



Form No. 9 (Civil) Title
Sheet for Judgment in
suits (R P 91)

GOVERNMENT OF KARNATAKA
TITLE SHEET FOR JUDGMENT IN SUITS

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

Dated this 30th day of June 2026

:: PRESENT ::

SRI. GANESHA.N

M.A., L.L.B.,

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

ORIGINAL SUIT NO.391/2017

Plaintiff/s :

Sri. D.N.Ramachandrappa
S/o Late. Dodda Narasimhappa,
Aged about 76 years,
R/at Dwaraganahalli village,
Manchenahalli Hobli,
Gowribidanur Taluk.

(Rep. by learned counsel Sri. N.V)

// Versus //

Defendant/s :

1. Sri. D.N.Krishnappa
@ D.N. Krishna Murthy,
S/o Late. Dodda Narasimhappa,
Aged about 65 years,
R/at No.20, 5th Cross, 4th Main,
Raj Mahal Vilas 2nd Stage,
New Sanjayanagar,
Bangalore-560 094.



- 2.** Sri. Govindappa
S/o Late. Dodda Narasimhappa,
Aged about 60 years,
R/at Dwaraganahalli village,
Manchenahalli Hobli,
Gowribidanur Taluk.

(Defendant No.1 was placed ex-parte;

**Defendant No.2 is represented by
learned counsel Sri. D.N)**

Date of institution of the suit	:	05.12.2017
Nature of the suit	:	Partition and Separate Possession
Date of the commencement of Recording of the evidence	:	05.04.2022
Date of which the judgment was Pronounced	:	30.06.2026
Total Duration	:	Year/s Month/s Day/s 08 06 25

**Sd/-
(GANESHA.N)
Prl. Civil Judge and J.M.F.C,
Gowribidanur.**

J U D G M E N T

The plaintiff has instituted the present suit against the defendants seeking declaration that he is entitled to half share in the suit schedule properties and for partition and separate



possession of his half share by metes and bounds in the suit schedule properties mentioned infra:-

SCHEDULE OF SUIT PROPERTIES

Item No.1 - All that piece and parcel of agricultural land bearing Survey No. 78, measuring 3 Acres 9 Guntas, assessed to land revenue of Rs. 4.78, situated at Kodiganahalli Village, Manchenahalli Hobli, Gowribidanur Taluk, together with the borewell and electric service connection installed therein, and bounded by:

- East : Lokesh Estate
- West : Road
- North : Land of Nagegowda
- South : Land of Poojari Thimmappa

Item No. 2 - All that piece and parcel of residential house property bearing Property No. 35, measuring East to West 26 feet and North to South 22 feet, situated at Dwaraganahalli Village, Manchenahalli Hobli, Gowribidanur Taluk, and bounded by:

- East : House of Chikke Gowda
- West : House of Narasimhappa
- North : 7 Feet Road
- South : Owners' Remaining House Property



2. The plaintiff's case in compendious:

The plaintiff and defendants are Hindus belonging to Nayaka community and are governed by Hindu Law. One late Giddappa had two sons, namely late Dodda Narasimhappa and late Chikkanarasimhappa. Late Dodda Narasimhappa and his wife late Ananthamma had seven children namely late Narayanappa, late Gangadharappa, plaintiff - D.N. Ramachandrappa, defendant No.1 - D.N. Krishnappa @ D.N. Krishna Murthy, defendant No.2 - Govindappa, late Balamma and late Gangamma. The suit schedule properties are Hindu undivided joint family properties of the plaintiff and defendants and that there has been no partition by metes and bounds. Though the revenue records stand in the name of defendant No.2, the said entries do not confer exclusive title upon him. The defendant No.1 executed a registered release deed dated 12.01.1981 relinquishing his right in the joint family properties and, therefore, defendant No.1 has no right in the suit schedule properties. The defendant No.2 taking undue advantage of the revenue entries standing in his name, attempted to alienate the suit properties and refused to effect partition despite a panchayath held on 19.11.2017, which constrained the plaintiff to institute the present suit for partition.

