

OS 379/25
Kallavva

O. S. No.379/2025
IN THE COURT OF THE HON'BLE ADDL SR CIVIL
JUDGE GOKAK, AT: GOKAK

BETWEEN:

1] Smt.Kallavva @ Sushilavva
W/o Rajappa Kappalaguddi,

.....Plaintiff

AND:

1] Shri.Lagamappa
S/o Gurusiddappa Adadabbi And others

.....Defendants

Examination-in-Chief by way of Affidavit u/o 18
Rule 4 of C.P.C.

Herein I, Smt.Kallavva @ Sushilavva W/o Rajappa Kappalaguddi, Age: ~~53~~3Yrs, Occ: Agril & Household, R/o: Duradundi, Tq: Gokak, now at kalloli, Tq: Mudalagi, today at Gokak, do here by state on solemn affirmation to state and make the following affidavit.

1. I am the plaintiff in this suit. I know the defendants. I know the fact and circumstance of this suit. Hence, I am competent to swear this affidavit is as under.

2. **Description of the suit properties: -**

The suit property is described in schedule-A annexed with the plaint may kindly be treated as part and parcel of this plaint.

3. The genealogy of the family of me and defendants-1 to 13 for the purpose of this suit as shown in the schedule-B annexed with the plaint may kindly be treated as part and parcel of this affidavit to avoid repetitions.

4. The propositus-Gurusiddappa Balappa Adadabbi and his wife-Sonavva had died long back leaving behind them, four sons and Seven daughters namely-1] Mallappa(died), 2]Lagamappa(D-1), 3] Ratnavva(D-2), 4] Nimbevva(D-3), Neelavva(D-4), 5] Dundappa(D-5), 6]Mahadevi(D-6), 7] Pundalik(D-7), 8] Kallavva(plff), and 9] Basavva (Deft-8) as their class-I legal heirs. The above-mentioned their four sons and Seven daughters have



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Adv for D 20

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(N.S.)
Adv for D 22

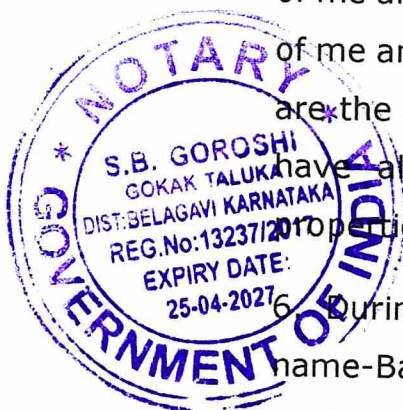
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been succeeded and continued to the suit properties as a legal heir. After their death, the 1st son by name-Mallappa and his wife-Shankrevva also died leaving behind them, three daughters and two sons namely-1] Rukmavva(D-9), 2] Kamalavva(D-10), 3] Kasturi(D-11), 4] Balesh(D-12) and 5] Basavaraj (D-13. After her death, the above said three daughters and 2 sons have been succeeded and continued to the share and estate of deceased-Mallappa and Shankrevva and also to the suit properties as an legal heirs. I am the sister of defendants-1, 5 and 7 and sisters of defendants-2 to 4, 6 and 8. The defendants-14 to 23 are the stranger to the family of me and defendants-1 to 13.

5. It is submitted that, the suit properties S.L.No.1 & 2 are previously bearing R.S.No.67/5, measuring-4Ac-10Gs, P.K.0Gs-01Gs, total area measuring-4Ac-19Gs, Assessed at Rs.5.25Ps and bearing R.S.No.106/3, measuring-10Ac-35Gs, P.K.06Gs, total area measuring-10Ac-29Gs and same are granted lands in the name of father of propositus-Gurusiddappa by name-Balappa who is the grandfather of me and his name was came to be mutated in the R/R of the suit properties S.L.No.1 & 2 as he and his family members are actual in joint possession, use, enjoyment and cultivating of the above said lands. The suit property S.L.No.3 was purchased property of father of Prapositus-Gurusiddappa by name-Balappa. So, the suit properties inherited from the ancestor of me and same are ancestral and joint family properties of family of me and defendants-1 to 13. So, myself and defendants-1 to 13 are the co-owners and co-parceners of the suit properties. So, I have also got equal right, title and interest over the suit properties.

