

**IN THE COURT OF II ADDL. DISTRICT &
SESSIONS JUDGE, BANGALORE RURAL
DISTRICT, BANGALORE.**

DATED THIS THE 2nd DAY OF SEPTEMBER, 2013

PRESENT: Smt.S.H.Renukadevi, B.Sc.LL.B.,
II Addl. Sessions & Spl. Judge,
Bangalore Rural District,
Bangalore.

R.A.No.259/2010

APPELLANT: Smt.SHARADAMMA,
W/o.Late Hanumantharayappa,
Aged about 48 years,
R/at Hejjaji Village,
Doddabelavangala Hobli,
Doddaballapura Taluk,
Bangalore Rural District,
Bangalore.

(By Dr.V.Sreenivasa, Adv.)

Vs.

RESPONDENTS : 1.Smt.GANGAMMA,
W/o.Narayanappa,
Aged about 44 years,
R/at Chikkabanavara village,
Yeshwanthapura Hobli,
Bangalore North Taluk,
Bangalore Rural District,
Bangalore.

2.THE SUPERINTENDENT OF
POLICE,
K.G.F. Sub-Division,
KGF., Kolar.

(R1 by Smt.N.Shashikala Adv)
(R2 by Sri.Suresh,
II Addl.Dist.Govt.Pleader,
B'lore, Govt.of Kar.)

Date of and nature of the :Judgment and
decree or order appealed Decree passed by
against Prl.II Civil Judge
(Jr.Dvn.),Bangalore Rural
District, Bangalore, in
OS No.1139/2004
dated:9.6.2010

Date of institution of
the appeal : 14.7.2010

Date of Judgment of the
appeal : 2.9.2013

Duration of the appeal :Year/s Month/s Day/s
03 01 18

J U D G M E N T

This appeal is filed against the judgment and
decree dated 9.6.2010 passed in O.S.No.1139/2004

on the file of Prl.II Civil Judge (Jr.Div), Bangalore Rural District, Bangalore. The appellant is the 1st defendant and respondent Nos.1 & 2 are the plaintiff and defendant No.2 respectively before the trial Court.

2. In this judgment, I refer the parties as arrayed before the trial court for the sake of convenience.

3. By the impugned judgment and decree, the trial court has decreed the suit for permanent injunction and declaration with cost and thereby, declared that the plaintiff is the legally wedded wife of deceased H.Hanumantharayappa. Further, it is ordered that the 1st defendant, her agents, servants, assignees or anybody claiming through her are restrained permanently from receiving service benefits of the deceased H.Hanumantharayappa from the 2nd defendant. Accordingly, it is ordered to draw the decree.

4. Case of the plaintiff in brief is as under:

“The plaintiff’s marriage was solemnized with one Hanumantharayappa on 7.5.1974 as per the

Hindu rites and customs. Since the date of marriage, the plaintiff and her husband were leaving together as husband and wife. The said Hanumantharayappa joined the service in police department and served as police constable and promoted as Sub-Inspector of Police. During his life time, he has served in various places and transferred to KGF. On 21.9.2004, the said Hanumantharayappa met an accident and died leaving behind the plaintiff as legal heir. After the death of said Hanumantharayappa, the 1st defendant has made a claim before the 2nd defendant to get all the retirement benefits of Hanumantharayappa as she was the wife of said Hanumantharayappa. The plaintiff has disputed the same by making necessary application before the concerned authority. Therefore, the 1st defendant is not at all legally wedded wife of Hanumantharayappa and she is a stranger and she cannot claim any retirement benefits of Hanumantharayappa from the 2nd defendant. Hence, this suit.”

5. Defence of defendant No.1 runs as under:

“The plaintiff is not at all legally wedded wife of deceased Hanumantharayappa. The plaintiff and Hanumantharayappa were not at all lived together as husband and wife at any point of time. But, 1st defendant has admitted the fact that the said Hanumantharayappa has joined the service of police department and served as police constable and subsequently promoted as Sub-Inspector, he was transferred to KGF., on 21.9.2004 the said Hanumantharayappa met an accident and died as pleaded in the plaint. Since the 1st defendant is the legally wedded wife of deceased Hanumantharayappa, she lived with Hanumantharayappa at Doddabelavadi village, out of this wedlock, they got three sons and name of the 1st defendant is shown as nominee in the service records of the said Hanumantharayappa, she made application before the concerned authority to disburse all the benefits of Hanumantharayappa in her favour. According to 1st defendant, plaintiff has filed the suit to knock off the service benefits of Hanumantharayappa, with concocted documents and hence, the suit is liable to be dismissed.”

