

KABR410001162017



IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC AT
DODDABALLAPURA.

Dated this the 17th day of March 2026

PRESENT : SMT. SHILPA. H.A

B.A.L.,LL.B.,

Senior Civil Judge & JMFC.,

Doddaballapura.

O.S No.59/2017

- PLAINTIFF/S: 1. **SMT. LATHA. T.N**
W/o J.B.Madhu,
D/o Late T.R.Nagaraj,
@ Nagaraj Gowda,
Aged about 22 years,
R/at, Addeganahally Village,
Hesaraghatta Hobli,
Bangalore North Taluk.**
- 1a. **SRI. J. B. MADHU****
S/o Janaradhan,
Aged about 29 years,
- 1b. **KUMAR. THOSHAN. M. GOWDA****
S/o J. B.Madhu,
Aged about 02 years,
Both are R/at, Addiganahally,
Hesaraghatta Hobli,

Bangalore North Taluk.

(By Sri. B.S.M., Advocate for plaintiffs)

V/s

- DEFENDANTS: 1. SMT. SUSHEELAMMA**
W/o Late T. R. Nagaraj
@ Nagaraj Gowda,
Aged about 48 years,
- 2. SRI. T. N. RUDRE GOWDA**
S/o Late T. R. Nagaraj,
Aged about 39 years,
- 2a. SMT. KAVITHA**
W/o Late T. N. Rudre Gowda,
Aged about 38 years,
- 2b. SRI. AKSHAYA GOWDA. T.R**
S/o Late T. N. Rudre Gowda,
Aged about 19 years,
- 2c. KUMARI. T. R. LIKITH**
D/o Late T.N.Rudre Gowda,
Aged about 19 years,
Both are R/at, Thippur Village,
Doddabelavangala Hobli,
Doddaballapura Taluk.
- 3. SMT. NARAYANAMMA**
@ NAGAMANI
W/o Rajanna,
D/o Late T. R. Nagaraj
@ T.R. Nagaraaj gowda,
Aged about 43 years,
R/at, Aralumallige Village,
Kasaba Hobli,
Doddaballapura Taluk.

**(Defendant No.1 is in person, defendant
No.2 is dead, Sri. R.B.G., Advocate for**

**defendant No.2(a to c) and Sri. K.N.S.,
Advocate for defendant No.3)**

Date of institution of the suit	13.02.2017		
Nature of the suit	For partition and separate possession		
Date on which the judgment was pronounced	17.03.2026		
Total duration	Year's	Month's	Day's
	09	01	04

(SHILPA.H.A.)

Senior Civil Judge & JMFC.,
Doddaballapura.

J U D G M E N T

Plaintiff has filed this suit for partition and separate possession seeking 1/5th share in the suit schedule properties through metes and bounds with costs.

2. The brief case of the plaintiff's is that,

Plaintiff and defendants are the members of Hindu undivided joint family and they are in joint possession and enjoyment over the suit schedule properties as co-parceners. The

suit schedule properties are the ancestral and joint family properties of the parties herein. The propositus Patel.T.Rudrappa and Smt.Narayanamma had 4 children namely T.R.Satyanarayanagowda, T.R.Sriramachandra, T.R.Nagaraj @ Natraj Gowda ie., the father of plaintiff and defendant No.2 & 3 and T. R.Rajanna. T.R.Natraj @ Nagaraj Gowdas has 2 wives namely Lakshamma and Susheelamma. After the death of Lakshamma, said Nagaraj has married Susheelamma and through the said wedlock plaintiff was born. Plaintiff's father had acquired suit schedule properties under Registered partition deed dated:16.08.1972 held between the brothers. Plaintiff's father died on 12.12.2007 by leaving plaintiff and defendants to succeed his estate. The plaintiff and defendants have not got divided the suit schedule properties and they are in joint possession and enjoyment over the same till now. The defendants are acting detrimental to the interest of Joint family and they have ignored the family liabilities. Therefore, the plaintiff has demanded her share in the suit schedule properties through metes and bounds. But the 2nd defendant by colluding with other defendants has refused to effect partition. Plaintiff has also arranged Panchayath in the month of December 2016, but defendants have refused to

effect partition. Hence, this suit for partition and separate possession.

3. In spite of service of notice to the defendant No.1 has appeared in person, defendant No.2(a) to (c) and 3 have appeared through their counsel but failed to file written statement and contest the matter.

4. On the basis of the plaint averments the following points for consideration are framed;-

POINTS

1. Whether the plaintiff proves that she along with defendant No.2 & 3 are members of Hindu undivided joint family, suit schedule properties are her ancestral and joint family properties and she is in joint possession and enjoyment over the same?
2. Whether plaintiff is entitled for her legitimate share in the suit schedule properties through partition and separate possession by metes and bounds?
3. What Order or Decree?

5. In order to prove the case of plaintiffs, plaintiff No.1(a) is examined as PW.1 and got marked 35 documents as Ex.P1 to 35.

On the other hand, defendants have not adduced evidence nor produced documents.

