



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

**Dated this 3<sup>rd</sup> day of July, 2026**

**:: PRESENT ::**

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

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

**ORIGINAL SUIT NO.294/2025**

- PLAINTIFFS :**
- 1.** Sri. T.V. Ranganathaswamy  
S/o. Late T.C. Venkataramanappa,  
Aged about 64 years,
  - 2.** Smt. Narayanamma  
D/o. Late T.C. Venkataramanappa,  
Aged about 60 years,

Both are R/at. Thondebhavi Village,  
Gowribidanur Taluk,  
Chikkaballapur District.

**(Represented by Sri. V.R.V., Advocate)**

**-V/s-**

- DEFENDANTS :**
- 1.** Sri. T.V. Ravi Kumar  
S/o. Late T.C. Venkataramanappa,  
Aged about 58 years,
  - 2.** Sri. T.V. Ashwathanarayana  
S/o. Late T.C. Venkataramanappa,  
Aged about 55 years,



Both are R/at. Thondebhavi Village,  
Gowribidanur Taluk,  
Chikkaballapur District.

**(Defendant No.2 Represented by Sri.  
R.R., Advocate;**

**Defendant No.1 placed as Ex-parte)**

|                                                          |   |                                                              |
|----------------------------------------------------------|---|--------------------------------------------------------------|
| Date of institution of the suit                          | : | 29.04.2025                                                   |
| Nature of the suit                                       | : | Suit for Partition &<br>Separate Possession                  |
| Date of the commencement of<br>Recording of the evidence | : | 10.06.2026                                                   |
| Date of which the judgment<br>was Pronounced             | : | 03.07.2026                                                   |
| Total Duration                                           | : | Year/s    Month/s    Day/s<br>01            02            04 |

**(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) Effecting partition and allotment of plaintiffs legitimate 1/4th share each separately over the suit schedule property by metes and bounds.

2) Costs and such other reliefs as the Hon'ble Court deems fit to grant under the circumstances of the case, in the interest of justice.

The suit schedule property described as follows:

**SCHEDULE**

All that piece and parcel of land property bearing Sy. No.194/3 measuring 01 acre 02 guntas, situated at Thondebhavi Village and Hobli, Gowribidanur Taluk, Chikkaballapur District, bounded as:

|       |   |                                   |
|-------|---|-----------------------------------|
| East  | : | Land of Gopala & Gummareddy       |
| West  | : | Land of Parvathamma & others      |
| North | : | Land of Nagaragere Narasimhareddy |
| South | : | Land of Parvathamma               |

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

It is averred that the suit schedule property originally belonged to one T.C. Venkataramanappa, who had four children, namely Plaintiff No.1, Plaintiff No.2, Defendant No.1 and Defendant No.2. After the demise of T.C.



Venkataramanappa, Defendant No.1 acted as the Kartha of the joint family. It is further averred that the suit schedule property was acquired through the ancestors and constitutes joint family property. The plaintiffs and defendants, being members of the joint family, are each entitled to a share therein. It is further contended that Defendant No.1, taking undue advantage got the khata of the suit schedule property changed in his name and is attempting to alienate the same in favour of third parties without the knowledge or consent of the plaintiffs. The plaintiffs have repeatedly requested and demanded partition of the suit schedule property and allotment of their legitimate shares; however, the defendants have refused. Hence, the plaintiffs have been constrained to institute the present suit seeking partition and separate possession of their lawful shares in the suit schedule property.

3. Upon institution of the suit, summons were issued to the defendants and inspite of service of summons, the defendant No.1 remained absent and placed ex-parte. D2 appeared before the court and files a memo stating that he has



admitting the averments made in the plaint and praying to decree the suit.

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 constitute a Hindu undivided joint family along with the defendants?*
2. *Whether the plaintiffs further prove that the suit schedule property is the undivided joint family properties of the plaintiffs and the defendants?*
3. *Whether the plaintiffs are entitled to 1/4th share in the suit schedule properties, as sought for?*
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.P4. The defendant No.1 remained ex-parte throughout the proceedings. D2 appeared before the court and files a memo stating that he



has admitting the averments made in the plaint and praying to decree the suit.

