



**IN THE COURT OF THE ADDL. CIVIL JUDGE AND JMFC.,
AT GOWRIBIDANUR**

Dated this 1st day of July, 2026

:: PRESENT ::

**SMT. PUSHPA D.
B.COM., L.L.B.,**

**Addl. Civil Judge and JMFC.,
Gowribidanur**

ORIGINAL SUIT NO.200/2022

- PLAINTIFFS :**
- 1.** Smt. Radhamma
W/o. Nagarajappa,
D/o. Late Thimmarayappa,
Aged about 54 years,
R/at. Jakkenahalli Village,
D.Palya Hobli,
Gowribidanur Taluk,
Chikkaballapur District.
 - 2.** Smt. Sarojamma
W/o. Subbanna,
D/o. Late Thimmarayappa,
Aged about 58 years,
R/at. Idaguru Village,
Kasaba Hobli,
Gowribidanur Taluk,
Chikkaballapur District.
 - 3.** Smt. Susheelamma
W/o. Lankesh,
D/o. Late. Thimmarayappa,
Aged about 52 years,
R/at Kengere, Bangalore.



4. Smt. Shanthamma
W/o. Nagarajappa,
D/o. Thimmarayappa,
Aged about 56 years,
R/at Kadaburu Village
D.Palya Hobli,
Gowribidanur Taluk,
Chikkaballapur District.

(Represented by Sri. C.A.S., Advocate)

-V/s-

- DEFENDANTS :**
1. Sri. K.T. Venkataswamy,
S/o. Late Thimarayappa,
Aged about 68 years,
 2. Sri. Ramachandrappa
S/o. Late Thimmarayappa,
Aged about 58 years,
 3. Sri. Srinivasa
S/o. Late Thimmarayappa,
Aged about 52 years,

All are R/at Kadaburu Village,
D.Palya Hobli,
Gowribidnaur Taluk,
Chikkaballapur District.

(Defendant No.3 is Inperson;

**(Defendant Nos.1 and 2 are placed as
Ex-parte)**



Date of institution of the suit : 01.06.2022

Nature of the suit : Suit for Partition & Separate Possession

Date of the commencement of Recording of the evidence : 05.07.2024

Date of which the judgment was Pronounced : 01.07.2026

Total Duration : Year/s Month/s Day/s
04 01 00

(PUSHPA D.)
ADDL. CIVIL JUDGE AND JMFC,
GOWRIBIDANUR.

:: J U D G M E N T ::

This is a suit filed by the plaintiffs against the defendants seeking for the following reliefs:

1) For Partition and separate possession over the suit schedule properties and allot to the plaintiffs as 1/7th share each plaintiff, (4/7th shares to the plaintiffs) in the suit schedule properties by meets and bounds and put them in their separate shares by meets and bounds.



2) Costs and such other reliefs Hon'ble Court may grant to the plaintiffs, deem fit as circumstances of the case, in the ends of justice.

2. The facts of the plaintiff's case, in brief, are as under;

It has stated that the Plaintiffs and defendants Nos.1 to 3 are sons and daughters of Late Thimmarayappa and they constitute Hindu joint family under Mithakshara Law and the suit schedule properties are ancestral and joint family of the plaintiffs and defendants. All the parties are coparceners of the joint family they have equal share over the suit schedule properties by meets and bounds. The plaintiff came to know that the defendants colluded with each other they are trying to created documents in their names without the consent and knowledge of the plaintiffs and states that all the revenue documents standing in the name of defendants. Thereafter, the plaintiffs have approached the defendants for partition, defendants refused the same. Hence they constrained to file the suit.



3. Upon institution of the suit, summons were issued to the defendants and inspite of service of summons, the defendant Nos.1 and 2 remained absent and placed ex-parte. Defendant no.3 appeared before the court and not filed written statement inspite of sufficient opportunity given by this Court, hence taken as NIL.

4. On the basis of the averments contained in the plaint, the following points arise for my consideration:

POINTS FOR CONSIDERATION

1. *Whether the plaintiffs prove that they and defendants constitutes a Hindu undivided joint family?*
2. *Whether the plaintiffs prove that suit schedule properties are ancestral and joint family properties of themselves and defendants?*
3. *Whether the plaintiff are entitled for declaration of 1/7th share each in the suit schedule properties?*
4. *What order or decree?*



5. In order to prove his case, the plaintiff got himself examined as P.W-1 and got marked as Ex.P1 to Ex.P14. The defendants remained ex-parte throughout the proceedings.

6. Heard the arguments put forth by the learned counsel for the plaintiff and perused the entire materials available on record.