6. On the basis of the above pleadings, the learned trial Judge has framed the following Issues:

1. Whether the plaintiff proves that she is the legally wedded wife of the deceased Hanumantharayappa?

2. Whether the plaintiff further proves that she is entitled for the service benefits of the deceased Hanumantharayappa from the 2nd defendant?

3. Whether plaintiff is entitled for the reliefs claimed?

4. What order or decree?

Addl. Issue No.1: Whether the plaintiff proves that the 1st defendant is making efforts to get the service benefit of deceased Hanumantharayappa on the false ground that she is the legally wedded wife of Hanumantharayappa?

7. In order to prove his case, plaintiff got examined herself and 3 witnesses by name Jayamma, Krishnappa and Riyaz as P.Ws.1 to 3 respectively and got exhibited 20 documents; viz., Ex.P.1 Marriage Invitation Card, Ex.P.2 Motor driving licence, Ex.P.3 Ration Card, Ex.P.4 Verification letter, Ex.P.5 Gas connection letter,

Ex.P.6 Nominee letter of SBI., Ex.P.7 Letter issued by telephone exchange office, Exs.P.8 to 14 Electricity bills, Ex.P.15 copy of Legal notice issued to defendant No.2, Ex.P.16 Postal acknowledgement, Ex.P.17 Ration card, Ex.P.18 letter, Ex.P.19 certified copy of sale deed dtd:25.6.1999 & Ex.P.20 certified copy of sale deed dtd:27.3.2000. Per contra, 1st defendant got examined himself and three witnesses by name Muniramaiah, Ramakrishnaiah & Ramaiah as D.Ws.1 to 3 respectively and got exhibited 10 documents; viz., Ex.D.1 Genealogical Tree, Ex.D.2 Election Card, Ex.D.3 Ration card, Ex.D.4 Transfer certificate, Ex.D.5 Death Ceremony certificate, Ex.D.6 Certificate issued by PSI., Ex.D.7 certified copy of death certificate of Hanumantharayappa, Ex.D.8 certified copy of voters list and Ex.D.9 & 10 certificate issued by the Head Master.

8. The trial court on appreciating the oral and documentary evidence adduced by the plaintiff and defendants, and on hearing the learned counsel for plaintiff and defendants, has answered Issue Nos.1 to 3 & Addl.Issue No.1 in the Affirmative and on

Issue No.4 passed the final order and thereby decreed the suit.

9. Aggrieved defendant No.1, has challenged the judgment and decree before this appellate court.

10. I have heard the learned counsel appearing for the appellant/defendant No.1 and respondent No.1/plaintiff and perused the records and grounds of appeal in detail. Besides, perused the additional evidence led by the appellant/defendant No.1 and also respondent No.2/defendant No.2.

11. Now, the following points would arise for my determination.

POINTS

1. Whether the 1st defendant is able to prove that she is the legally wedded life of defendant H.Hanumantharayappa on the basis of additional evidence produced before this appellate court?

2. Whether the impugned judgment and decree calls for interference by this Court?

3. To what order?

12. My findings on the above said Points are as follows:

Issue Nos.1 & 2: In the Affirmative; &
Issue No.3: As per final order for
the following;

REASONS

13. Point Nos.1 & 2 : For the sake of convenience, these 2 points are taken up together for answering:

14. Case of the plaintiff runs as under:

“The plaintiff’s marriage was solemnized with one Hanumantharayappa on 7.5.1974 as per the Hindu rites and customs. Since the date of marriage, the plaintiff and her husband were leaving together as husband and wife. The said Hanumantharayappa joined the service in police department and served as police constable and promoted as Sub-Inspector of Police. During his life time, he has served in various places and transferred to KGF. On 21.9.2004, the said Hanumantharayappa met an accident and died leaving behind the plaintiff as legal heir. After the death of said Hanumantharayappa, the 1st