6. During the life time of father Propositus-Gurusiddappa by name-Balappa and his family members had been in actual joint



possession, use, enjoyment and cultivating the above suit properties as an absolute and exclusive owners and his family members have jointly growing the commercial crops likewise Sugar cane, Maize, Cotton, Sadak, Sunflower etc., in the suit properties and harvesting the same every year. Moreover, the father of Propositus-Gurusiddappa by name-Balappa and his family members have jointly paying the land revenue and water tax to the Govt every year. After the death of propositus-Gurusiddappa, me and defendants-1 to 8 are continued to the share and estate of deceased-Propositus-Gurusiddappa and also suit properties as an Varasa. So, the suit properties are the ancestral and joint family properties of me and defendants-1 to 13 and myself and defendants-1 to 13 are the co-owners and joint owners of the suit properties and I have also got equal right, title and interest over the suit properties.



Further it is submitted that, after the death of father Propositus and propositus-Gurusiddappa, me and deceased-Mallappa and defendants-1 to 8 have been continued to the share and estate of deceased-Propositus-Gurusiddappa and his father and they are also have been continued in joint possession, use, enjoyment and cultivating the suit properties. Thereafter, in the year 1978, the name of deceased-Mallappa and defendants-1, 5 & 7 were came to be illegally mutated in the R/R of the suit properties on behalf of jointly family consisting of family of me and defendants-1, 5 & 7 behind the back and without the knowledge of me on the basis of alleged varadi. Even though the name of defendants-1, 5 & 7 appeared in the above-mentioned suit properties on the basis of alleged varadi, me and defendants-1 to 13 and their family members have been continued in actual joint possession, use, enjoyment and cultivating the suit properties as an absolute and

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exclusive owners of the suit properties. There was/is no any partition was effected in between me and defendants-1 to 13 in the suit properties. The Defendants-1 to 13 and I are inherited the suit properties from our ancestors. So, me and defendants-1 to 13 are become the Co-parceners and Co-owners of the suit properties. In the suit properties the family of myself has got 1/10th share in the suit properties and defendants-1 to 8 each have got 1/10th share and defendants-9 to 13 together have got 1/10th joint share in the suit properties. The defendants-14 to 23 names were also entered in the R/R of the suit properties jointly illegally. Hence, the defendants-14 to 23 are also necessary and proper parties to the suit.

8. This being the state of affairs, taking a undue advantage of names of deceased-Mallappa and defendants-1, 5 & 7 are alone entered in the R/R of the suit properties on behalf of joint family consisting of family of me and defendants-1 to 13, they have illegally raising the hand loans from the different persons and also creating a false and fabricated documents in their favor and taking a undue advantage of above said fact, they have illegally sold the suit property S.L.No.1 to the fathers of defendants-14 to 19 colluded with the scribe and witnesses and got created a false and fabricated document styled as sale deed and got executed alleged sale deed in their favor on 05/05/1993 to the extent of 1Ac-01Gs and 01Ac-00Gs without mentioning the boundaries to the only to the meager amount of Rs.25,000/- and 25,000/- respectively. The contents of the above-mentioned alleged sale deeds are all false and same are denied by me. The family of me and defendants-1 to 13 are financially sound and there was/is not any family legal necessity or debt to alienate/transfer the suit property S.L.No.1 to the above said extent in favor of fathers of defendants-14 to 19



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or any other persons. Myself and defendants-2 to 4, 6 & 8 are not party and signatory to the above mentioned alleged and illegal documents. Moreover, in the said property S.L.No.1, the defendants-1, 5 & 7 and deceased-Mallappa alone have no any saleable right to sell or transfer the suit property S.L.No.1 to the fathers of defendants-14 to 19 or any person without the consent of the other co-owners and co-parceners of the suit property S.L.No.1. Therefore, the above-mentioned alleged sale deed alleged to have been got executed by the fathers' defendants-14 to 19 in their favor are all false, fabricated and concocted documents and same are illegal and void-ab-initio and same are not binding upon the share of me and defendants-2 to 4, 6 & 8. On the basis of alleged and illegal of above mentioned documents of father of defendants-14 to 19, they cannot derived any legal, valid and lawful right title and interest over the suit property S.L.No.1 to the above said extents and also they have not at all came in the possession of the suit property S.L.No.1 at any point of time.