3. On receipt of suit summons, the defendant No.2 appeared through his counsel. In spite of service of suit summons,



the defendant No.1 remained absent. Hence, the defendant No.1 was placed exparte.

4. The defendant No.2 in his written statement contended that the suit is not maintainable for non-inclusion of all ancestral properties and for non-joinder of necessary parties. It is specifically contended that Sy.No.78, presently Sy.No.78/P1, measuring 3 acres 11 guntas, is the self-acquired/granted property of defendant No.2 and his wife Gangamma, granted by the Government in their joint names. It is further contended that after the death of Gangamma, the revenue records were mutated in the name of defendant No.2 alone and that neither the plaintiff nor defendant No.1 has any right, title or possession over the said property. Hence, the defendant No.2 prayed to dismiss the suit with costs.

5. Having regard to the pleadings and other materials on record, this Court has framed the following:

ISSUES

1. Whether the plaintiff proves that himself and the defendants are members of Hindu undivided joint family and that the suit schedule properties are their joint family properties?
2. Whether the plaintiff is entitled to half share in the suit schedule properties by metes and bounds as prayed for?
3. Whether the defendant No.2 prove that the suit is barred by law of limitation?



4. Whether defendant No.2 proves that the suit of the plaintiff is bad for non-joinder of necessary parties?
5. Whether the plaintiff proves the alleged interference caused by defendants?
6. Whether the plaintiff is entitled to the relief sought for?
7. What order or decree?

6. In order to prove his case, the plaintiff examined himself as PW.1 and produced Ex.P1 to Ex.P5. Ex.P1 is genealogy. Ex.P2 is RTC extract of Sy.No.78/P1 for the year 2016-17, showing the name of Govindappa, S/o Dodda Narasimhappa, in respect of 3 acres 11 guntas. Ex.P3 is tax assessment list for the year 2017-18 in respect of Property No.35, standing in the name of Govindappa. Ex.P4 is certified copy of registered release deed dated 12.01.1981. Ex.P5 is certified copy of revenue sketch.

7. On the other hand, the defendant No.2 in order to prove his defence, he was examined himself as DW.1 and two witnesses namely Rangadamaiah and Narasimhamurthy were examined as D.Ws.2 and 3. Ex.D1 to Ex.D28 were marked. Ex.D1 to Ex.D3 are RTCs of Sy.No.56/1, Sy.No.71/4 and Sy.No.98/1, standing in the name of Dodda Narasimhappa S/o Giddappa. Ex.D4 is mutation register extract showing that Item No.1 was earlier standing in the joint names of Govindappa and his wife



Gangamma and thereafter entered in the name of Govindappa after the death of Gangamma. Ex.D5 to Ex.D24 are RTCs of Item No.1 from 1995-96 to 2014-15, showing the names of Govindappa and Gangamma and thereafter Govindappa. Ex.D25 to Ex.D27 are patta books in the name of Govindappa. Ex.D28 is the Saguvali Chit issued in respect of Item No.1 in the names of Govindappa and his wife Gangamma.

8. Heard arguments advanced by the Learned counsel for plaintiff and defendant No.2 and this Court perused the entire materials on record. Having heard arguments and having perused entire materials on record, this Court answered Issues Nos.1 to 3, 5 and 6 in the **Negative**, Issue No.4 in the **Affirmative** and Issue No.7 as per final order for the following:

: R E A S O N S :

9. ISSUE NOS.1 AND 2: Since these issues are interconnected, they are taken together for common discussion. The plaintiff seeks half share in the suit schedule properties on the ground that they are Hindu undivided joint family properties. Therefore, the initial burden is on the plaintiff to establish the existence of joint family nucleus and further to show that the suit properties are joint family properties. It is well settled that there is no presumption that a property standing in the name of one member of a Hindu family is joint family property. The Hon'ble Supreme Court in ***Shrinivas Krishnorao Kango v/s. Narayan Devji Kango and Ors*** reported in **(1954) 1 SCC 544** held that *It is well-settled that proof of the existence of a Hindu joint family*