defendant has made a claim before the 2nd defendant to get all the retirement benefits of Hanumantharayappa as she was the wife of said Hanumantharayappa. The plaintiff has disputed the same by making necessary application before the concerned authority; because, 1st defendant is not at all legally wedded wife of Hanumantharayappa and she is a stranger and she cannot claim any retirement benefits of Hanumantharayappa from the 2nd defendant. Hence, this suit has been filed for

a) declaration that she is the legally wedded wife of deceased H.Hanumatharayappa;

b) permanent injunction restraining the 1st defendant, her agents, servants, assignees or anybody claiming through her from receiving service benefits of the deceased H.Hanumantharayappa from the 2nd defendant; &

c) For costs and such other reliefs.”

15. Defence of defendant No.1 runs as under:

“The plaintiff is not at all legally wedded wife of deceased Hanumantharayappa. The plaintiff and Hanumantharayappa were not at all lived together as husband and wife at any point of time. But, 1st defendant has admitted the fact that the said

Hanumantharayappa has joined the service of police department and served as police constable and subsequently promoted as Sub-Inspector, he was transferred to KGF., on 21.9.2004 the said Hanumantharayappa met an accident and died as pleaded in the plaint. Since the 1st defendant is the legally wedded wife of deceased Hanumantharayappa, she lived with Hanumantharayappa at Doddabelavadi village, out of this wedlock, they got three sons and name of the 1st defendant is shown as nominee in the service records of the said Hanumantharayappa, she made application before the concerned authority to disburse all the benefits of Hanumantharayappa in her favour. According to 1st defendant, plaintiff has filed the suit to knock off the service benefits of Hanumantharayappa, with the help of concocted documents and hence, the suit is liable to be dismissed.”

16. At this juncture, I have perused the evidence recorded before the trial Court. On the basis of evidence produced before the trial Court, the learned trial Judge has come to the conclusion that respondent No.1/plaintiff is the legally wedded wife

of deceased H.Hanumantharayappa and thereby, he decreed the suit.

17. No doubt, compare to the appellant/defendant No.1, plaintiff/defendant No.1 has produced sufficient materials including the marriage invitation card/Ex.P.1 of H.Hanumantharayappa and herself to prove her marriage with the deceased H.Hanumantharayappa and its draft Ex.P.18 before the trial Court.

18. Initially, let us consider the evidence of plaintiff/respondent No.1 produced before the trial Court. As stated earlier, on perusal of Ex.P.1/Marriage invitation card and Ex.P.18 its draft, one can understand that the marriage between the plaintiff and deceased H.Hanumantharayappa was solemnized on 7.5.1974 at Bylanjaneya swamy temple of Railway Gollahalli. Ex.P.17 is the original ration card & Ex.P.2 is the motor driving licence of deceased H.Hanumantharayappa, which bears the photo of said H.Hanumantharayappa. These two documents further support the case of the plaintiff that she being the wife of said H.Hanumantharayappa, was

custodian of these documents and produced the same before the trial Court. Ex.P.3 is the ration card, which discloses the name of the plaintiff and H.Hanumantharayappa and also their son Chandrashekar. Ex.P.4 is an inspection form issued by the Gas connection distributor for supply of the gas cylinders before installation in the year 2002. Ex.P.5 is a letter issued by gas cylinder distributor informing the plaintiff to get cylinders from other authorised dealer. These documents clearly show the plaintiff is the wife of Hanumantharayappa. Ex.P.6 is an application made by the H.Hanumantharayappa before the State Bank of India in the year 1997, showing that the plaintiff is the nominee and she is his wife. Ex.P.7 is the form issued by the Telephone department for connection of telephone to the house of the plaintiff at Tumkur, which discloses name of the husband as Hanumantharayappa. Ex.P.7 further proves the fact that the plaintiff and Hanumantharayappa were residing in Tumkur also. Exs.P.8 to 14 are all telephone bills and receipts issued in the name of the plaintiff at Tumkur address, wherein plaintiff's husband name is shown as Hanumantharayappa. Certified copy of sale deeds Exs.P.19 & 20 reveals

that plaintiff has purchased landed properties wherein her husband name has been shown as Hanumantharayappa. In addition to these documentary evidence, oral evidence of the plaintiff/P.W.1 and her witnesses P.Ws.2 to 4 consistent to the case of plaintiff. Their evidence clearly reveals that plaintiff and deceased Hanumantharayappa are wife and husband, and plaintiff is the wife of deceased Hanumantharayappa. With these observations, on the basis of oral and documentary evidence produced before the trial Court, it may be stated that plaintiff is the wife of deceased H.Hanumantharayappa, & accordingly the learned trial Judge has come to the conclusion.