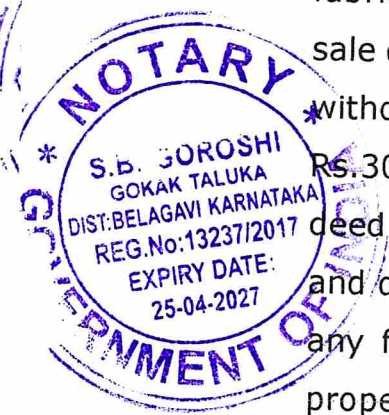


Thus, on the basis of alleged and illegal entry of name of deceased-Mallappa & defendants-1, 5 & 7 in the suit properties, they have illegally sold the suit property S.L.No.1 to the defendant-20 colluded with the scribe and witnesses and got created a false and fabricated document styled as sale deed and got executed alleged sale deed in his favor on 24/04/1989 to the extent of 1Ac-00Gs without mentioning the boundaries only to the meager amount of Rs.18,000/-. The contents of the above-mentioned alleged sale deed are all false and same are denied by me. The family of me and defendants-1 to 13 are financially sound and there was/is no any family legal necessity or debt to alienate/transfer the suit property S.L.No.1 to the above said

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extent in favor of defendant-20 or any other persons. Me and defendants-2 to 4, 6 & 8 are not party and signatory to the above mentioned alleged and illegal document. Moreover, in the said property S.L.No.1, the defendants-1, 5 & 7 and deceased-Mallappa alone have no any saleable right to sell or transfer the suit property S.L.No.1 to the defendant-20 or any person without the consent of the other co-owners and co-parceners of the suit property S.L.No.1. Therefore, the above-mentioned alleged sale deed alleged to have been got executed by the defendant-20 in his favor are all false, fabricated and concocted document and same are illegal and void-ab-initio and same are not binding upon the share of me and defendants-2 to 4, 6 & 8. On the basis of alleged and illegal of above mentioned documents the defendant-20, he cannot derived any legal, valid and lawful right title and interest over the suit property S.L.No.1 to the above said extents and also they have not at all came in the possession of the suit property S.L.No.1 at any point of time.

10. Thus, on the basis of alleged and illegal entry of name of deceased-Mallappa & defendants-1, 5 & 7 in the suit properties, they have illegally sold the suit property S.L.No.1 to the Dundappa and Halappa S/o's of Siddappa Antaragatti colluded with the scribe and witnesses and got created a false and fabricated document styled as sale deed and got executed alleged sale deed in their favor on 21/05/1992 to the extent of 1Ac-00Gs without mentioning the boundaries only to the meager amount of Rs. 30,000/-. The contents of the above-mentioned alleged sale deed are all false and same are denied by me. The family of me and defendants-1 to 13 are financially sound and there was/is no any family legal necessity or debt to alienate/transfer the suit property S.L.No.1 to the above said extent in favor of above said



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A blue ink fingerprint is visible below the signature.

purchasers or any other persons. Me and defendants-2 to 4, 6 & 8 are not party and signatory to the above mentioned alleged and illegal document. Moreover, in the said property S.L.No.1, the defendants-1, 5 & 7 and deceased-Mallappa alone have no any saleable right to sell or transfer the suit property S.L.No.1 to the above said purchasers or any person without the consent of the other co-owners and co-parceners of the suit property S.L.No.1. Therefore, the above-mentioned alleged sale deed alleged to have been got executed by them in their favor are all false, fabricated and concocted document and same are illegal and void-ab-initio and same are not binding upon the share of me and defendants-2 to 4, 6 & 8. On the basis of alleged and illegal of above mentioned documents the said persons, have cannot derived any legal, valid and lawful right title and interest over the suit property S.L.No.1 to the above said extents and also they have not at all came in the possession of the suit property S.L.No.1 at any point of time. Thereafter, the above said purchasers have illegally sold the above said suit property S.L.No.1 to the above said extent in favor of defendant-21. Now on the basis of alleged and illegal document of defendant-21, the name of defendant-21 is entered in the R/R of the suit property S.L.No.1 by deleting the above said persons. Hence, the above said purchasers are not made as parties to the suit and the defendant-21 only made as a party to the suit. On the basis of alleged and illegal document, the defendant-21 also cannot got any valid right, title and interest over the suit property S.L.No.1 to the above said extent and even though he has purchased the above said suit property, he not at all came in the possession of the suit property at any point of time.



