

KABG400013342024



IN THE COURT OF PRINCIPAL SENIOR CIVIL JUDGE,

AT CHIKODI

: PRESENT :

**Sri. Arun Kumar. G. B.A., LL.B.
Prl. Senior Civil Judge,
Chikodi.**

Dated this the 1st day of July - 2026

OS No.338/2024

Plaintiff/s :

- 1. Smt. Renuka W/o. Yallappa
Katri. Age: 40 years,
Occ: Household,
R/o: Jaganur, Tq: Chikodi,
Dist: Belagavi.**

(Sri. S. D. Chougala, Adv.,)

- V/s -

Defendant/s :

- 1. Shri. Basavanni Ramappa Pandari
Age: 70 years, Occ: Agriculture,
R/o: Jaganur, Tq: Chikodi,
Dist: Belagavi.
Legal heirs already on record**
- 2. Smt. Rukkavva W/o. Krishnappa
Bhoji. Age: 50 years,
Occ: Household,
R/o: Jaganur, Tq: Chikodi,
Dist: Belagavi.**

3. **Shri. Ranganath Basavanni Pandari. Age: 45 years,
Occ: Agriculture,
R/o: Jaganur, Tq: Chikodi,
Dist: Belagavi.**
4. **Shri. Hanamant Basavanni Pandari
Age: 43 years, Occ: Agriculture,
R/o: Jaganur, Tq: Chikodi,
Dist: Belagavi.**
5. **Smt. Suvarna W/o. Basappa
Hanajanatti, Age: 38 years,
Occ: Household,
R/o: Jaganur, Tq: Chikodi,
Dist: Belagavi.**

(D1, 2, 4 and 5 Ex-parte)
(D3 by Sri. S. Y. Sanadi, Adv.,)

Date of institution of suit	:	29.10.2024		
Nature of suit	:	Partition and Separation Possession		
Date of recording evidence	:	17.03.2026		
Date of closing evidence	:	17.03.2026		
Date of pronouncement of Judgment	:	01.07.2026		
Duration of the suit	:	Year/s	Month/s	Day/s
		01	08	02

(Arun Kumar G.,)
Prl. Senior Civil Judge,
Chikodi.

:: J U D G M E N T ::

This suit is filed by the plaintiff against the defendants for partition and separate possession of her 1/6th share in the suit schedule properties and such other reliefs.

2. The brief facts of the plaintiff's case is hereunder:

One Shri. Basappa was the propositus of the plaintiff and the defendant's family. He has married Siddavva and has two sons Ranganath, Hanamanth and three daughters Rukkavva, Renuka and Suvarana. The wife of the propositus Siddavva was died long back leaving behind Basappa and her five children. The Basappa and his sons and daughters constitute an undivided joint Hindu family.

3. The suit properties are the ancestral and joint family properties of the plaintiff and the defendants family. The plaintiff and the defendants are all in joint possession and cultivation of the suit properties. Till today there is no partition by metes and bounds amongst the plaintiff and the defendants. After the death of the mother of the plaintiff, the defendant No.1 is acting adversely to the interest of the plaintiff in the suit

properties and is trying to alienate the undivided interest in the suit properties to the strangers without there being any family legal necessity. The plaintiff requested the defendants not to alienate the undivided interest in the joint family properties and to effect partition and to give her the legitimate share in all suit properties. The defendants refused to effect partition and to give the plaintiff's legitimate share in the suit properties. Therefore, the plaintiff is constrained to file this suit for partition and separate possession.

4. After service of suit summons, the defendant No. 1,2, 4 and 5 remain absent and they are placed ex-parte. Though the defendant No.3 appear through court did not file the written statement.

5. Heard the arguments.

6. In order to prove the case, the plaintiff examined herself as PW-1 and got marked seven documents as Ex.P1 to P7 and closed her side.

7. Based on these pleadings, the following points would arise for my consideration:

Point No.1: Whether the plaintiff and defendants are in joint possession and enjoyment of the suit properties?

Point No.2: Whether plaintiff is entitle to her legitimate share in the suit properties?

Point No.3: Whether the plaintiff is entitle to the suit relief as sought for?

Point No.4: What order or decree?

8. My findings to the above said points are as under;

Point Nos.1 to 3 : In the Affirmative

**Point No.4 : As per the final order,
for the following;**

:: REASONS ::

9. **Point Nos.1 to 3:-** These points are inter linked with each other, in order to avoid repetition of facts, taken together for common discussion.

10. The plaintiff has filed the above suit against the defendants for partition and separate possession in respect of suit properties. In order to prove the same, the plaintiff

examined herself as PW-1 by filing examination-in-chief affidavit wherein she reiterated the entire suit averments and also got marked documents as Ex.P1 to 7. Though the defendant No.3 appeared through counsel has not filed any written statement by denying the suit claim. Further, the defendant No.1, 2, 4 and 5 remained absent. The plaintiff in order to prove the existence of joint family between the parties, she has produced RTC extracts pertaining to the suit property as Ex.P4, 6 and 7 which are in the name of defendants. Further, as per Ex.P1 to 3 earlier the suit schedule property was in the name of father of the plaintiff by name Basappa Ramappa Panadari and after his death as per Ex.P5 khata was mutated in the name of his children under mutation No.178 under pavati varasu. On perusal of the above records clearly discloses that the suit properties are belongs to the joint family properties of the plaintiff and the defendants and the said properties were earlier standing in the name of their father by name Basappa Ramappa Pandari who died intestate.

11. Further during the pendency of the suit the defendant No.1 died leaving behind his legal heirs as plaintiff and defendants. Though the suit summons was served and defendant No.3 appeared through counsel has not cross-examined the PW-1 and also not denied the documents produced by the PW-1 and her evidence remain unchallenged one. Furthermore, the defendants have also not denied the existence of joint family. Therefore, being the daughter of the defendant No.1 by name Basappa Ramappa Pandari the plaintiff is having equal share in the suit properties. Hence, on the above reasons, point No.1 to 3 are answered in **"Affirmative"**.

12. Point No.4:- In the light of aforesaid findings on the above said points, I proceed to pass following..

ORDER

The suit filed by the plaintiff is hereby decreed.

The plaintiff and defendant Nos.2 to 5 are entitle to 1/5th share each in the suit schedule properties by metes and bounds.

The plaintiff and defendants can work out their shares under Section 54 of CPC.

Considering the relationship between the parties, no order as to costs.

Draw preliminary decree accordingly.

(Dictated partly to the stenographer directly on computer, typed by her and then corrected by me and pronounced in the open court on this the day of 1st July of 2026).

**(Arun Kumar. G)
Prl. Senior Civil Judge,
Chikodi.**

ANNEXURE**I. LIST OF WITNESSES EXAMINED ON BEHALF OF THE PLAINTIFF/S :**

PW-1 : Smt. Renuka W/o. Yallappa Katri

II. LIST OF DOCUMENTS MARKED ON BEHALF OF THE PLAINTIFF/S :

Ex.P1 : Copy of record of right

Ex.P2 : Copy of record of right

Ex.P3 : Copy of record of right

Ex.P4 : Copy of record of right

Ex.P5 : Copy of mutation register

Ex.P6 : Record of right

Ex.P7 : Record of right

III. LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENDANT/S :

-NIL-

IV. LIST OF DOCUMENTS MARKED ON BEHALF OF THE DEFENDANT/S :

-NIL-

(Arun Kumar. G)
Prl. Senior Civil Judge,
Chikodi.

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