19. Defendant No.2 was placed exparte before the trial Court. Before this Court, this defendant has been represented by Sri.Suresh, II Addl.Dist.Govt.Pleader, B'lore, Government of Karnataka. According to the statement filed by the defendant No.2/respondent No.2, "Defendant No.1/appellant/Smt.Sharadamma is the legally wedded wife of deceased H.Hanumantharayappa, Police Sub-Inspector, KGF. He has nominated the

appellant in the service record. As per the rules No.347 of KCSR., the amount of DCRG/Family pension & EGIS amount, has to be paid to the nominated persons or to the wife who is legally wedded. So, he prays for set-aside the judgement of trial Court.” Besides, 2nd defendant got examined one Krishnappa, the then Asst.Administrative Officer, District Police Office, KGF. as D.W.6 before this Court. During the course of his examination, he has produced documents as per Exs.D.31 to D.34. Prior to him, defendant No.1/appellant has got examined herself & got exhibited additional documents as per Exs.D.11 to D.30.

20. Now, let us discuss the oral & documentary evidence of the defendant No.1/appellant. Ex.D.11 is the Peerless Insurance Policy, Ex.D.12 is the Transfer Certificate pertaining to H.AnandKumar, Ex.D.13 is the learner's licence pertaining to H.Anandkumar, Exs.D.14 & 15 are the Caste certificate pertaining to H.Anandkumar. These documents; i.e. Ex.D.1 to D.15 reveal that H.Hanumantharayappa is the father of H.Anandkumar. Ex.D.16 is the application given to Gas-Agency by the 1st defendant and her son

H.Honnegowda, wherein their residential place is shown as Doddahejjaji, and Sharadamma's husband name is shown as Hanumantharayappa, Ex.D.17 is the Electricity bill pertaining to residential house situated at Doddahejjaji village. Ex.D.18 is the Invitation card for death ceremony of deceased H.Hanumantharayappa by the first defendant Sharadamma and her sons. Ex.D.19 is the certificate pertaining to H.C.807, H.Hanumantharayappa. Ex.D.20 is the certificate pertaining to ASI. H.Hanumantharayappa. Ex.D.21 is the receipt for having paid the amount towards the preservation of dead body of H.Hanumantharayappa at M.S.Ramaiah Hospital, Bangalore. On perusal of Ex.D.9 to 21, it can be understood that first defendant/appellant being the wife of deceased H.Hanumantharayappa, was the custodian of these documents and produced the same before this Court. Ex.D.22 is the copy of letter written by H.Hanumantharayappa to his Higher Officer on 28.5.2004. This letter reveals that "on 29.5.2004, PSI. H.Hanumantharayappa who is working at KGF., is vacating the quarters and he is going to his native place Doddahejjaji", and this fact supports the contention of first defendant/appellant

that he has been residing with her at Doddahejjaji village. Exs.D.23 & D.24 are the Invitation cover & Invitation card of the son of 1st defendant/appellant and H.Hanumantharayappa and these 2 documents clearly reveal that Ramaiah is one of the sons of first defendant/appellant and H.Hanumantharayappa and his marriage was performed on 23.3.2003. Ex.D.25 is the copy of Nomination for Karnataka Government Employees' Family Benefit Fund. It has been made by the deceased H.Hanumantharayappa on 15.5.1978, "nomination has been made for Karnataka Government Employees' Family Benefit Fund and name and address of nominee is shown as "Smt.Sharadamma W/o. H.Hanumantharayappa P.C.4582". This document is self-explanatory. Ex.D.26 certified copy of Service register of H.Hanumantharayappa, wherein Smt.Sharadamma is shown as nominee to the Employees Family Benefit Fund. Ex.D.27 is the certified copy of Form No.2. It reveals, for gratuity amount, nomination has been made by the deceased H.Hanumantharayappa H.C.807, on 11.8.1986 in the name of his wife Sharadamma, aged about 28 years. In this document, name of 3 persons; i.e.

