

KABG040036012025



Presented on : 27.11.2025

Registered on : 04.12.2025

Decided on : 01.08.2026

Duration : 00 year, 07 months, 28 days

**IN THE COURT OF I ADDL. CIVIL JUDGE AND JMFC,
AT: BELAGAVI.**

**Presided Over by SRI PRASHANTHA G.C.,BAL., LL.M.,
I Addl. Civil Judge & JMFC.,
Belagavi.**

Dated, on this 1st day of August, 2026

ORIGINAL SUIT No.1341/2025

Between:

1. Miss. Shantavva Bharamappa Nayak,
Age: 30 years, Occ : Agriculture,
R/o. #356, Chandur Village, Tal & Dist: Belagavi.
2. Miss. Nagaveni Bharamappa Nayak,
Age: 33 years, Occ : Agriculture,
R/o. #356, Chandur Village, Tal & Dist: Belagavi.
3. Miss. Deepa Bharamappa Nayak,
Age: 21 years, Occ : Student,
R/o. #356, Chandur Village, Tal & Dist: Belagavi.
4. Smt. Sattavva Nandi W/o. Bhimarai Nandi,
Age: 34 years, Occ : Agriculture,
R/o. #356, Chandur Village, Tal & Dist: Belagavi.

.....PLAINTIFFS

(By Shri. S. K. Bhosale, Advocate)

-AND-

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1. The State of Karnataka,
Rep. by Deputy Commissioner,
Belagavi, Dist: Belagavi.
2. The Tahashildar, Belagavi,
Tal: Belagavi.

.....**DEFENDANTS**

(Defendants By learned D.G.P.)

JUDGMENT

The plaintiffs have filed this suit against the defendants to declare them as the class II legal heirs of deceased Sudharani Bharamappa Nayak and consequential relief of mandatory injunction.

2. **The brief facts of the plaintiffs case are as follows:**

It is averred in the plaint that father of the plaintiffs by name Bharamappa Yamanappa Nayak expired on 15.11.2005 and mother of them by name Smt. Laxmi Bharamappa Nayak expired on 07.04.2008 at Chandur Village. They have obtained death certificates of their parents. The plaintiffs had a sister by name Sudharani Bharamappa Nayak. She remained unmarried during lifetime and passed away on 24.02.2020 at Chandur Village leaving behind the present plaintiffs as Class II legal heirs. They have obtained death certificate of her sister and applied for legal heirship certificate to defendant No.2. But, the said defendant orally directed them to approach competent Court of law on 12.09.2025. Hence, this suit.

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3. On service of summons, the defendants have appeared learned DGP, among them, defendant No.2 has filed written statement and same is adopted by defendant No.1.

4. Defendant No.2 in the written statement pleaded ignorance of the facts pleaded in the plaint. The plaintiffs have filed vexatious suit. The suit is bad for mis-joinder and non-joinder of necessary parties. This defendant specifically contended suit is not maintainable for non compliance of Section 80 of CPC. Accordingly, this defendant prayed to dismiss the suit.

5. On the basis of the pleadings, this court has framed the following issues:

ISSUES

1. *Whether the Plaintiffs prove that they are the Class-II legal heirs of deceased sister Sudharani Bharamappa Nayak?*

2. *Whether the plaintiff is entitled for the relief of Declaration and mandatory injunction ?*

3. *What order or decree ?*

6. In order to prove the case of the plaintiffs, plaintiff No.2 got herself examined as PW.1 and produced Ex.P.1 to Ex.P.8. PW.1 is cross examined by learned DGP. The defendants have not produced either ocular or documentary evidence.

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7. Heard arguments of the Counsel for both the parties. Perused the materials placed on record.

8. On perusal of the records, oral and documentary evidence placed before the Court, my findings to the above issues are as under:

Issue No.1 : In the Affirmative.

Issue No.2 : In the Affirmative.

***Issue No.3: As per final order
for the following:***

REASONS

9. **ISSUE NO.1 AND 2:-** The plaintiffs have pleaded that they are the class II legal heirs of their sister Sudharani Bharamappa Nayak. As such, they are entitled for legal heirship certificate. Hence, these issues are interrelated, in order to avoid repetition of facts and reasons, these issues are taken together for common discussion.

10. In order to prove the case of the plaintiffs, the second plaintiff herself got examined as PW.1. She has reiterated the averments of the plaint in her chief examination. Ex.P.5 and Ex.P.6 are the death certificates of the parents of the plaintiffs, which evidence that their father Bharamappa Yamanappa Nayak passed away on 16.11.2005 and their mother Laxmi Bharamappa Nayak passed away on 07.04.2008. The plaintiffs

contend that Sudharani Bharamappa Nayak is their sister and she passed away on 24.02.2020 without marriage and children, they are the class II legal heirs of their sister.

11. PW.1 has produced Ex.P.1 to Ex.P.4 Aadhaar cards, which evidence that they are the children of Bharamappa Yamanappa Nayak and Laxmi Bharamappa Nayak.

12. PW.1 has produced Ex.P.8 RTC in respect of R.S.No.48 situated at Chandur Village, wherein, the name of deceased Sudharani Bharamappa Nayak is also shown. Under Ex.P.7 death certificate, Sudharani Bharamappa Nayak and under Ex.P.8 RTC, the name of Sudharani Bharamappa Nayak is suffixed with Bharamappa Nayak. Therefore, deceased Sudharani Bharamappa Nayak is daughter of Bharamappa Nayak and Laxmi. Therefore, the documents produced by the plaintiffs establishes that relationship of the plaintiffs with deceased Sudharani Bharamappa Nayak. The learned DGP, during cross examination of PW.1 has not disputed the relationship of the plaintiffs with deceased Sudharani Bharamappa Nayak. The plaintiffs have pleaded that they have orally requested the defendants to issue a legal heirship certificate, but the said authorities have refused to issue the certificate. There are no reasons to disbelieve the version of the plaintiffs. Since, deceased Sudharani Bharamappa Nayak is the sister of the plaintiffs, they are the class II legal heirs. Therefore,

they are entitled for the relief of declaration and mandatory injunction. Accordingly, ***Accordingly, this Court holds Issue No.1 and 2 in the Affirmative.***

13. **ISSUE No.3:-** For the aforesaid reasons and discussions, the suit is liable to be *decreed*. Hence, this Court proceeds to pass the following;

ORDER

The suit of the plaintiffs is hereby decreed.

It is hereby declared that the plaintiffs are the class II legal heirs of Sudharani Bharamappa Nayak.

Defendant No.2 is hereby directed to issue legal heirs certificate to the plaintiffs, as Sudharani Bharamappa Nayak is sister of them.

Under the facts and circumstances of the case no order as to costs.

Draw decree accordingly.

(Dictated to the Stenographer, typed by her and the transcript revised and corrected by me and pronounced in the open Court, on this 1st day of August 2026).

**(Prashantha G. C.)
I Addl. Civil Judge & JMFC,
Belagavi.**

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ANNEXURES**WITNESSES EXAMINED FOR PLAINTIFF:**

PW.1 - Miss. Nagaveni Bharamapp Nayak

DOCUMENTS MARKED FOR PLAINTIFF:

Ex.P.1-4 - Aadhaar Cards

Ex.P.5-7 - Death certificates

Ex.P.8 - RTC

WITNESSES EXAMINED FOR DEFENDANTS:

- NIL -

DOCUMENTS MARKED FOR DEFENDANT:

-NIL-

(Prashantha G. C.)
I Addl. Civil Judge & JMFC,
Belagavi.