*does not lead to the presumption that property held by any member of the family is joint and the burden rests upon any one asserting that any item of property was joint to establish the fact. The party asserting joint family character must establish the foundational facts. However, where the existence of a joint family and sufficient ancestral nucleus capable of yielding income is proved, acquisition in the name of the karta or a member may be treated as joint family property unless the contrary is proved. The Hon'ble Supreme Court in **Dorairaj v. Doraisamy (Dead) Through LRs & Ors.** reported in **2026 INSC 126** and **2026 LiveLaw (SC) 119** held that *where ancestral income-yielding properties and joint family nucleus are proved, acquisitions during subsistence of the joint family may be presumed to be joint family properties, but such presumption depends upon proof of the nucleus and surrounding circumstances.**

10. In the present case, the plaintiff relies upon Ex.P1 genealogy and asserts that plaintiff and defendants are members of the family of late Dodda Narasimhappa. The relationship between the parties is not seriously in dispute. Even DW.1 admits in his cross-examination that late Giddappa had two sons namely Dodda Narasimhappa and Chikkanarasimhappa and that plaintiff, defendant No.1 and defendant No.2 are sons of late Dodda Narasimhappa. Therefore, the relationship is established. But mere proof of relationship is not sufficient. The plaintiff must prove that the suit properties are joint family properties. In respect of Item No.1, the plaintiff relies mainly on Ex.P2 RTC and



contends that the property was granted for the benefit of the joint family. However, Ex.P2 itself shows the name of Govindappa in respect of Sy.No.78/P1. On the other hand, Ex.D4 mutation register extract, Ex.D5 to Ex.D24 RTCs, Ex.D25 to Ex.D27 patta books and Ex.D28 Saguvali Chit establish that the land was granted in the names of defendant No.2 Govindappa and his wife Gangamma. Ex.D28 is a material document. It is not a mere revenue entry but a grant document/Saguvali Chit. It shows that the grant was made in favour of defendant No.2 and his wife. Therefore, unlike a case where property was acquired in the name of the karta out of joint family funds, here the title traces to a Government grant in the names of defendant No.2 and his wife.

11. The plaintiff has contended that the grant in favour of defendant No.2 enures to the benefit of the joint family. Learned counsel for the plaintiff relied upon the decisions of Hon'ble High Court of Karnataka in **Thammegowda v/s. Siddegowda** reported in **ILR 1991 KAR 4506** and **Smt. Puttamma v/s. Smt. S.G. Jayanthi in RSA No.245/2019**, to contend that a grant made in the name of one member may be for the benefit of the family. There cannot be any doubt with the proposition that, in appropriate cases, grant or occupancy right conferred upon one member may enure to the benefit of the joint family, particularly where the application was made by the father/karta or where the possession, cultivation and enjoyment were for the joint family. In the judgments cited supra by the plaintiff, the facts clearly demonstrate that the application was made by the father for the



grant of two tenanted properties and subsequently grant was made based on the claim of the father who had made the claim before the competent authority and the said grant is not in their individual capacity. Whereas in the present case, the facts are entirely different. In the present case, the plaintiff has not stated as to who had made the application for grant of property. Moreover, in the cross-examination, the PW1 has categorically admitted that he has not made any application before the competent authority for grant of the suit schedule property.

12. However, every Government grant in the name of one family member cannot automatically be treated as joint family property. This Court must examine the nature of the grant, the name of the grantee, the eligibility, the application, possession, cultivation, entries and conduct of the parties. In the present case, Ex.D28 shows grant was in favour of defendant No.2 and Gangamma. The plaintiff has not produced the grant application, grant proceedings or any document to show that late Dodda Narasimhappa, plaintiff, defendant No.1 or any karta of the joint family applied for grant on behalf of the family. On the contrary, DW.1 has deposed that the land was Government land and that he applied for grant. Though he has admitted that his father was alive when he made the application, the grant itself was subsequently made in the name of defendant No.2 and his wife. The plaintiff has not produced cogent evidence to show that the grant was intended for the entire family.



