

**KABR410003522024**



**IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC AT**

**DODDABALLAPURA.**

**Dated this the 1<sup>st</sup> day of June 2026**

**PRESENT : SMT. SHILPA.H.A**

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

**Senior Civil Judge & JMFC.,**

**Doddaballapura.**

**O.S No.285/2024**

**PLAINTIFF/S: 1. **SMT. NANJAMMA. N**  
W/o K.G.Gopal,  
Aged about 56 years,  
R/at, No.2627, 18<sup>th</sup> Ward,  
Behind Market School,  
Kuchappapet,  
Doddaballapura Town-561203.**

**(By Sri. M.N., Advocate for plaintiff)**

**V/s**

**DEFENDANTS: 1. **SMT. PARVATHAMMA**  
W/o Late Nagrajappa,  
Aged about 76 years,**

2. **SMT. MANJULA**  
D/o Late Nagrajappa,  
Aged about 43 years,  
Defendant No.1 & 2 are  
R/at, Petty Shop,  
In front of Neladanjaneya Temple,  
Rajkumar Circle, Old Bus Stand,  
Vanigara Pet,  
Doddaballapura Town-561203.
3. **SMT. NAGARATHNA**  
W/o Manjunatha,  
Aged about 37 years,  
R/at, 2012, 18<sup>th</sup> Ward,  
Behind Maruthi Vyamashala,  
Kuchappa Pet,  
Doddaballapura Town-561203.
4. **SMT. BHAGYALAKSHMI**  
W/o Ramesh,  
Aged about 33 years,  
R/at, No.2217, 18<sup>th</sup> Ward,  
Kalpet, Doddaballapura-561203.
5. **SRI. THIMMEGOWDA**  
S/o Late Venkatshamaiah,  
Aged about 58 years,  
R/at, Mallasandra Village,  
Sasalu Hobli,  
Doddaballapura Taluk-561203.

**(Defendant No.1 to 5 placed exparte)**

Date of institution of the suit	05.03.2024		
Nature of the suit	For partition and separate possession		
Date on which the judgment was pronounced	01.06.2026		
Total duration	Year's	Month's	Day's
	02	02	27

**(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 their 1/4<sup>th</sup> share in the suit schedule properties by metes and bounds and to declare the Registered sale deed dated:30.06.2022 executed by defendant No.1 in favour of defendant No.5 is not binding on plaintiff with costs.

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

Plaintiff and defendant No.1 to 4 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

defendant No.1 and late Nagrajappa are the parents of plaintiff and defendant No.2 to 4. Suit schedule properties are the self acquired properties of Nagrajappa. He had purchased item No.1 under Registered sale deed dated:17.04.1974 and similarly he has purchased item No.2. The said properties were enjoyed by Nagrajappa and his wife and children as Joint family properties. After the death of Nagrajappa, defendant No.1 to 4 have got transferred khata of suit schedule properties without the knowledge and consent of the plaintiff. Recently when the defendant No.1 to 4 were not treating the plaintiff properly, she had collected Revenue documents and later she came to know that defendant No.1 had changed khata and alienated the suit schedule property in favour of defendant No.5 under Registered sale deed dated:30.06.2022. There is no partition among the Joint family members through metes and bounds. Plaintiff had demanded her share with defendant No.1 to 4 on 26.01.2024 but they have failed to effect partition. Hence, this suit.

3. In spite of service of notice to the defendants, they have remained absent and placed exparte.

4. On the basis of the plaint averments the following points for consideration.:-

**POINTS**

1. Whether the plaintiff proves that suit schedule properties were the self acquired properties of her father and she had acquired right to succeed her legitimate share under Sec.8 of Hindu Succession Act?
2. Whether the plaintiff further proves that the Registered sale deed dated:30.06.2022 executed by defendant No.1 in favour of defendant No.5 is not binding on her legitimate share over the suit schedule properties?
3. Whether plaintiff is entitle for her legitimate share in the suit schedule properties through partition and separate possession by metes and bounds?
4. What Order or Decree?

5. In order to prove the case, plaintiff herself is examined as PW.1 and got marked 8 documents as Ex.P1 to 8. 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 Affirmative**

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

**REASONS**

**9. POINT No.1 TO 3:** Since these three points are inter-related, they are taken up together for common discussion. It is the case of the plaintiff that she along with defendant No.1 to 4 are the members of the Hindu undivided joint family and suit schedule properties are their joint family properties. She has specifically pleaded that suit schedule properties were acquired by her father through Registered sale deeds, he died intestate and plaintiff along with defendants have succeeded to his estate and they are in joint possession and enjoyment over the same.

