

KABG040011692026



Presented on : 01.04.2026

Registered on : 08.04.2026

Decided on : 29.07.2026

Duration : 00 year, 03 months, 28 days

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & JMFC,
AT : BELAGAVI.**

Form No.9
[Civil] Title
Sheet for
Judgment
in suits

Present : **Smt. Preeti L. Malavalli**, B.B.A. LL.B. (Hons.)
Prl. Civil Judge & JMFC, Belagavi.

Dated on this the 29th day of July-2026

ORIGINAL SUIT NO.327/2026

PLAINTIFF :

1)	Sou. Deepa W/o. Mohan Kitturkar, Before marriage name Yamu D/o. Sidray Patil, Age : 43 years, Occ : Household, R/o : H.No.2072 Kore Galli, Shahapur, Belagavi.
	(By Shri. D. K. Kakatkar, Adv.)

Vs.

DEFENDANTS :

1)	The State of Karnataka, Rep. by Deputy Commissioner, Belagavi, Dist : Belagavi.
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2)	The Tahsildar, Belagavi, Tal : Belagavi.
	(By learned D.G.P.)

Date of institution of the suit	01.04.2026
Nature of the suit	Declaration & Mandatory Injunction
Date of the commencement of recording of the Evidence	24.06.2026
Date on which Judgment was pronounced	29.07.2026
Total Duration	Year/s Month/s Day/s 00 03 28

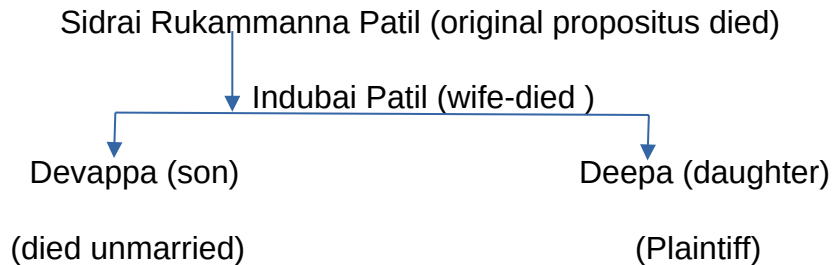
(Smt. Preeti L. Malavalli)
Prl. Civil Judge & JMFC, Belagavi.

JUDGMENT

This suit is filed by the plaintiff against the defendants for the relief of Declaration to declare that she is the Class-II legal heir of deceased 'Devappa Sidrai Patil', who died on 06.02.2023, and Mandatory Injunction to direct defendant No.2 to issue Legal Heirship Certificate of deceased 'Devappa Sidrai Patil'.

2. The Genealogy as provided in the plaint with respect to the family of plaintiff, is as follows :

Genealogy



3. Brief facts of the case of plaintiff in a nutshell, are as follows :

The plaintiff has a brother by name Devappa Sidrai Patil who died on 06.02.2023. The said Devappa died unmarried. The father of Devappa died on 18.07.1998 and his mother by name Indubai died on 30.11.2021. The deceased Devappa has no Class-I legal heirs. Even the grandfather and grandmother of deceased Devappa expired long back and as such the plaintiff is the only surviving Class-II legal heir of deceased Devappa Patil being his sister. During his lifetime, Devappa Sidrai Patil's name appeared in the properties belonging to him i.e., the agricultural land bearing R.S.No.89/18 (old R.S.No.89/10) situated at Goundwad Village, Belagavi and house property bearing G.P. No.68/D situated at Goundwad village, Belagavi. The plaintiff obtained the Death Certificate of Devappa Sidrai Patil after his death and approached the Tahasildar i.e., defendant No.2 to obtain Legal Heirship Certificate of deceased Devappa Sidrai

Patil in order to get the name of plaintiff mutated in the record of rights pertaining to the aforesaid properties, but the defendant No.2 refused to issue the said certificate. Hence, the plaintiff has filed the present suit for Declaration to declare that she is the Class-II legal heir of deceased Devappa Sidrai Patil and she has also sought the relief of Mandatory Injunction to direct defendant No.2 to issue Legal Heirship Certificate of deceased Devappa Sidrai Patil.