13. It is true that revenue entries do not by themselves confer title. The Hon'ble Supreme Court has repeatedly held that revenue records are primarily fiscal records and do not create or extinguish title, though they may be relevant evidence of possession and enjoyment when supported by other documents. But in the present case, the defendants do not rely merely upon RTC entries. They rely upon Ex.D28 Saguvali Chit and long-standing revenue records from 1995-96 onwards, which consistently show the names of defendant No.2 and his wife Gangamma and thereafter defendant No.2. Therefore, the documentary evidence tilts in favour of defendant No.2's contention regarding Item No.1.

14. The admissions of PW.1 are also material. In cross-examination, PW.1 admitted that the children of late Narayanappa, late Gangadharappa, late Balamma and late Gangamma have not been impleaded. He further admitted that Sy.No.56/1, Sy.No.71/4 and Sy.No.98/1 stood in the name of his father and that those properties were family properties, though he stated that they were sold long ago. He admitted that he has not produced documents regarding such alienations. He further admitted that he and others have been living separately for 10 to 15 years and that he has separate ration card and identity card. He also admitted that the borewell and electric connection in Item No.1 stand in the name of defendant No.2. These admissions create serious doubt regarding the plaintiff's case that the suit properties alone are the existing joint family properties available



for partition. If the plaintiff admits that there were other ancestral/family properties in the name of his father, he ought to have included them or satisfactorily explained their exclusion. Though the plaintiff says that those properties were sold, no sale deeds or revenue records evidencing alienation have been produced. Therefore, the plaintiff has failed to place complete material before the Court.

15. As regards Item No.2 house property, Ex.P3 shows that Property No.35 stands in the name of Govindappa. The plaintiff has not produced any title deed, partition deed, grant document, old khatha, assessment extract in the name of father, or any document to show that Item No.2 originally belonged to the joint family. Ex.P3 is only a tax assessment extract. It may show assessment and possession, but it does not establish that the property is joint family property. In the absence of title document or proof of joint family nucleus, Item No.2 also cannot be declared as joint family property merely because the plaintiff and defendant No.2 are brothers.

16. Ex.P4 release deed dated 12.01.1981 has been relied upon to contend that defendant No.1 relinquished his share in the joint family properties. But the plaintiff cannot succeed merely by proving that defendant No.1 executed a release deed. The core question is whether the suit properties are joint family properties available for partition between plaintiff and defendant No.2. Even assuming that defendant No.1 relinquished his rights



in some family properties, the same does not automatically establish that Item Nos.1 and 2 are joint family properties. Further, the contents, schedule and legal effect of Ex.P4 must be strictly construed. A release deed cannot create joint family character in a property which otherwise stands proved as Government grant in the name of defendant No.2 and his wife.

17. The plaintiff claims half share. Even according to the plaintiff's own genealogy, late Dodda Narasimhappa had several children, including deceased sons and daughters. In view of the Hindu Succession Act, 1956, as amended by Act 39 of 2005, daughters are also entitled to claim coparcenary rights in ancestral coparcenary property. The Hon'ble Supreme Court in **Vineeta Sharma v/s. Rakesh Sharma** reported in **(2020) 9 SCC 1**, has held that *daughters have equal coparcenary rights by birth, irrespective of whether the father was alive on the date of amendment*. Therefore, the plaintiff's claim for straight half share, excluding the branches of deceased brothers and sisters, is legally unsustainable. For all these reasons, this Court holds that the plaintiff has failed to prove that the suit schedule properties are Hindu undivided joint family properties. Consequently, the plaintiff has also failed to prove that he is entitled to half share in the suit schedule properties. Accordingly, Issue Nos.1 and 2 are answered in the **Negative**.

18. ISSUE NO.3:- The defendant No.2 has contended that the suit is barred by limitation. In a suit for partition, limitation



ordinarily does not run against a co-sharer unless there is clear proof of ouster, hostile assertion of title and denial of share to the knowledge of the plaintiff. Mere separate residence, separate cultivation or revenue entries in the name of one member may not by themselves constitute ouster. However, when the plaintiff seeks declaration in respect of property standing in the name of another and the cause of action is based on refusal of share, the Court must examine when the right was denied.