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** : In the **Affirmative**;

**Point No.3** : 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 property are undivided joint family



property of the plaintiffs and the defendants. In order to prove the same, the 1<sup>st</sup> plaintiff has got himself examined as PW-1 and he has reiterated the plaint averments in her examination-in-chief by way of affidavit.

10. The plaintiff has produced documents in support of their claim and the same have been marked as Exs.P1 to Ex.P4. Ex.P-1 is the family tree affidavit, Ex.P-2 is the Computerized RTCs, Ex.P3 is the registered sale deed dated 13.11.1996 and Ex.P4 is the Computerized RTC.

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 the suit



schedule property originally belonged to One T.C.Venkataramanappa acquired the said property through registered sale deed as per Ex.P3. 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. Moreover, the defendant no.2 present before the court and admitted the averments made in the plaint. 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:-** This contention of the plaintiffs are the suit schedule properties are ancestral of the plaintiffs and defendants. In order to substantiate the said contention, the plaintiffs have produced the registered sale deed dated 13.11.1996. The said document discloses that his father Sri.T.C.Venkataramanappa purchased the suit schedule property from one B.S.Subramanya. The plaintiffs have further produced hand computerised RTCS marked as Exs.P2 and P4 in respect of the suit schedule property standing in the name of plaintiffs and defendants jointly for the year 2024-2025, in column no.10 it has mentioned as MR H 16/2012-2013-02.02.2013 through inheritance. All the aforesaid documents are 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 embark upon an appellate enquiry into their correctness. In the present case, the defendants have not produced any documentary evidence to rebut the entries found in Ex.P2 to P5. Hence, the revenue records produced by the plaintiffs lend substantial support to their claim regarding possession and enjoyment of the plaint schedule property. All these documentary evidence coupled with oral testimony of P.W.1, which reaffirms the claim of the plaintiff. 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.

13. In **I.L.R.1998 Karnataka 2665** wherein the Hon’ble High Court of Karnataka held that “*When the defendant has not appeared before the court and the court is satisfied with the serving of summons as duly served, the court shall pass a decree so prayed by the plaintiff unless relief itself is prima facie barred by limitation or unknown to law.*” In this case, the oral and documentary evidence of plaintiff remains unchallenged. There is no dispute with regard to the property is belonged to one T.C.Venkataramanappa and after his demise the property devolved to his children jointly. Thus the plaintiffs prove that the suit schedule properties are ancestral and joint family property. Hence, this court answered this **Point No.2** in the **Affirmative.**



14. **Point No.3:-** As discussed in the foregoing paragraphs, the plaintiffs have successfully established that they and the defendants constitute members of a joint Hindu family. They have further proved that the suit schedule property is the ancestral joint family property, in which they are entitled to a share. Accordingly, Plaintiff Nos.1 and 2 are each entitled to 1/4th share, and Defendant Nos.1 and 2 are also each entitled to 1/4th share in the suit schedule property. In view of the above, **Point No.3** is answered in the **Affirmative**.

15. **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 decreed with costs.

**(II)** It is hereby declared that the Plaintiff Nos.1 and 2 are each entitled to 1/4th share;

**(III)** Defendant Nos.1 and 2 are also each entitled to 1/4th share in the suit schedule property.

**(IV)** Draw Preliminary Decree accordingly.

**(V)** Office is directed to register FDP Proceedings by 24.09.2026.

Any pending IA's, 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., 3<sup>rd</sup> July, 2026)

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

**ANNEXURE**

**List of witnesses examined on behalf of plaintiff:**

P.W-1 : Sri. T.V. Ranganathaswamy

**List of witnesses examined on behalf of defendant:**

NIL

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

Ex.P1 : Family tree affidavit;

Ex.P2 : Copy of computerized RTC;

Ex.P3 : Registered Sale deed dated 13.11.1996;

Ex.P4 : Copy of computerized RTC.

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

NIL

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