HC-KAR

NC: 2026:KHC-D:5100
WP No. 104413 of 2024
C/W WP No. 104414 of 2024

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 7TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

WRIT PETITION NO.104413 OF 2024 (GM-CPC)

C/W

WRIT PETITION NO.104414 OF 2024 (GM-CPC)

IN WP No.104413/2024
BETWEEN:

1. SMT. GOURAMMA W/O.
LATE SHRI. SHAMKUMAR HORADI,
AGE. 39 YEARS, OCC. HOUSEHOLD,
R/O. SANMATI ROAD, DHARWAD-580001,
TALUK. AND DISTRICT. DHARWAD.

2. KUMARI DANESHWARI
D/O. LATE SHAMKUMAR HORADI,
MAJOR, OCC. STUDENT,

--REST DO---

PETITIONER NO.1 AND 2 ARE
REPRESENTED BY HER GPA HOLDER
SHRI. RAJESH S/O. BASAVARAJ HORADI,
AGE. 40 YEARS, OCC. BUSINESS,
R/O. DHARWAD-580001.

...PETITIONERS

(BY SRI. A.S. PATIL, ADVOCATE)

Digitally signed by
MOHANKUMAR B
SHETTAR
Location: HIGH
COURT OF
KARNATAKA

AND:

1. SHRI. VEERANNA S/O. SHANTAPPA HORADI,
   AGE. 67 YEARS, OCC. BUSINESS,
   R/O. ADAKI ONI, DHARWAD-580001,
   TALUK. AND DISTRICT. DHARWAD.

2. SHRI. NEELKANTHA S/O. SHANTAPPA HORADI,
   AGE. 57 YEARS, OCC. BUSINESS AND PRIVATE JOB,
   ---REST DO---

3. SMT. SHAKUNTALA D/O. SHANTAPPA HORADI
   @ SMT. SAREETA W/O. PRAVEEN MISHRIKOTI,
   AGE. 61 YEARS, OCC. HOUSEHOLD,
   R/O C/O V S HORADI,
   ---REST DO----

4. SMT. LEELAVATI D/O. SHANTAPPA HORADI
   @ SMT. C R LEELAVATI
   AGE. 59 YEARS, OCC. HOUSEHOLD,
   ---REST DO-----

5. SMT. PRABHAVATI D/O SHANTAPPA HORADI
   @ SMT. M.S. PRABHAVATI,
   AGE. 55 YEARS, OCC. HOUSEHOLD,
   ---- REST DO ----

…RESPONDENTS

(BY SRI. S.R. HEGDE, ADVOCATE FOR R1 AND R2;
NOTICE TO R3 TO R5 ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO I. ISSUE WRIT OF CERTIORARI OR ANY OTHER ORDER OR DIRECTION, QUASHING THE IMPUGNED ORDER DATED 10.07.2024 PASSED IN REGULAR APPEAL IN RA NO.63/2023 BY THE IIIRD DISTRICT AND SESSIONS JUDGE, DHARWAD AS PER ANNEXURE-N. II. ISSUE ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION WHICH DEEMS FIT TO GRANT BY THIS HON'BLE COURT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE AND IN THE INTEREST OF JUSTICE AND EQUITY.

IN WP NO.104414/2024
BETWEEN:

1. SMT. GOURAMMA W/O.
   LATE SHRI. SHAMKUMAR HORADI,
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   R/O. SANMATI ROAD, DHARWAD-580001,
   TALUK AND DISTRICT. DHARWAD.

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   --REST DO—

   PETITIONER NO.1 AND 2 ARE
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   SHRI. RAJESH S/O. BASAVARAJ HORADI,
   AGE. 40 YEARS, OCC. BUSINESS,
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AND:

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   R/O C/O V S HORADI,

---REST DO----

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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO I. ISSUE WRIT OF CERTIORARI OR ANY OTHER ORDER OR DIRECTION, QUASHING THE IMPUGNED ORDER DATED 10.07.2024 PASSED IN REGULAR APPEAL IN RA NO.64/2023 BY THE IIIRD DISTRICT AND SESSIONS JUDGE, DHARWAD AS PER ANNEXURE-P. II. ISSUE ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION WHICH DEEMS FIT TO GRANT BY THIS HON'BLE COURT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE AND IN THE INTEREST OF JUSTICE AND EQUITY.