19. In the present case, the plaintiff has pleaded that panchayath was held on 19.11.2017 and that defendant No.2 refused to give share. The suit is filed thereafter. The defendant No.2 has not produced convincing material to show that the plaintiff's alleged right was finally and openly denied beyond the period of limitation. Therefore, though the plaintiff fails on merits, the defendant No.2 has not proved that the suit is barred by limitation. Accordingly, Issue No.3 is answered in the **Negative**.

20. ISSUE NO.4:- The defendant No.2 has specifically contended that the suit is bad for non-joinder of necessary parties and non-inclusion of necessary properties. In a partition suit, all persons who are entitled to a share in the alleged joint family properties are necessary parties, because an effective and binding decree cannot be passed in their absence. The plaintiff himself has admitted in cross-examination that the children of late Narayanappa, late Balamma and other branches have not been impleaded. The plaintiff has also admitted that there were



properties bearing Sy.No.56/1, Sy.No.71/4 and Sy.No.98/1 standing in the name of his father and that they were family properties, though he claims that they were sold. No material is produced to establish such alienation or to show why those properties are not included. A suit for partition should ordinarily include all joint family properties available for partition and all sharers interested in the estate. Filing a suit only in respect of selected properties, while omitting other admitted family properties and necessary sharers, makes the suit defective. In the present case, the plaintiff has failed to implead all necessary parties and has also failed to include or properly explain the exclusion of other admitted family properties. Accordingly, Issue No.4 is answered in the **Affirmative**.

21. ISSUE NO.5:- The plaintiff has alleged that defendant No.2 attempted to alienate the suit properties and interfere with his alleged joint possession. However, except his oral assertion, no independent cogent evidence is produced to establish such interference. The plaintiff has not proved joint possession over the suit schedule properties. On the contrary, Ex.D4 to Ex.D28 and the admissions of PW.1 show that Item No.1 stands in the name and possession of defendant No.2 and that the borewell and electric connection also stand in his name. Ex.P3 also shows Item No.2 standing in the name of defendant No.2. Therefore, the allegation of interference with the plaintiff's lawful joint possession is not proved. Accordingly, Issue No.5 is answered in the **Negative**.



22. ISSUE NO.6:- In view of the findings on Issue Nos.1, 2, 4 and 5, the plaintiff is not entitled to declaration, partition, separate possession or any consequential relief. The plaintiff has failed to establish that the suit schedule properties are joint family properties. The suit also suffers from non-joinder of necessary parties and non-inclusion of other admitted family properties. Hence, the plaintiff is not entitled to the relief sought. Accordingly, Issue No.6 is answered in the **Negative**.

23. ISSUE NO.7:- In view of discussions made on issue Nos.1 to 6, this Court proceeds to pass the following:

ORDER

The suit of the plaintiff is hereby dismissed.

Having regard to the relationship between the suit parties, there is no order as to costs.

Draw decree accordingly.

(Dictated to the Stenographer, directly to the Computer and corrected and pronounced by me in the open court on this the **30th day of June 2026**)

Sd/-
(GANESHA.N)
Prl. Civil Judge and J.M.F.C,
Gowribidanur.



ANNEXURE

List of witnesses examined on behalf of plaintiff:

P.W-1 : Sri. D.N.Ramachandrappa

List of witnesses examined on behalf of defendant No.2:

D.W-1 : Sri. Govindappa

D.W-2 : Sri. Rangadhamaiah

D.W-3 : Sri. Narasimhamurthy

List of documents exhibited on behalf of plaintiff:

Ex.P1 : Genealogical tree

Ex.P2 : RTC extract

Ex.P3 : Tax assessment list

Ex.P4 : Certified copy of registered release deed dated 12.01.1981

Ex.P5 : Certified copy of revenue sketch.

List of documents exhibited on behalf of defendant No.2:

Exs.D1 to 3 : RTCs

Ex.D4 : Mutation register extract

Exs.D5 to 24 : RTCs

Exs.D25 to 27 : Patta books

Ex.D28 : Saguvali Chit

**Sd/-
(GANESHA.N)
Prl. Civil Judge and J.M.F.C,
Gowribidanur.**