7. On considering the materials placed before me on record, the findings of this Court on the aforementioned points are as under:-

Point No.1 : In the Affirmative;

Point No.2 : Partly In the Affirmative;

Point No.3 : Partly In the Affirmative;

Point No.4 : As per final order for the following:

:: R E A S O N S ::

8. **Point No. 1:** As these points are inter-related to each other and they have been taken up together for common discussion in order to avoid repetition of facts.



9. It is the specific case of plaintiffs that they constitutes a undivided joint Hindu family with the defendants and that the suit schedule properties are undivided joint family property of the plaintiffs and the defendants. In order to prove the same, the plaintiff has got herself examined as PW-1 and she has reiterated the plaint averments in her examination-in-chief by way of affidavit. One more witness is examined as PW1.

10. The plaintiff has produced documents in support of her claim and the same have been marked as Exs.P1 to Ex.P14. Ex.P-1 is the family tree affidavit, Exs.P-2 to 5 are Computerized RTCs, Ex.P6 is the Legal notice, Exs.P7 to 10 are the postal receipts, Exs.P11 to 14 are the Postal acknowledgments

11. Point No.1 pertains to the existence of a joint Hindu family and the joint possession of the plaintiffs and defendants over the plaint schedule property. As per Section 101 of the Indian Evidence Act, 1872, the burden of proof lies upon the plaintiffs to establish the said fact. In order to prove the relationship between the parties, the plaintiffs have produced



the Family Genealogy Tree, which is marked as Ex.P1. The said document substantiates the pleadings of the plaintiffs with regard to the relationship between the plaintiffs and the defendants. In the plaint, it is specifically pleaded that one Thimmarayappa the common ancestors of both the plaintiffs and the defendants. The said relationship has not been disputed by the defendants. The contents of Ex.P1 also corroborate the same. It is a settled principle of Hindu law that there is a presumption that a Hindu family is joint in food, worship, and estate, unless the contrary is proved. In the absence of any cogent evidence to establish partition or division in status, such presumption continues to operate. In the present case, the defendants have not disputed their relationship. Considering the unchallenged oral testimony of the plaintiffs, which is duly corroborated by Ex.P1 and the revenue records produced on record, this Court is of the opinion that the plaintiffs have successfully discharged the burden cast upon them and have proved that the plaintiffs and defendants



constitute a Hindu Undivided Joint Family. Accordingly, **Point No.1** is answered in the **Affirmative**.

12. **Point No.2** :- The specific contention of the plaintiffs is that the suit schedule properties are the ancestral properties of the plaintiffs and defendants. In order to substantiate the said contention, the plaintiffs have relied upon Ex.P2 to Ex.P5. On perusal of Ex.P2, the Mutation Register extract, it is seen that Item No.1 of the suit schedule property was mutated in the name of Defendant No.1 from Defendant No.2, and the nature of possession is shown as "Vibhaga" (partition) in the year 2020-2021. It is further seen that Item No.3 of the suit schedule property was mutated in the names of Defendant Nos.2 and 3, wherein the nature of possession is also shown as "Vibhaga" in the year 2017-2018. As per Ex.P3, Item No.2 of the suit schedule property stands in the name of Defendant No.2, and Column No.9 reflects that the source of acquisition is a sale deed. Likewise, Ex.P4 discloses that Item No.1 of the suit schedule property stands in the name of Defendant No.2 and



Column No.9 mentions the source of acquisition as a sale deed. Further, Ex.P5 reveals that Item No.3 of the suit schedule property stands in the name of Defendant No.3 and Column No.9 mentions "Vibhaga" as the mode of acquisition.

13. Insofar as Item No.1 of the suit schedule property is concerned, on perusal of Ex.P4, it is seen that the said property stood in the name of Defendant No.2, and the mode of acquisition is shown as sale under the registered sale deed dated 19.01.2017. Further, as per Ex.P2, the revenue records disclose that the said property was subsequently mutated in the name of Defendant No.2, and the mode of acquisition is reflected as partition. The plaintiff has not pleaded as to how Item No.1 of the suit schedule property was acquired by Defendant No.2, namely, whether it was purchased out of the joint family nucleus or from his independent income. In the absence of any specific pleading or evidence to that effect, this Court cannot presume that the said property is ancestral or forms part of the joint family properties. Hence, the plaintiff is



not entitled to claim any share in respect of Item No.1 of the suit schedule property.