THESE WRIT PETITIONS, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: HON'BLE MR. JUSTICE ASHOK S. KINAGI)

The petitioners aggrieved by the impugned orders dated 10.07.2024 passed in R.A.Nos.63/2024 and 64/2023 respectively by the learned III District and Sessions Judge, Dharwad vide Annexures N and P respectively, filed these writ petitions.

2. Brief facts, leading rise to the filing of these petitions are as follows:

The respondents filed a suit in O.S.No.310/2016 on the file of the learned I Additional Senior Civil Judge and CJM, Dharwad seeking a relief of possession. The said suit was decreed vide judgment dated 01.08.2023 and the counter claim filed by the petitioners came to be dismissed. The petitioners, aggrieved by the dismissal of counter claim, and decretal of the suit preferred an appeal in R.A.Nos. 63/2023 and 64/2023. The respondents raised objections and filed a memo stating that the appeals filed

by the appellants are not maintainable before this Court since the valuation of the subject matter involved in the appeals exceeds the pecuniary jurisdiction of the Court. The First Appellate Court, by order dated 10.07.20242023, allowed the memos' and held that the First Appellate Court has no pecuniary jurisdiction to try/entertain these appeals and directed the office to return the memorandum of appeals to the petitioners for presentation before the proper Jurisdictional Court having the pecuniary jurisdiction to try these appeals. The petitioners, aggrieved by the order on memos' dated 25.09.2023, filed these writ petitions.

3. Heard the arguments of the learned counsel for the petitioners, and learned counsel for respondent Nos.1 and 2.

4. Learned counsel for the petitioners submits that the appeals preferred before the First Appellate Court are pertaining to the suit property and as the valuation in

regarding the said property was valued at Rs.8,38,118/-, the appeals were rightly preferred before the District Judge. He submits that the First Appellate Court committed an error in recording its finding that the value of the subject matter of the suit property exceeds the pecuniary jurisdiction of the First Appellate Court. He submits that the First Appellate Court has committed an error in returning the appeal memos'. Hence, on these grounds, he prays to allow these writ petitions.

5. *Per contra*, learned counsel for respondent Nos.1 and 2 supports the impugned order.

6. Perused the records and considered the submissions of the learned counsel for the petitioners.

7. It is an undisputed fact that the respondents have filed a suit in O.S.No.310/2016 on the file of the learned I Additional Senior Civil Judge and CJM, Dharwad seeking the relief of possession of the suit property. The said suit was decreed vide judgment dated 01.08.2023. The

petitioners have sought for a counter claim, which was dismissed vide judgment dated 01.08.2023. The petitioners, aggrieved by the judgment and decree passed in O.S.No.310/2016, preferred appeals in R.A.Nos.63/2023 and 64/2023, wherein the petitioners have valued the appeals for the purpose of jurisdiction of the First Appellate Court less than Rs.10,00,000/-.

8. From the perusal of the plaint, it is clearly discloses that the value of the subject matter of the suit is more than Rs.24,00,000/-. The trial Court passed an order on 13.07.2018 in O.S.No.310/2016, wherein the total value of the suit property is Rs.10,17,118/- and accordingly, directed the respondents to pay the Court fee of Rs.63,067/-. The order dated 13.07.2018 passed in O.S.No.310/2016 has attained the finality. The order dated 13.07.2018 clearly discloses that the value of the property is more than Rs.10,00,000/-.

9. As per Section 19(2) of the Karnataka Civil Courts Act, 1964, if the subject matter of the suit exceeds Rs.10,00,000/-, then the appeal lies to the High Court. Admittedly, the petitioners have filed appeal before the District Judge in R.A.Nos.63/2023 and 64/2023. The First Appellate Court has no jurisdiction to entertain the appeals. As the value of the subject matter exceeds the pecuniary jurisdiction, the First Appellate Court has rightly passed the impugned orders holding that the District Court has no pecuniary jurisdiction to try and entertain these appeals, and has rightly directed to return the memorandum of appeals for the presentation to the proper Court having jurisdiction try these appeals.

10. The primary remedy available to the petitioners is to re-present it before the proper Jurisdictional Court, accompanied by an application explaining the time spent, often, under Section 14 of the Limitation Act to condone the delay. In view of the above discussion, I do not find any grounds to entertain these writ petitions.

11. Accordingly, I proceed to pass the following:

ORDER

1) The writ petition is ***dismissed.***

2) Pending application/s, if any, stand disposed of.

Sd/-
(ASHOK S. KINAGI)
JUDGE

SSB
CT: UMD