H.Anandkumar, H.Ramaiah and H.Honnegowda has been shown as beneficiaries in case of nominee is pre-deceased. Ex.D.28 is the copy of Form No.7 wherein nomination is made in favour of Sharadamma, H.Anandkumar, H.Ramaiah & H.Honnegowda for benefits under the Kar.State Employees' Group Insurance Scheme 1981. Ex.D.29 is the copy of Form No.6, wherein nomination is made in favour of above said 4 persons for family pension. Ex.D.30 is the copy of Ex.D.27. So, Ex.D.30 & D.27 are one & the same documents. For the reasons best known to the plaintiff/first respondent, he has not cross-examined first defendant/appellant before this appellate Court. So, unchallenged testimony of the first defendant/appellant is not disturbed in any manner and hence, this Court does not find any reasons to discard her testimony.

21. Let us consider the evidence of D.W.6 Krishnappa S/o.Masiyappa, Asst.Administrative Officer under second defendant, District Police Office, KGF. His evidence examination-in-chief(affidavit) reveals as under:

“He is representing the 2nd respondent. He know the facts of the case. He has been authorized to give evidence on behalf of 2nd defendant.

He respectfully submits that late H.Hanumantharayappa, had joined the police department as a police constable and later on he was promoted as Sub-Inspector of Police. The appellant Smt.Sharadamma is his only legally wedded wife. Said Hanumantharayappa had mentioned and described the appellant Smt.Sharadamma, as his wife in all the records pertaining to his service. The police department considering and recognizing the appellant as the wife of Sri.Hanumantharayappa, had made entries in the service records of late Hanumantharayappa. He has produced the documents maintained in the police department concerning the service records of late H.Hanumantharayappa. The entries and statements made in the said documents clearly disclose/establish that the appellant is the only legally wedded wife of late Hanumantharayappa, and the claim of the plaintiff is false, bogus, mischievous and illegal. Hence, he prays to allow this appeal and dismiss the suit of the plaintiff in the interest of justice and equity.”

He has produced Ex.D.31 letter written by the plaintiff/respondent No.2 to the second defendant, Ex.D.32 letter written by the first defendant/appellant to the second defendant,

Ex.D.33 List of family members submitted by the first defendant/appellant to the second defendant and Ex.D.34 service record of H.Hanumantharayappa, which covers all the documents Ex.D.25 to D.30. This witness has also not been cross-examined by the learned counsel appearing for the plaintiff/first respondent. So, I do not find any reasons to discard the unchallenged testimony of D.W.6 who is an uninterested person about the merits of the case.

22. At this stage, it is pertinent to note about Ex.D.31 and D.32. Ex.D.31 is the Requisition letter written by the plaintiff/respondent No.2 to the defendant No.2/respondent No.2 seeking service benefits of deceased H.Hanumantharayappa, whereas Ex.D.32 is the letter written by the defendant No.1/appellant seeking service benefits of the deceased H.Hanumantharayappa. In Ex.D.31 letter dtd:6.10.2004, the plaintiff has specifically noted that she is the third wife of deceased H.Hanumantharayappa, first wife is no more, after the death of first wife, deceased H.Hanumantharayappa had married Sharadamma and he had also married her about 13 years ago,

and she is the third wife to him, and she is also entitled for a share in the service benefits of deceased H.Hanumantharayappa. According to Exs.P.1 and 18, her marriage with H.Hanumantharayappa was performed on 7.5.1974. Contrary to it, as per her own version; Ex.D.31 discloses her marriage with deceased H.Hanumantharayappa has been taken place during 1990-1991. So, here, a doubt created about the documents produced by her before the trial Court about Ex.P.1 & 18. Consequently, this doubt covers the documents produced by the plaintiff/first defendant before the trial Court; i.e. Exs.P.1 to 14 & P.19 & 20; more particularly, Ex.P.4 to 6, 8 to 14 & 20 wherein the wife of H.Hanumantharayappa is shown as Gangamma.C. In view of the fact enlightened by the plaintiff/respondent No.1 in the letter Ex.D.31, that H.Hanumantharayappa had another wife, it can be inferred, this Gangamma.C. might be that lady who appears in Ex.P.4 to 6, 8 to 14 & 20. Anyhow, there is serious doubt as to whether this plaintiff/respondent No.1 had lived with deceased H.Hanumantharayappa or not. Besides, documents Exs.P.1 to 20 pertain to this plaintiff Gangamma or somebody else.