10. To substantiate the contention of the plaintiff, she herself is examined as PW.1 and got marked 8 documents as Ex.P1 to 8. Ex.P1 is the G-Tree which goes to show that Nagarajappa has a wife by name Parvatamma i.e., defendant No.1 and 4 children namely Nanjamma i.e., the plaintiff, Manjula, Nagarathna and Bhagyalakshmi i.e., defendant No.2 to 4. Ex.P2 is the Registered sale deed dated:17.04.1974 and its recitals speaks that Nagarajappa has purchased item No.1 for valid sale consideration. Ex.P3 is the RTC which discloses that khata of item No.1 has been transferred to the name of defendant No.1 vide MR.No.H52/2019-20. As per Ex.P4 to 6 khata of item No.1 stood in the name of one Nanjundappa S/o Papaiah and later it was transferred in the name of defendant No.1.

11. Ex.P7 is the orders passed in RRT/CR/34/2019-2020. As per the orders passed by the A.C the Tahasildar has transferred khathe in the name of defendant No.1. Ex.P8 is the Registered sale deed dated:30.06.2022 and its recitals speaks that defendant No.1 has alienated item No.2 in favour of defendant No.5. In the said sale deed defendant No.1 has

specifically mentioned that she had succeeded to her husband's estate and got transferred khata and to meet her medical expenses and family benefit she is alienating said property for sale consideration of Rs.61,000.

12. In spite of services of summons to the defendants, they have remained absent and placed ex parte. Hence, the plaint and affidavit averments remained are unchallenged and unrebutted by the defendants. As per the documents relied by the plaintiff, suit schedule properties were acquired by her father Nagarajappa and after his death khata was transferred in the name of his wife i.e., defendant No.1 through inheritance. Since Nagarajappa died intestate, his wife and children are equally entitled to succeed to his estate under Sec.8 of Hindu Succession Act. Even if it is jointly enjoyed by his wife and children and considered as Joint family property, then also plaintiff and defendant No.1 to 4 being the Joint family members are entitled for equal share. The defendant No.1 had not acquired exclusive right over item No.2 and therefore she had no absolute right to alienate the suit schedule property on behalf of plaintiff. The burden is on defendant No.5 being the

purchaser of suit schedule property to establish that he is the bonafide purchaser of item No.2 and defendant No.1 had alienated the same for legal benefit and family necessity. But, the purchaser had also remained absent and failed to establish that the said sale transaction is for legal benefit and family necessity. Therefore, Registered sale deed dated:30.06.2022 executed by defendant No.1 is not binding on plaintiff. Since defendant No.1 is the executant and defendant No.2 to 4 have not challenged the sale deed, it is binding on them. Hence, Plaintiff has proved that the suit schedule properties were acquired by Nagrajappa and plaintiff and defendant No.1 to 4 being the wife and children are entitle for their 1/5<sup>th</sup> share in item No.1 and plaintiff is entitle for 1/5<sup>th</sup> share in item No.2 through partition and separate possession through metes and bounds. Hence, I answer **Point No.1 to 3 in the Affirmative.**

**13. POINT NO.4:** For the aforesaid reasons, I proceed to pass the following;

### **ORDER**

**Suit of the plaintiff is hereby  
decreed.**

**It is hereby declared that the Registered sale deed dated:30.06.2022 vide document No.DBP-1-04737-2022-23 executed by defendant No.1 in favour of defendant No.5 is not binding on plaintiff's 1/5<sup>th</sup> share over item No.2 of the suit schedule properties.**

**Plaintiff and defendant No.1 to 4 are entitle for 1/5<sup>th</sup> share each in the item No.1 of the suit schedule properties through partition and separate possession by metes and bounds.**

**Plaintiff is entitle for 1/5<sup>th</sup> share in item No.2 of the suit schedule properties through partition and separate possession by meters and bounds.**

**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 1<sup>st</sup> day of June 2026)

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

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

PW.1 : Smt. Nanjamma W/o K.G.Gopal  
dated:19.08.2025.

**List of documents marked on behalf of Plaintiffs:**

Ex.P.1 : G Tree  
Ex.P.2 : Certified copy of the sale deed,  
dated:17.04.1974.  
Ex.P.3 : RTC of Sy.No.130/12 for the year  
2023-2024.  
Ex.P.4 to 6 : MR Extracts.  
Ex.P.7 : Order passed in RRT/CR/34/2019-2020.  
Ex.P.8 : Certified copy of the Registered sale deed  
dated:30.06.2022.

**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.