

KABG500013382025



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

**Present: Shri. Umesh S.Atnure
B.Com., LL.B.(Spl)
Prl. Senior Civil Judge, Gokak**

ORIGINAL SUIT No.667/2025

DATED THIS 06th DAY OF JUNE-2026

Plaintiff: 1. Smt. Gangavva W/o. Laxmappa Kotagi,
Age: 70 years, Occ: Agriculture & Household,
R/o: Chippalakatti, Tq: Ramdurga.

-VERSUS-

Defendants: 1. Shrishail S/o. Yallappa Kalakutri,
Age: 65 years, Occ: Agriculture,
R/o: Koujalagi, Tq: Gokak.

2. Smt. Iravva W/o. Mahadevappa Danannavar,
Age: 72 years, Occ: Agriculture & Household,
R/o: Davalatti, Tq: Gokak.

3. Kareppa S/o. Gulappa Sattigeri,
Age: 50 years, Occ: Agriculture,
R/o: Raderahatti, Tq: Gokak.

4. Mallappa s/o. Basappa Kamaturi,
Age: 40 years, Occ: Agriculture,
R/o: Beeranagaddi, Tq: Gokak.

5. Vittal S/o. Basappa Kamaturi,
Age: 37 years, Occ: Agriculture,
R/o: Beeranagaddi, Tq: Gokak.

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Plaintiff By Sri.B.B.T., Advocate**Defendant No.1 exparte****Defendants No.2 to 5 by Sri.V.N.Y., Advocate**

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Date of institution of the Suit	:	16-09-2025
Nature of the Suit	:	Partition & Separate Possession
Date of commencement of recording of evidence	:	12-12-2026
Date of pronouncement of Judgment	:	06-06-2026
Total duration	:	Years /s Month/s Day/s 00 08 21

J U D G M E N T

1. This is a suit for partition and separate possession of plaintiff's 1/5th legitimate share in the suit schedule properties.
2. The brief facts of the plaintiff's case is as follows;

It is the case of the plaintiff that the propositus Parappa died long back leaving behind his only son Yallappa. Thereafter Yallappa succeeded the suit schedule properties. The Yallappa has got wife by name Iravva. The Yallappa and Iravva were died leaving behind them four daughters namely Paravva, Iravva i.e., defendant No.2, Gangavva i.e., plaintiff, Rukmavva. Out of them Paravva died leaving behind her son Kareppa i.e., defendant No.3 and Rukmavva died leaving behind two sons namely Mallappa and Vittal i.e., defendants No.4 and 5. Herself and defendants are constituted Hindu joint family. The suit schedule properties are their ancestral joint family properties, they are in joint

possession and enjoyment of the suit schedule properties, till today no partition was effected in between them. The defendant No.1 illegal behind and back without the knowledge of the plaintiff got created false documents and got entered his name to the suit properties by colluding with revenue authorities. The defendant No.1 is not the absolute owner of the suit properties. Herself and defendants inherited the suit properties by way of succession and she being the daughter of the propositus, she is entitled for share in the suit schedule properties. When this fact are came to her knowledge recently she approach the defendant No.1 and asked him to effect the partition he flatly refused the same. Hence, she filed this suit.

3. In pursuance of service of suit summons the defendant No.1 placed exparte. The defendants No.2 to 5 appeared through their counsels.
4. The defendants No.2 to 5 filed written statement by admitting the entire case of the plaintiff.
5. Based on the above pleadings the following issues have been framed:

ISSUES

1. Whether plaintiff proves that herself and defendants constituted Hindu joint family and suit schedule properties are their ancestral and joint family properties?
2. Whether plaintiff and defendants No.2 to 5 are entitled for relief sought for?
3. What order or decree?

6. In support of the case of the plaintiff, the plaintiff is got examined herself as PW1 and got marked Ex.P1 to 15 and closed her side. The defendants are nor led any evidence.
7. Heard the arguments of both side. Perused the material available on record.
8. My answer to the above issues are as follows;

Issue No.1	:-	In the Affirmative
Issue No.2	:-	In the Affirmative
Issue No.	:-	As per final order for the following;