6. Heard the arguments of learned counsel for the plaintiff and perused the material on record.

7. Heard both the learned counsels and perused the materials placed before me.

8. My findings to the afore said issues are as follows;

POINT NO.1 : In the Partly Affirmative

**POINT NO.2 : As per final order for
the following reasons.**

REASONS

9. POINT NO.1: It is the case of the plaintiff that, she along with defendants are the members of the Hindu undivided joint family and suit schedule properties are their ancestral and joint family properties. To substantiate the contention of the plaintiffs, plaintiff No.1(a) is examined as PW.1 and got marked 35 documents as Ex.P1 to 35. Ex.P1 is the G-Tree which goes to show that one Nagaraju T.R. S/o Nagarajegowda has 2 wives namely Lakshamma ad Susheelamma, 1st wife Lakshamma has 2 children namely Narayanamma and Rudregowda who are

arrayed as defendant No.2 & 3 and 2nd wife Susheelamma has one daughter by name Lata ie., the plaintiff and her children are plaintiff No.1(a) & (b). Plaintiff is claiming to be the daughter of 2nd wife and she has also contended that said Nagaraju married Susheelamma after the death of 1st wife and the same is not disputed by the defendants. Though some of the defendants have appeared, they have not disputed the relationship and denied the plaint averments and other defendants have remained exparte and failed to contest the matter. Hence, as per the G-Tree plaintiff is the daughter of Nagaraju through his 2nd wife ie., defendant No.1.

10. Ex.P2 is the certified copy of the registered partition deed dated:16.08.1972 which speaks about partition effected between the 4 sons of propositus Patel T. Rudrappa in which 'C' schedule was allotted to T. R. Nagaraj. Ex.P3 to 8 are the hand written RTCs and Ex.P9 & 10 are the computerized RTCs of item No.1 & 2 of the suit schedule properties from 1969-70 to 2001-02 and 2014 to 2017. Said document goes to show that out of total extent of 14 acre 25 guntas an extent of 4 acre 30 guntas stands in the name of T. Nagaraju under whom plaintiff is claiming right.

11. Ex.P11 to 16 are the hand written RTCs and Ex.P17 to 19 are the computerized RTCs of item No.3 of the suit schedule properties from 1969-70 to 2001-02 and 2014 to 2017. Said document goes to show that out of total extent of 1 acre 20 guntas an extent of 0.13 guntas stands in the name of T. Nagaraju. Ex.P20 to 23 are the hand written RTCs and Ex.P24 & 25 are the computerized RTCs of item No.4 of the suit schedule properties from 1969-70 to 2001-02 and 2014 to 2017. Said document goes to show that out of total extent of 1 acre 22 guntas, an extent of 15 guntas stands in the name of T. Nagaraju.

12. Ex.P26 & 27 are the hand written RTCs and Ex.P28 is the computerized RTC of item No.5 of the suit schedule properties from 1996 to 2002 and 2016-2017. Said document goes to show that its khata stood in the name of Muniyappa S/o Ramaiah and now it stands in the name of one D.Nanjundaiah S/o Doddaiah vide MR.No.52/2005-06 on the basis of sale. Plaintiff has not explained who is that Muniyappa and how she has got right over the said property. She has also not made the khata holder as party to the suit.

13. Ex.P29 is the MR extract pertaining to MR.No.2/1990-91 which goes to show that Panchayath Parikath was effected between the 4 sons of Rudrappa on 21.08.1972 and the same was acted upon. Ex.P30 is the RTC of item No.6 which stands in the name of one Satyanarayana and Gopalakrishna and they are not made as parties to the suit. Said Satyanarayana appears to be paternal uncle of the plaintiff and he was allotted definite share in 1972 partition. Ex.P32 is the demand register extract of house No.131/3 and khate No.188 but said property is not included in the suit schedule. Plaintiff has shown the house property bearing Khaneshumari No.113 as item No.7 but its demand register extract is not produced. Ex.P33 and 34 are the Tax paid receipts. Plaintiff has shown house property bearing Khaneshumari No.110 measuring East to West 60 feet and North to South 24 feet but its demand register extract is not produced in this case.

14. Ex.P31 is the death certificate of T.R.Nagaraj which goes to show that he died on 12.12.2007. Ex.P35 is the death certificate of plaintiff which speaks that she died on 07.05.2017. Therefore, plaintiff's father had died in the year 2007 by leaving plaintiff and defendants to succeeds his estate. As already

discussed above defendants have not taken any contention that defendant No.1 is not the legally wedded wife of T.R.Nagaraj. On the other hand plaintiff has specifically contended that after the death of 1st wife Lakshamma, her father had married defendant No.1 and thus she is his legally wedded wife. These contentions are remained undisputed and unchallenged by the defendant No.2 & 3. Hence, it appears that defendant No.2 & 3 being the children of 1st wife have admitted that defendant No.1 is the legally wedded wife of T. R.Nagaraj and plaintiff is the member of Hindu Undivided joint family.