23. Here, another important point is, this suit has been instituted only by Gangamma and not by Gangamma and her son Chandrashekar. Admittedly, Gangamma has a son by name Chandrashekar. In fact, both ought to have instituted this suit. Ex.D.8 certified copy of the voters list pertaining to Chikkabanavara, Bangalore North Taluk, reveals that Gangamma's husband name is Narayanappa. In addition to this document, Ex.D.9 certificate issued by GMPS.School, reveals that 4th std. student Chandrashekar's father name is Narayanappa, he is born on 7.5.1982 and T.C. of this student was taken on 5.6.1996 and he belongs to 'Ganiga' community. Moreover, Ex.D.10 certificate issued by Head-Master, Government school, Chikkabanavara, also reveals that Chandrashekar S/o.Narayanappa has studied 8th and 9th std. in the Government School, Chikkabanavara, his admission number is 154/1996-97 and he is born on 7.5.1982. On perusal of Exs.P.9 & 10, they are consistent to each other. These 3 documents have been produced and got marked by the first defendant/appellant before the trial Court. Before the trial Court, no cross-

examination has been made by the learned counsel appearing for the plaintiff/first defendant about these 3 documents. Atleast, no suggestion has been made on these documents to the effect that they are not pertaining to the plaintiff and his son. So, it can be presumed that Exs.D.8 to 10 are admitted by the plaintiff/first respondent. Against this backdrop, it can be presumed that plaintiff/Gangamma is the wife of one Narayanappa and she has a son by name Chandrashekar through this person and they belong to 'Ganiga' community. Further, it can be presumed that on the basis of some fabricated documents, she has filed the suit against the first defendant to gain wrongfully the service benefits of deceased H.Hanumantharayappa if possible.

24. Even before the trial Court also, appellant/first defendant has produced several documents; i.e. Ex.D.1 Genealogical Tree issued by competent authority which reveals that she is the wife of H.Hanumantharayappa. Ex.D.2 is the I.D. issued by the Election Commission of India, wherein husband name of first defendant/respondent No.1 is shown as H.Hanumantharayappa. Ex.D.3 is the Ration Card standing in the name of

H.Hanumantharayappa, wherein his residential address is shown as Doddahejjaji. Ex.D.4 is the Transfer certificate pertaining to H.Honnegowda which discloses the father name of H.Honnegowda is H.Hanumantharayappa. Ex.D.6 affidavit pertaining to H.Hanumantharayappa. It is the personal document of H.Hanumantharayappa, and it has been produced from the custody of first defendant/appellant. These documents also support and probabilize the defence of first defendant/appellant.

25. As noted earlier, first defendant/appellant is the legally wedded wife of H.Hanumantharayappa and out of this wed-lock, she has 3 sons by name H.Anandkumar, H.Ramaiah & H.Honnegowda. On the basis of several documents and oral testimony of herself and D.Ws.1 to 6, she has established the same before the Court. More particularly, there is no impediment to accept the unchallenged and uninterested testimony of D.W.6 about the service record of H.Hanumantharayappa. In addition to these facts, deceased H.Hanumantharayappa had affirmed the fact that first defendant/appellant is his wife and H.Anandkumar, H.Ramaiah &

H.Honnegowda are his children through first defendant/appellant by nominating them as wife and children in his service record for his service benefits. With these observations, I am of the conclusion that first defendant/appellant Sharadamma and her children H.Anandkumar, H.Ramaiah & H.Honnegowda are entitled to service benefits of deceased H.Hanumantharayappa. So the judgment and decree of the trial Court is liable to be set-aside. Consequently, it is inevitable to interfere with the judgment and decree of the trial Court. Accordingly, I answer Point Nos.1 & 2 in the Affirmative.

