68, GANDHI ROAD RAJAMMA GARDEN J. P.
NAGAR BENGALURU-560 078 RESPONDENTS

(BY SRI. GEETHA S, ADVOCATE FOR C/R11 IN C.P.NO.6256/2022
PUT UP IN R.S.A.NO.484/2021; SRI S VIJAYAKUMAR, ADVOCATE
FOR R9; SRI S V SHIVALLI, ADVOCATE FOR PROPOSED
IMPLEADING R12; R10 - SERVED) THIS RSA IS FILED UNDER
SECTION 100 R/W ORDER 42 RULE 1 OF CPC AGAINST THE
JUDGMENT AND DECREE DATED 05.04.2021 PASSED IN
R.A.NO.11/2016 ON THE FILE OF THE III ADDITIONAL DISTRICT AND
SESSIONS JUDGE, CHIKKABALLAPURA AND ETC. THIS APPEAL,
COMING ON FOR ORDERS, THIS DAY,

JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH -4-

ORAL JUDGMENT

The impleading proposed respondent No.12 files a memo for dismissal of appeal on the ground that this Court already considered the appeal in R.S.A.No.484/2021 and the same is filed by defendant No.4 and the present appeal is filed by defendant No.3. The counsel submits that defendant Nos.3 and 4 are standing in same footing. The counsel further submits that this Court in R.S.A.No.484/2021 given finding in paragraphs 8 to 10

while dismissing the appeal in coming to the conclusion

that Section 8 of the Hindu Succession Act attracts and not Section 6 of the said Act since the suit schedule properties are the self-acquired properties of C Adeppa who died intestate leaving behind his sons A Chinnappa i.e., defendant No.1 and

another son A Srinivasaiah and daughter Chikkathayamma and they were not arrayed a parties to the proceedings. The only claim of the appellant before the Court is that she being the daughter of defendant No.1 having share in respect of the suit -5- schedule properties. The appellant is also one of the daughter of defendant No.1 and her claim is that the suit schedule properties are the ancestral properties. This Court also taken note that both the Trial Court and the First Appellate Court hold that the said properties are not the ancestral properties and the same are the self- acquired properties of grandfather and thus, the same cannot be treated as ancestral properties when the father is alive and during the lifetime, there was a partition and settlement among the father, brothers and sister who are the sons and daughters of the original grantee C Adeppa. Even this Court also taken note of the discussions made by the First Appellate Court in paragraphs 32 to 34 and in detail discussed the same. When this Court already dismissed the claim of defendant No.4 in R.S.A.No.484/2021 and this appellant/defendant No.3 also similarly placed, question of considering this second appeal does not arise since this Court already found that no substantive question of law to be framed in the second -6- appeal filed in R.S.A.No.484/2021 and also the other appeal filed by the plaintiff in R.S.A.No.962/2021 is also already dismissed wherein, this appellant also was also a party in the said proceedings. Hence, I do not find any ground to consider this appeal and the same is dismissed in view of the finding given in another appeal in R.S.A.No.484/2021 on merits. Accordingly, this second appeal is dismissed. In view of the dismissal of this appeal, consideration of impleading application does not survive. Sd/- (H.P.SANDESH) JUDGE SN

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