4. The summons were served on defendants and the defendants appeared through the District Government Pleader. The learned D.G.P. filed written statement for defendant No.2 and adopted the same as written statement of defendant No.1. In the said written statement, the defendants have denied the averments of plaint and stated that the plaintiff is not the Class-II legal heir of deceased Devappa Sidrai Patil. It is further contended that there is no cause of action to file the suit and the suit is barred by limitation. That the plaintiff has filed the present suit only to grab the valuable property belonging to Devappa Sidrai Patil who died on 06.02.2023. The defendants have further contended that the plaintiff has not complied the provisions of Section 80 of C.P.C. and that the suit suffers from non-joinder of parties and as such, the suit of plaintiff deserves to be dismissed with costs.

5. On the basis of rival pleadings, the Court framed the following issues :

ISSUES

- 1) *Whether the plaintiff proves that she is the Class-II legal heir of 'Devappa Sidrai Patil', who died on 06.02.2023 ?*
- 2) *Whether the plaintiff is entitled to the relief of declaration as sought for ?*
- 3) *Whether the plaintiff is entitled to the relief of mandatory injunction as sought for ?*
- 4) *What Order or Decree ?*

6. In order to prove her case, the plaintiff has got herself examined as PW-1 and got marked 13 documents at Ex. P.1 to Ex. P.13. The defendants have cross-examined PW-1, but they have neither got themselves examined before the Court nor produced any documents on their behalf.

7. Heard the arguments of learned counsel for plaintiff Shri. D. K. Kakatkar and learned D.G.P. appearing for defendants. Perused the pleadings, oral and documentary evidence on record.

8. My findings on the above issues are as under :

Issue No.1 : In the Affirmative.

Issue No.2 : In the Affirmative.

Issue No.3 : In the Affirmative.

Issue No.4 : As per final order for the following :

REASONS

9. **Issue No.1 :** In this suit, the plaintiff has stated that she is the only Class-II legal heir of deceased Devappa Sidrai Patil, who died on 06.02.2023. The plaintiff intends to declare her status of being Class-II legal heir of deceased Devappa Sidrai Patil. When the plaintiff is entitled to a character or status and same is denied, then the suit for declaration U/Sec.34 of the Specific Relief Act is maintainable. Hence, this Court has jurisdiction to entertain the suit.

10. In order to substantiate her contentions, the plaintiff has produced as many as 13 documents at Ex. P.1 to Ex. P.13. Ex. P.1 is the Death Certificate of brother of plaintiff by name Devappa Sidrai Patil. Ex. P.2 is the Death Certificate of father of plaintiff by name Sidrai Rukmana Patil. Ex. P.3 is the Death Certificate of mother of plaintiff by name Indubai S. Patil. Ex. P.4 is the RTC Extract pertaining to land bearing R.S.No.89/18 of Goundwad for the year 2025-26. Ex. P.5 is the Aadhaar Card of plaintiff. Ex. P.6 is the Shree Ranzunzar Marathi daily newspaper.

Ex. P.6(a) is the Paper Publication published in the said newspaper. Ex. P.7 to Ex. P.10 are the School Transfer Certificate, Election Identity Cards and PAN Card of plaintiff. Ex. P.11 is the Election Identity Card of deceased Devappa Sidrai Patil. Ex. P.12 is the Ration Card of mother of plaintiff by name Indubai Patil. Ex. P.13 is the Aadhaar Card of mother of plaintiff.