26. **Point No.3:** In view of my findings recorded on point Nos. 1 & 2, I proceed to pass the following:

ORDER

The appeal is allowed with costs and thereby judgment and decree of the trial court dated 9.6.2010 passed in O.S.No.1139/2004 on the file of Prl.Addl.Civil Judge (Jr.Div), Bangalore Rural District, Bangalore, is set-aside. Consequently, the suit is dismissed with costs.

Decree shall be drawn accordingly.

Office is directed to send back the trial Court record alongwith copy of this judgment.

(Dictated to the Judgment-writer on online computer, thereof is corrected and then pronounced by me in the open court on this the 2nd day of September 2013).

(S.H.RENUKADEVI)
II Addl. District & Sessions Judge,
Bangalore Rural District,
Bangalore.

ANNEXURE

LIST OF WITNESSES EXAMINED:

APPELLANT/D.W.1 : GANGAMMA
D.W.6 : KRISHNAPPA

LIST OF DOCUMENTS MARKED :

Ex.D.11	: Peerless Insurance Policy
Ex.D.12	: Transfer Certificate
Ex.D.13	: learner's licence
Exs.D.14 & 15	: Caste certificates
Ex.D.16	: application given to Gas-Agency
Ex.D.17	: Electricity bill
Ex.D.18	: Invitation card for death ceremony of deceased H.Hanumantharayappa

Ex.D.19	:	certificate pertaining to H.C.807, H.Hanumantharayappa.
Ex.D.20	:	certificate pertaining to ASI. H.Hanumantharayappa.
Ex.D.21	:	Receipt of M.S.Ramaiah Hospital, Bangalore
Ex.D.22	:	copy of letter
Exs.D.23 & D.24	:	::Invitation cover & Invitation card
Ex.D.25	:	Copy of Nomination for Karnataka Government Employees' Family Benefit Fund
Ex.D.26	:	certified copy of Service register of H.Hanumantharayappa
Ex.D.27	:	certified copy of Form No.2.
Ex.D.28	:	copy of Form No.7
Ex.D.29	:	copy of Form No.6
Ex.D.30	:	copy of Ex.D.27.
Ex.D.31	:	letter written by the plaintiff/respondent No.2 to the second defendant
Ex.D.32	:	letter written by the first defendant/appellant to the second defendant
Ex.D.33	:	List of family members submitted by the first defendant/appellant to the second defendant
Ex.D.34	:	service record of H.Hanumantharayappa

II Addl. District & Sessions Judge

Judgment pronounced in open court, vide separate judgment.

The appeal is allowed with costs and thereby judgment and decree of the trial court dated 9.6.2010 passed in O.S.No.1139/2004 on the file of Prl.Addl.Civil Judge (Jr.Div), Bangalore Rural District, Bangalore, is set-aside. Consequently, the suit is dismissed with costs.

Decree shall be drawn accordingly.

Office is directed to send back the trial Court record alongwith copy of this judgment.

II Addl. District & Sessions Judge.

rtified copy of Form No.7, Ex.D.29 certified copy of
Form No.6 & Ex.D.30 certified copy of Form No.2.

15. This appellant has not been cross-examined.

On the basis of these documents are consistent and corroborative to prove the case of the plaintiff with regard to her relationship with the deceased Hanumantharayappa. Ex.P.15 is the application made by the plaintiff through her Advocate to the police department to give service benefits of Hanumantharayappa, which shows the attempt made by the plaintiff to get service benefits of the Hanumantharayappa after his death from his department. Ex.P.16 is the RPAD.card. The Ex.P.17 is the ration card issued in the name of Hanumantharayappa when he was working as ASI., Doddehejjaji. This also supports the case of the plaintiff to prove the relationship with Hanumantharayappa because Ex.P.17 is original ration card and produced from the custody of the plaintiff. Ex.P.18 is a draft prepared for preparation of the wedding card of plaintiff's marriage with Hanumantharayappa. This document also supports the case of plaintiff. Exs.P.19 & 20 are the certified copies of the sale deed under which the plaintiff has purchased certain properties, which discloses the name of her husband as Hanumantharayappa. Therefore, all the documentary evidence produced by the plaintiff are consistent and corroborative to

prove that the plaintiff is the legally wedded wife of deceased Hanumantharayappa. On the other hand, nothing has been elicited in the cross-examination of P.W.1 to disprove the same.