REASONS

9. **Issue No.1:-** In support of the case of the plaintiff, the plaintiff got examined herself as PW1, in her examination-in-chief she reiterated the plaint averments. She got marked the RTC extracts of the suit properties as per Ex.P1 and 2. In these RTC extracts the name of defendant No.1 is appearing. Further the plaintiff has produced the RTC extract of R.S.No.643 from the year 1964-65 to 2000-01 wherein from the year 1964-65 to 1989-90 the name of the Yallappa Parappa Kalakutri is appearing and in the year 1990-91 onwards the name of the defendant No.1 is appearing. Further the plaintiff has produced the RTC extract of R.S.No.90 for the year 1964-65 to 2001-02 as per Ex.P8 to 13, up to the year 2001-02 the name of the Yallappa is appearing. The plaintiff produced the ME.No.7483 as per Ex.P14 by perusing the same it goes to shows that the Yallappa and Iravva i.e.,

the father of the plaintiff and defendants gave varadi stating that they became age old persons and they have consented to mutate the name of defendant No.1 to the suit property bearing R.S.No.643 accordingly the name of the defendant No.1 was entered in the RTC extracts of the suit properties. Further the plaintiff has produced the ME.No.2448 as per Ex.P15 by perusing the same it goes to shows that Yallappa become age old person and he has got one son and four daughters and the name of his son i.e., defendant No.1 is to be mutated to the land bearing R.S.No.90 and accordingly the name of the defendant No.1 is mutated to the suit property bearing R.S.No.90 and the name of the defendant No.1 is appearing in the RTC extract. The Ex.P14 and 15 clearly goes to shows that the Yallappa has succeeded the suit properties from his father Parappa and his name was appearing in the RTC extracts of the suit properties and he gave varadi to the revenue authorities to mutate the name of his only son i.e., defendant No.1 to the suit properties accordingly the name of defendant No.1 is mutated to the suit properties. As the suit properties were succeeded by the father of the plaintiff and defendants No.1, 2 and grandfather of the defendants No.3 to 5 and the suit properties are the ancestral properties to the plaintiff and defendants and as per the varadi given by the Yallappa who is the father of the plaintiff and defendant No.1, the name of defendant No.1 was mutated but at the time of mutating the name of the defendant No.1, the present plaintiff, defendant No.2 and deceased

Paravva and Rukmavva are also the daughters but their names are not mutated to the suit properties even though the suit properties are the ancestral properties to the plaintiff and defendants. In this case the defendant No.1 is remained exparte. The defendants No.2 to 5 have admitted the entire case of the plaintiff. From the oral and documentary evidence adduced by the plaintiff it clearly goes to shows that the plaintiff and defendants are constituted Hindu joint family and suit schedule properties were succeeded by them from their father Yallappa and their father succeeded the suit properties from his father Parappa. Hence, I am of the considered view that the plaintiff proved that herself and defendants are constituted Hindu joint family and the suit schedule properties are their ancestral and joint family properties. **Hence, I answered the Issue No.1 in the Affirmative.**

10. **Issue No.2:** The plaintiff contended that herself and defendants No.1, 2, deceased Paravva and Rukmavva being the heirs of deceased Yallappa, they are entitled for 1/5th share each in the suit schedule properties. Now the Paravva died leaving behind her son Kareppa i.e., defendant No.3 and Rukmavva died leaving behind her two sons namely Mallappa and Vittal who are defendants No.4 and 5. As the suit properties are succeeded by the plaintiff and defendants from their grandfather and the suit schedule properties are ancestral properties. The plaintiff, defendant No.1, 2, deceased Paravva and Rukmavva being the heirs of deceased Yallappa, they are entitled for

equal share in the suit schedule properties i.e., 1/5th share each. Now the Paravva died, her 1/5th share is succeeded by her son Kareppa i.e., defendant No.3 and Rukamavva died, her 1/5th share is succeeded by her two sons i.e., defendants No.4 and 5. Hence, I am of the considered view that the plaintiff, defendant No.1, 2 and 3 are entitled for 1/5th share each and defendants No.4 and 5 together entitled for 1/5th share in the suit schedule properties. **Hence, I answered the Issue No.2 in the Affirmative.**

11. **Issue No.3:** In view of above discussions made on the above issues, I proceed to pass the following;

ORDER

The suit is decreed with costs.

The plaintiff, defendant No.1, 2 and 3 are entitled for 1/5th share each and defendants No.4 and 5 together entitled for 1/5th share in the suit schedule properties.

Draw preliminary decree accordingly.

In view of the directions issued in the Civil Appeal No.6406-6407/2010, by the Hon'ble Supreme Court of India, final decree proceedings are to be initiated suo-moto Under Order XX Rule XVIII of CPC. Hence, Office is directed to register separate FDP and put up on 06.09.2026.

(Dictated to the stenographer, typed and translated by him and same is corrected, signed and then pronounced by me in the open court on this the **06th DAY OF JUNE-2026**)

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

ANNEXURES**LIST OF WITNESSES EXAMINED BY THE PLAINTIFF/S :**

P.W-1 : Smt. Gangavva W/o. Laxmappa Kotagi

LIST OF DOCUMENTS EXHIBITED BY PLAINTIFF/S :

Ex.P1 to 13 : RTC extracts

Ex.P14 & 15 : Mutation extracts

LIST OF WITNESSES EXAMINED BY DEFENDANT/S :

-NIL-

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF DEFENDANT/S :

-NIL-

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