11. Ex. P.1 Death Certificate of Devappa Sidrai Patil reveals that he died on 06.02.2023. It is the case of plaintiff that she is the only Class-II legal heir of deceased Devappa Sidrai Patil. The plaintiff has averred in the plaint that she is the sister of deceased Devappa Sidrai Patil. The plaintiff has produced Death Certificates of her father and mother by name Sidrai and Indubai which are as per Ex. P.2 and Ex. P.3 and they reveal that they died on 18.07.1998 and 30.11.2021 respectively. The Death Certificate of Devappa Sidrai Patil at Ex. P.1 reveals that he is the son of Sidrai Patil and Indubai. The plaintiff has produced her School Leaving Certificate, Election Identity Card and PAN Card at Ex. P.7, Ex. P.8 and Ex. P.10 which reveal that the plaintiff is also the daughter of Sidrai Patil. The plaintiff has further produced her Aadhaar Card and another Election Identity Card at Ex. P.5 and Ex. P.9 to show that after marriage her name was changed to Deepa W/o. Mohan Kitturkar. It is pertinent to note that the PAN Card at Ex. P.10 also reveals the name of Deepa Mohan Kitturkar, but her father's name in the said PAN Card is

mentioned as Sidrai Patil. Hence, the case of plaintiff that her name before marriage was Yamu D/o. Sidrai Patil and she changed the same to Deepa W/o. Mohan Kitturkar after her marriage, can be believed. The aforesaid documents which reveal that the plaintiff and deceased Devappa Sidrai Patil are children of Sidrai Patil and Indubai Patil, also make it clear that the plaintiff is sister of Devappa Sidrai Patil.

12. The plaintiff has also taken paper publication in a newspaper namely Shree Ranzunzar which is as per Ex. P.6(a) and the plaintiff has called for objection if any of the public at large to the claim of the plaintiff in the present suit. But however, none appeared to object the claim of plaintiff. As such, it can be inferred that there are no other legal heirs of deceased Devappa Sidrai Patil.

13. The plaintiff got herself examined as PW-1 and reiterated the averments of the plaint in the course of her examination-in-chief. During the course of her cross-examination, PW-1 has stated that she has filed the present suit in order to obtain the surviving family members certificate of Devappa Sidrai Patil. She has further deposed that there are no other legal heirs of Devappa Sidrai Patil except the present plaintiff. She has further deposed that the said Devappa Sidrai Patil was unmarried and he died on 06.02.2023 when he was about 25 to 26 years old. It is

pertinent to note that during her cross-examination dated 29.06.2026 PW-1 stated that she has obtained the surviving family members certificate of her father and mother after their death, but during her further cross-examination dated 20.07.2026 she again deposed that she has not obtained any such surviving family members certificate after death of her father and mother. However, even otherwise the plaintiff has established that she is sister of deceased Devappa Sidrai Patil and there are no other legal heirs of Devappa Sidrai Patil as observed above. PW-1 has further deposed that she orally requested the Tahasildar for issuance of legal heirship certificate. She denied the suggestion put to her that she has not submitted application to Tahasildar for issuance of Legal Heirship Certificate due to the reason that the truth would come out. She has also denied the suggestion put to her that though there is no relationship between the plaintiff and deceased Devappa Sidrai Patil, a false case is filed before this Court by creating all documents. Except few suggestions to PW-1, the defendants have not done anything in order to disprove the case of the plaintiff or to prove their contentions before the Court. It is well settled principle of law that mere suggestions to witness do not take the place of proof of any contention.

14. The plaintiff is governed by Hindu Law and the law regarding succession among Hindus is Hindu Succession Act,

1956. The schedule to the said Act speaks about two categories of legal heirs i.e., Class-I and Class-II legal heirs. The plaintiff being the sister of late Devappa Sidrai Patil she comes under second entry of Class-II legal heirs, as per the Schedule to Hindu Succession Act which describes Class-II legal heirs. Further, Section 7 of Hindu Succession Act, 1956, makes it clear that the order of succession among the heirs in the said Schedule is such that those in given entry shall be preferred to those in the next entry. As such, the plaintiff falls under second entry of Class-II legal heirs specified in the Schedule and she becomes the Class-II legal heir of deceased Devappa Sidrai Patil.