14. Insofar as Item No.2 of the suit schedule property is concerned, on perusal of Ex.P3, it is seen that the said property stood in the name of Defendant No.1, and the mode of acquisition is shown as sale during the year 1995–96. The plaintiff has not pleaded as to how Item No.2 of the suit schedule property was acquired by Defendant No.3, namely, whether it was purchased out of the joint family nucleus or from his independent income. In the absence of any specific pleading or evidence to that effect, this Court cannot presume that the said property is ancestral in nature or forms part of the joint family properties. Hence, the plaintiff is not entitled to claim any share in respect of Item No.2 of the suit schedule property.

15. Insofar as Item No.3 of the suit schedule property is concerned, on perusal of Ex.P5, it is seen that the said property stands in the name of Defendant No.3, and the mode of



acquisition is shown as partition in the year 2021. The specific case of the plaintiffs is that the defendants effected the partition of the suit schedule property without the knowledge of the plaintiffs. Hence, the said document is revenue records maintained by public authorities in the discharge of their official duties. Under Section 35 of the Indian Evidence Act, 1872, entries made in public or official records by a public servant in the performance of official duty are relevant and carry a presumption of correctness unless rebutted. Therefore, this Court is bound to presume that the entries contained therein are true and correct unless the contrary is established by cogent evidence. The Hon'ble Supreme Court has laid down in catena of decisions that the entries in revenue records ought to be generally accepted at their face value and court should not embarko upon an appeallate enquiry into their correctness. In the present case, the defendants have not produced any documentary evidence to rebut the entries found in Ex.P5. Hence, the revenue records produced by the plaintiffs lend



substantial support to their claim regarding possession and enjoyment of the item no.3 of the suit schedule property. The defendants have not appeared before the court to challenge the version of plaintiff and hence an adverse inference can be drawn against the defendants under Section 114 (g) of Indian Evidence Act. As per decision reported in ***AIR 1999 Supreme Court 1441- Vidhyadhar-vs- Manikrao and another***, the Hon'ble Supreme Court has held that '*If the Defendant did not appear even after service of the summons, the court can draw adverse inference*'. Hence adverse inference is drawn against the defendant.' This ruling is very much applicable to the case on hand because the defendant has not entered into the witness box to substantiate their case. Accordingly, this plaintiffs have entitled their share in Item No.3 of the suit schedule property.

16. Insofar as Item No.4 of the suit schedule property is concerned, no documentary evidence has been placed on record by the plaintiffs to substantiate their claim in respect of the said property. In the absence of any documentary evidence



establishing the nature, title, or existence of Item No.4 of the suit schedule property, the plaintiffs have failed to discharge the burden cast upon them. Hence, the plaintiffs are not entitled to any share in respect of Item No.4 of the suit schedule property. In view of the foregoing discussions, **Point No.2 answered Partly in the Affirmative.**

17. **Point No.3** :- As discussed in the foregoing paragraphs, the plaintiffs have successfully established that they are entitled their share in respect of item no.3 of the suit schedule properties. In view of the same, the plaintiffs and defendants are entitled to 1/7th share in respect of item no.3 of the the suit schedule properties. Accordingly, this Court answers **Point Nos.3 Partly in the Affirmative.**

18. **Point No.4** :- In view of findings on the above points, this court proceeds to pass the following:

ORDER

(I) Suit of the plaintiff is hereby partly decreed with costs.



(II) It is hereby declared that the Plaintiff Nos.1 to 4 are each entitled to 1/7th share in the item no.3 suit schedule properties;

(III) D1 to D3 each entitled to 1/7th share in the item no.3 suit schedule properties;

(IV) The prayer in respect of Item No.1, 2 and 4 of the suit schedule properties are hereby dismissed.

(V) Draw Preliminary Decree accordingly.

(VI) Office is directed to register FDP Proceedings by 16.09.2026.

In view of the above, pending IAs if any are hereby disposed of.

(Typed by me on my own computer, corrected and then pronounced by me in open court on this day i.e., 01st July, 2026)

(PUSHPA D.)
ADDL. CIVIL JUDGE & JMFC.,
GOWRIBIDANUR

ANNEXURE

List of witnesses examined on behalf of plaintiff:

P.W-1 : Smt. Radhamma

List of witnesses examined on behalf of defendant:

NIL

**List of documents exhibited on behalf of plaintiff:**

Ex.P1 : Family tree affidavit
Exs.P2 to 5 : Copies of Computerized RTCs
Ex.P6 : Legal notice
Exs.P7 to 10 : Postal receipts
Exs.P11 to 14 : Postal acknowledgments

List of documents exhibited on behalf of defendant:

NIL

(PUSHPA D.)
ADDL. CIVIL JUDGE & JMFC.,
GOWRIBIDANUR