15. On perusal of the documentary evidence relied by the plaintiff, it goes to show that plaintiff's father T. Nagarajegowda had acquired some of the suit schedule properties through registered partition deed effected on 16.08.1972 between his brothers. As per the Revenue documents khata of only item No.1 to 4 stands in the name of plaintiff's father. Whereas khata of item No.5 stood in the name of one Muniyappa and later it was transferred in the name of Nanjundaiah through inheritance who is neither grandfather or paternal uncle of the plaintiff. Plaintiff has also not explained the relationship of said Muniyappa and Nanjundaiah and on what basis she is claiming

right over the said property. Hence, plaintiff has failed to prove that item No.5 is her Ancestral and Joint Family property. Similarly khata of item No.6 bearing Sy.No.25 stands in the name of plaintiff's paternal uncle Satyanarayanagowda and one Gopalakrishna. Plaintiff has not placed any document to show that an extent of 16 guntas in Sy.No.25 as mentioned in item no.6 is acquired by her father and the same is her Ancestral and Joint Family property. Since plaintiff has not produced any khata extract to show that item No.6 stands in the name of her father, she cannot claim any share in it. Item No.7 & 8 are the house properties bearing khaneshumari No.113 measuring 44 X 08 and khaneshumari no.110 measuring 60 X 24 feet. In this regard also plaintiff has not produced any demand register extract or any title deeds to show that these two properties were also acquired by her father and she has right in it. Though as per Ex.P32, khata of one house property bearing 131/3 /188 stands in the name of plaintiff's father, said property is not included in the suit schedule. Hence, plaintiff is not entitle for any share in item No.5 to 8.

16. As per the documents relied by the plaintiff it clearly establishes that item No.1 to 4 of the suit schedule properties

were acquired by T. R. Nagarajegowda through his family partition and the same are his ancestral and joint family properties. Though summons was duly served to the defendants, they have failed to contest the suit. Hence, the plaint and affidavit averments remained unchallenged and unrebutted by the defendants. Plaintiff has proved that the item No.1 to 4 of the suit schedule properties are the ancestral and joint family of T.R.Nagarajegowda acquired through family partition and plaintiff being the daughter is entitle for her legitimate share through partition and separate possession through metes and bounds. Since plaintiff has failed to prove that item No.5 to 8 are her Ancestral and Joint Family properties she is not entitle for any share in these properties. Hence, I answer **Point No.1 & 2 in the Partly Affirmative.**

17. POINT NO.3: For the aforesaid reasons, I proceed to pass the following;

ORDER

Suit of the plaintiff is hereby partly decreed.

Plaintiff is entitle for 1/3rd share in item No.1 to 4 of the suit schedule properties through partition and

separate possession by metes and bounds.

Defendant No.2(a) to (c) are jointly entitle for 1/3rd share in item No.1 to 4 of the suit schedule properties through partition and separate possession by metes and bounds.

Defendant No.3 is entitle for 1/3rd share in item No.1 to 4 of the suit schedule properties through partition and separate possession by metes and bounds.

Considering the relationship between the parties no order as to cost.

Draw preliminary decree accordingly.

(Dictated to the Stenographer, transcribed, typed and printout taken by her, corrected by me and then pronounced in the open Court on this the 17th day of March 2026)

(SHILPA.H.A)
Senior Civil Judge & JMFC.,
Doddaballapura.

ANNEXURE**List of witnesses examined on behalf of Plaintiffs:**

PW.1 : Sri. J. B. Madhu S/o Janardhan,
dated:06.07.2024.

List of documents marked on behalf of Plaintiffs:

Ex.P.1 : G Tree

Ex.P.2 : Certified copy of the partition deed,
dated:16.08.1972.

Ex.P.3 to 8 : Hand written RTCs of Sy.No.30 for the year
1997-98 to 1998-99 & 1984-85 to 1985-86.

Ex.P.9 & 10 : Computerized RTCs of Sy.No.30 for the year
2014-2015 & 2015-2016.

Ex.P.11 to 16 : Hand Written RTCs of Sy.No.49 for the year
1974-1975 to 1976-77 & 1997-98 to
1998-99.

Ex.P.17 to 19 : Computerized RTCs of Sy.No.49 for the year
2014-2015 to 2016-2017.

Ex.P.20 to 23 : Hand Written RTCs of Sy.No.131/4 for the
year 1974-1975 to 1976-77 1997-98 to
1999-2000.

- Ex.P.24 & 25 : Computerized RTCs of Sy.No.131/4 for the year 2014-2015.
- Ex.P.26 & 27 : Hand written RTCs of Sy.No.241/11 for the year 1996-97 to 1999-2000.
- Ex.P.28 : Computerized RTC of Sy.No.241/11 for the year 2016-2017.
- Ex.P.29 : MR.No.2/1990-91.
- Ex.P.30 : Computerized RTC of Sy.No.25 for the year 2016-2017.
- Ex.P.31 : Death Certificate of T. R. Nagaraju.
- Ex.P.32 : Demand register Extract.
- Ex.P.33 & 34 : Two Tax paid receipts.
- Ex.P.35 : Death Certificate of T. N. Latha.

List of witnesses examined on behalf of Defendants:

NIL

List of documents marked on behalf of Defendants:

NIL

(SHILPA.H.A)

Senior Civil Judge & JMFC.,
Doddaballapura.