15. The plaintiff has sought for declaration of her status as Class-II legal heir of deceased Devappa Sidrai Patil. The plaintiff has proved that she is the Class-II legal heir of deceased Devappa Sidrai Patil. Hence, I answer **Issue No.1 in the Affirmative.**

16. Issue No.2 : Since the plaintiff has produced cogent and reliable evidence to show that she is the only Class-II legal heir of deceased Devappa Sidrai Patil as per Hindu Succession Act, she is entitled to the relief of declaration. Accordingly, I answer **Issue No.2 in the Affirmative.**

17. Issue No.3 : The plaintiff has also sought the relief of Mandatory Injunction seeking direction to defendant No.2 to issue Legal Heirship Certificate to the plaintiff to the effect that she is Class-II legal heir of deceased Devappa Sidrai Patil. Since it is held by this Court while answering Issue No.1 that only the plaintiff is the Class-II legal heir of deceased Devappa Sidrai Patil, the plaintiff is the Class-II legal heir of deceased Devappa Sidrai Patil and she is entitled to the relief of Mandatory Injunction accordingly. The plaintiff has stated in the plaint that the defendant No.2 refused to issue Legal Heirship Certificate when she approached the defendant No.2. As such, it is very much necessary to issue direction to defendants to issue Legal Heirship Certificate to the plaintiff as prayed for. Hence, I answer **Issue 3 in the Affirmative.**

18. Issue No.4 : In view of the discussion and findings on Issue No.1 to 3, this Court proceeds to pass the following :

ORDER

The suit of the plaintiff against the defendants is hereby decreed as follows :

The plaintiff is declared as Class-II legal heir of deceased 'Devappa Sidrai Patil.

By way of Mandatory Injunction, the defendant No.2 is directed to issue Legal Heirship Certificate to plaintiff accordingly.

However, the plaintiff shall follow the due procedure established by law and obtain Legal Heirship Certificate after due compliance of procedure and rules and regulations stipulated therefor.

Considering the nature of the suit and the relief claimed, the parties are directed to bear their own costs.

Draw decree accordingly.

(Dictated to the Stenographer directly on computer, typed by her, edited & corrected by me & then pronounced in the Open Court on this the 29th day of July-2026.)

**(Smt. Preeti L. Malavalli)
Prl. Civil Judge & JMFC, Belagavi.**

ANNEXURE**1. List of witnesses examined by the plaintiff :**

PW-1 : Smt. Deepa W/o. Mohan Kitturkar.

2. List of documents got marked by the plaintiff :

Ex. P.1 : Death Certificate of brother of plaintiff by name Devappa Sidrai Patil.

Ex. P.2 : Death Certificate of father of plaintiff by name Sidrai Rukmana Patil.

Ex. P.3 : Death Certificate of mother of plaintiff by name Indubai S. Patil.

Ex. P.4 : RTC Extract pertaining to land bearing R.S.No.89/18 of Goundwad.

Ex. P.5 : Aadhaar Card of plaintiff.

Ex. P.6 : Shree Ranzunzar Marathi daily newspaper.

Ex. P.6(a) : Paper Publication published in Ex. P.6.

Ex. P.7 : School Transfer Certificate of plaintiff.

Ex. P.8 & 9 : Election Identity Cards of plaintiff.

Ex. P.10 : PAN Card of plaintiff.

Ex. P.11 : Election Identity Card of deceased Devappa Sidrai Patil.

Ex. P.12 : Ration Card of mother of plaintiff by name Indubai Patil.

Ex. P.13 : Aadhaar Card of mother of plaintiff.

3. List of witnesses examined by the defendants :

-Nil-

4. List of documents got marked by the defendants :

-Nil-

**(Smt. Preeti L. Malavalli)
Prl. Civil Judge & JMFC, Belagavi.**