

KABG500001062022



**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE, GOKAK.**

BEFORE: Sri.Umesh S. Atnure,

B.Com.LL.B.(Spl)

O.S. No.73/2022

DATED THIS 06th DAY OF AUGUST-2026

- Plaintiffs: 1. Laxmi D/o. Yallappa Hatti @ Hatter,
Age: 06 years minor R/by her mother
plaintiff No.2.
2. Smt. Savita W/o. Yallappa Hatti @ Hatter,
Age: 24 years, Occ: Nil,
R/o: Sangankeri, Tq: Gokak.

(By Sri.S.B.H., Advocate)

V/s

- Defendants: 1. Mahalinga S/o. Ramachandara Hatti @
Hatter, since deceased R/by his LRs
already his LRs are on record as plaintiffs
and defendants No.2 to 5.
2. Laxmibai @ Shivaleela W/o. Mahalinga Hatti
@ Hatter, Age: 38 years, Occ: Household,
R/o: Konnur, Tq: Gokak.
3. Ramachandra S/o. Mahalinga Hatti
@ Hatter, Age: 42 years, Occ: Engineer KPTCL
Ghataprabha,
R/o: Konnur, Tq: Gokak.

4. Yallappa S/o. Mahalinga Hatti
@ Hatter, Age: 34 years, Occ: Army,
R/o: APTC (P.T) Mastar Hawaldar API
Patimanagar, Opp:Chrome Puna-22,
Maharashtra.
5. Smt. Ashwinig W/o. Ramachandra Hatti @
Hatter, age: 38 years, Occ: Household,
R/o: Konnur, Tq: Gokak.

(D-1 Diead)

(D-2 to 5 by Sri.N.S.G., & Sri.S.S.M., Advocates)

ORDERS ON PRELIMINARY ISSUE

The plaintiffs filed this present suit seeking the relief of partition and separate possession of their 2/3rd share out of the 1/3rd joint share of family of the plaintiffs and defendant No.4 by effecting equitable partition by metes and bounds.

2. It is the case of the plaintiffs that themselves and defendants are constituted Hindu joint family and the suit schedule properties are their ancestral and joint family properties. The defendants are denying to allot their legitimate share in the suit schedule properties as such, they have filed this suit seeking to allot their 2/3rd joint share in 1/3rd joint share of the family of the plaintiffs and defendants No.4.

3. The defendants No.2 to 5 appeared through their counsel and filed their written statement by denying the contention of the plaintiffs and further in para No.11 of their written statement they

clearly took the contention that as on the date of this suit the market value of the suit land is about Rs.10,00,000/- and market value of the house properties Rs.2,90,000/- in all Rs.12,98,000/-. Hence, the plaintiffs alleged share is not more than Rs.5,00,000/-. Hence, this court is not having pecuniary jurisdiction to try this suit.

4. Based on the above pleadings the court has framed the issues and Issue No.5 is framed with regard to the pecuniary jurisdiction of this court and Issue No.5 is treated as preliminary issue.

5. After framing the issues the plaintiffs got amended the plaint and they got altered their share to an extent of $\frac{2}{3}$ rd out of $\frac{1}{3}$ rd joint share of plaintiffs and defendants No.4 and to this amended plaint the defendants have filed additional written statement and wherein also they have took the contention that even though by way of amendment the share of plaintiffs is below Rs.5,00,000/-. As such, this court is not having any pecuniary jurisdiction to try this this suit.

6. The issue No.5 is “Whether defendants prove that this court is not having pecuniary jurisdiction to try this suit?”

7. Heard both side on the preliminary issue No.5. Perused the material available on record.

8. My answered to the above preliminary issue No.5 is in the Affirmative for the following;

REASONS

9. This present suit is filed by the plaintiffs seeking the relief of partition and separate possession of plaintiffs $\frac{2}{3}$ rd share out of $\frac{1}{3}$ rd joint share of family of the plaintiffs and defendants No.4. In the plaint the plaintiffs have valued the suit at Rs.13,33,333/- for the purpose of pecuniary jurisdiction of this court. The plaintiffs are claiming their $\frac{2}{3}$ rd share in $\frac{1}{3}$ rd share of joint family of the plaintiffs and defendants No.4. The $\frac{1}{3}$ rd share of family of the plaintiffs and defendants No.4 comes to Rs.4,44,444/- and out of which the plaintiffs $\frac{2}{3}$ rd share will comes to Rs.2,96,296/- which is below the pecuniary jurisdiction of this court.

10. As this suit is filed on 24.01.2022 at that time the pecuniary jurisdiction of this court was Rs.5,00,000/- and above. Now in view of the Karnataka Civil Courts (Amendment) Act, 2023 which came into force from 19.06.2024. Under 2023 amendment the Civil Judge, handle all suits valued up to Rs.15,00,000/-. The Senior Civil Judge, now only handle the suit valued above Rs.15,00,000/-. The said amendment was given retrospective effect i.e., from

28.08.2007. As per the judgment of the *Hon'ble High Court of Karnataka in WP.No.17588/2024 Smt.Narayanamma Vs., State of Karnataka decided on 08.07.2026*, the amendments to the pecuniary jurisdiction are procedural, this means new valuation limits apply retrospectively to all pending and undecided suits. In view of the said observation by the Hon'ble High Court of Karnataka the pecuniary jurisdiction of this court is Rs.15,00,000/- and above and pecuniary jurisdiction of Civil judge court is up to Rs.15,00,000/-. In this present case on hand, the share of the plaintiffs will come to less than Rs.15,00,000/- as such, this court is not having pecuniary jurisdiction to try this suit and plaint is to be returned to the plaintiffs to present at before appropriate court having pecuniary jurisdiction to try this suit. **Hence I answered the Issue No.5 which is treated as preliminary issue in the Affirmative and I proceed to pass the following:**

ORDER

This court is not having pecuniary
jurisdiction to try this suit.

Office is hereby directed to return the
plaint to the plaintiffs to present it before
appropriate court.

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by
me in the open Court on this the 06th day of August, 2026.)

(Umesh S. Atnure)
Prl. Senior Civil Judge Gokak.