

Original Suit No.787/2025

**IN THE COURT OF HON'BLE 1st ADDL. SENIOR CIVIL
JUDGE GOKAK, AT: GOKAK**

BETWEEN:

- 1] Shri. Shivanand S/o. Mudakappa Makali
& others

... Plaintiffs

AND:

- 1] Shri. Mudakappa S/o Nagappa Makali

....Defendant

**EXAMINATION IN CHIEF OF P.W.1 BY WAY
OF AFFIDAVIT**

HEREIN, I, Shivanand S/o. Mudakappa Makali, Age: 39
years, Occ: Army Service, R/o: Gokak, Tq: Gokak, Dist:
Belagavi, today at Gokak, do hereby state on solemn
affirmation and make this affidavit as under:

1] I am the plaintiff No.1 in this case. I know the facts and
circumstances of the case. Hence I am competent to swear
this affidavit for myself and on behalf of plaintiff No.2.

2] We have filed the top noted suit against the defendant
for partition and separate possession before this Hon'ble
court in respect of suit properties situated within the limits of
Betageri village, Tq:Gokak as shown below:

Shri. Shivanand S/o. Mudakappa Makali

- i) Land bearing R.S.No.118*/1, measuring 04Ac-10Gs, asst at Rs.6.93ps, bounded as under :

To East : Kacha Road
To West : Yaranal Nala
To South : Land of Halappa Koni
To North : Land of Mureppa Koni

- ii) Land bearing R.S.No.116*/1+4, measuring 07Ac-38Gs, PK 0Ac-15Gs, Net 07Ac-23Gs, asst at Rs.10.33ps, out of it 01Ac-07Gs bounded as under,

To East : Yaranal Nala
To West : Gramthana/Gayarana area
To South : Land of Bhimappa Makali
To North : Land of Siddappa Patil

3] The defendant is the Manager and Karta of the family of us. The plaintiff No.2 is the wife of defendant, out of their wedlock I was born. Ourselves and defendant are the member of Hindu undivided Joint family and we are governed by Hindu Mitakshra School of Hindu law. The suit properties are our ancestral joint family properties. There is no partition between us in the suit properties by metes and bounds. Further the crops like sugarcane, maize, wheat etc are jointly grown by us and defendant, and we are paying the land revenue to the Govt. every year.

4] It is submitted that, originally the suit properties are standing in the name of father of defendant i.e. deceased



Makali

Nagappa, after his death his son i.e. defendant has succeeded the suit properties by way of succession. Now the suit properties are standing in the name of my father defendant only on behalf of joint family consisting of ourselves and defendant, as the defendant is the manager and Karta of our family. But now the defendant is addicted bad voices, womanizing, gambling consuming alcohol etc. and also the defendant is leading adulterous life with one lady by name Sushila D/o. Ningappa Chandaragi of Hanchinal village, Tq: Gokak. Further the defendant is already illegally and high handedly transferred portion of 02Ac-16Gs out of suit property bearing R.S.No.116/1+4 of Betageri village in favour of his brother to meet out his expenses of his above said bad vices. Now the defendant is taking undue advantage of his name at appearing in R/R the suit property. Further the defendant is canvassing that he will going to alienate the suit properties along with our share to the strangers, but the defendant has not the absolute owner of the suit properties to alienate the same, as the suit properties are ancestral joint family properties of us and defendant.

5] It is submitted that, the plaintiff No.2 had already filed the Cri.Misc.No.106/2025 against the defendant for claiming the maintenance before the Hon'ble JMFC Gadahingalaj, because the defendant has already driven out us from his



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house, and he is denying our legitimate 2/3rd share in the suit property. But we are also having our legitimate 2/3rd share in the suit properties, as there is/ was no legal partition is effected in between us and defendant till today.

6] This being the state of affairs, due to above said reasons now the relation between ourselves and defendant is strained and not cordial, and it is not possible for us to remain in joint along with defendant. Further the defendant is not co-operating with us in joint possession, use and enjoyment of the suit properties. Further the defendant is denying our share in the suit properties. Therefore, we along with elders of the village have approached the defendant on:16/10/2025, and requested him to effect partition and hand over our legitimate 2/3rd share in the suit properties, but the defendant was flatly refused for the same and refused to effect the partition and separate possession. Therefore, we have left with no alternative remedy except to approach this Hon'ble Court. Hence, we are constrained to file this suit for partition and separate possession of our legitimate 2/3rd share in the suit properties before this Hon'ble Court. The hearing of the suit will takes its own time, in the meantime there are every possibilities that, the defendant may alienate the suit properties in favour of strangers, hence in order to maintain the status quo of suit



[Handwritten signature]
Mahali

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CORRESPONDENCE

properties we have filed separate application for issuance of T.I order against the defendant before this Hon'ble Court.

7] I have produced the relevant documents in this case as per separate list, the same may kindly be marked and read in evidence and exhibited in my favour.

Hence, I most humbly pray that our suit may kindly be allowed as prayed for, in the interest of justice and equity.

Hence, this examination of chief,

Place: Gokak
Date: 24/06/2026


Deponent

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

Place: Gokak
Date: 24/06/2026


Deponent

"I know the Deponent"


(A. S. Kumbar)
Advocate Gokak.



Sworn to before me

R. S. DEERANAVAR
B.Com., LL.B. (Spl.)
ADVOCATE & NOTARY, GOKAK.
12 JUN 2026

No. of CORRECTIONS