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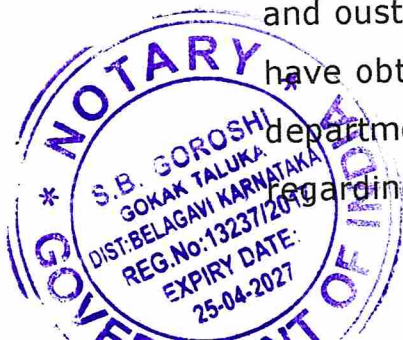
11. Thus, on the basis of alleged and illegal entry of name of deceased-Mallappa & defendants-1, 5 & 7 in the suit properties, they have illegally created the documents in their favor and on the basis of alleged and illegal created documents, they have mutated their names in the R/R of the suit properties behind the back and without the knowledge of me and defendants-2 to 4, 6 & 8. Taking undue advantage of their names are appeared in the suit properties S.L.No.2, the deceased-Mallappa, the defendant-22 colluded with the scribe and witnesses and got created a false and fabricated document styled as sale deed and got executed alleged sale deed in his favor on 2003 to the extent of 0Ac-23Gs without mentioning the specific boundaries. The contents of the above-mentioned alleged sale deed are all false and same are denied by me. The family of me and defendants-1 to 13 are financially sound and there was/is no any family legal necessity or debt to alienate/transfer the suit property S.L.No.2 to the above said extent in favor of defendant-20 or any other persons. Me and defendants-2 to 4, 6 & 8 are not party and signatory to the above mentioned alleged and illegal document. Moreover, in the said property S.L.No.2, the deceased-Mallappa alone had no saleable right to sell or transfer the suit property S.L.No.2 to the defendant-22 or any person without the consent of the other co-owners and co-parceners of the suit property S.L.No.1. Therefore, the above-mentioned alleged sale deed alleged to have been got executed by the defendant-20 in his favor are all false, fabricated and concocted document and same are illegal and void-ab-initio and same are not binding upon the share of me and defendants-2 to 4, 6 & 8. On the basis of alleged and illegal of above mentioned documents the defendant-22, he cannot derived any legal, valid and lawful right title and interest over the suit property S.L.No.1 to the above said extents and also they



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have not at all came in the possession of the suit property S.L.No.1 at any point of time.

12. This being the state of affairs, even though the name of defendants-1, 5, 7 and 9 to 22 in the suit properties, the defendants-14 to 22 have been illegally entered in the R/R of their respective suit properties, on the basis of above mentioned alleged their respective documents, they have not at all came in the possession of the suit properties alone at any point of time and the possession of the above said suit properties were remained with me and defendants-2 to 4, 6 & 8 jointly till today also. The above said defendants have taking undue advantage of above mentioned their alleged and illegal respective documents and entry of their names in the R/R of their respective suit properties, they have first time ascertaining their alleged rights over their respective suit properties on 17/02/2025 and trying to interfere and obstruct the plaintiff's peaceful possession, use and enjoyment of the suit properties and also they are going to alienate or transferring the suit properties to the strangers. I have requested the defendants not to commit the above mentioned illegal acts by taking law in their own hands without effecting the partition by metes and bounds and same has been refused by them and told to me that, their names are already entered in the R/R of their respective properties and they have got every right to enter upon of their respective suit properties and interfering and obstructing the possession of the suit properties of me and also they have got every right to disposes and oust me from the above said suit properties. Immediately, I have obtained all the necessary documents from the concerned departments, then only I have found and came to my knowledge regarding above said alleged and illegal documents in respect of



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suit properties. I have also requested all the defendants to effecting the partition in the suit properties by metes and bounds and same has been refused by them. I have took up the matter before the elders of the village but the defendants have no mind to hear the words of the village. So, due to the above said reason the relation between myself and defendants are strained. Due to the strained relationship between me and defendants, I am decided not to continue joint possession of the suit properties along with defendants. Therefore, I have not available efficacious remedy except to approach before this Hon'ble court. Hence, I am constrained to file the present suit against defendants for the relief of partition and separate possession and also declaration etc., in respect of suit properties.

13. The contents of the WS filed by the defendants are all false and same are denied by me in their entirety and same may kindly be put to strict proof of the same.

14. I have produced the necessary documents along with plaint and same may kindly be marked on behalf of me as exhibit P-1 to _____.

Therefore, it is most humbly prayed that, the suit of me may kindly be decreed as prayed for in the interest of justice and equity.

Hence, this affidavit.

The contents of above affidavit are read over and explained to me in Kannada and same are true and correct to the best of my knowledge, belief and information.

Place: Gokak
Date: 06/08/2026

Deponent  *Utt Ballanna
@Bustilanna
Rajappa
Kappalaguddi*

I know the deponent,

H.B. Sontga
Advocate-Gokak



SWORN TO BEFORE ME
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S. B. GOROSHI B.A., LL.B. (Spl.)
ADVOCATE & NOTARY,
GOKAK TALUKA