

Karnataka High Court

Sri Venkataramanappa vs Sri Venkatagiriappa on 24 February, 2009

Author: H N Das

came in bs:_élismi.sss'\$ci';.V. these: grounds £116 defendants eppcsd the claim

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3. It is the case sf plaintiff that the scheciuiie preperth}: or1'_ginaE13-* beiengs to his gandfathez" Eéagappa. A□er the demise of Naga□□st his SQf:I 1' > Mondappa succeeded to the scheduie property. A□ar the „ Mendappa the maéntiff" Eyeing his son continued in '% tixzisyinent of the schedule 13i'G§36I'§3". Since the the piaixtti□k possession and enjoymant o1: the 0.3, Na 123fi990 for deciaraticcm of titlé» péI''Iz1a;I.i€1atA The dcfendanis entered a1?§Jearaz1V<:Yi*...§}efor:e;V-:11'; ?7£iéi"--~Couf□" filed stateznant inter alia contending tha'ii' \$.agappa had 17W-i} wives by name Akkam;:::z and are the childrsn of sec-and:.Y;s'i;Ce'4_ 'f\$:\$%:;patr@.;§: time sf Qriginai owner Nagappg ___hv<--§ Vproperties and sthcr pfegxerties amifgng ___h1'.<s wiires Mékamma' and Karngyamnza. Thus the □efendants are §_£:»ése3s'i<:>z1 of half of the plain: schedule grapertiss, \$21 the révezgue' 'i'ecéz'ds re□ating is the haif share in the échééuic £23: in the□éiifie sf Ciefendants. Even the apprzai □sé by □h: §ggi:g\$i":Y;§é..eniry of defendants' name in the ETC extracts 3:32? 14333; 63:2 (A3956 r'i3'\{,'3~5)--'¢*'J""73"1""m6 o""

net in exclusive pessessisn cf the {satire piaint schedule properties. Therefére the plaimbff is net entitled fer if□fé□of deciaration ané injunc-ticm. I find no just£□a.bIe ggeund te interfere with the □hprzge□" ju.dwents.

8, I see no substantiai question of 1av€:___t1iaiV .3:*\$se\$;' __.f<:~. :21}-"V zsensiderafion in this second appeah thé. appe:1.£_i'&; S dismissed with me artist as to costs. _ LRS.f25022GG9