



**IN THE COURT OF SR. CIVIL JUDGE, & JMFC., AT  
SIDLAGHATTA**

Dated this the 10<sup>th</sup> day of June 2026

: **PRESENT:**

**SRI. MOHAMMED ROSHAN SHA., MA. L L B.,  
SR. CIVIL JUDGE & JMFC.,  
SIDLAGHATTA**

**O.S.193/2024**

- PLAINTIFFS** : 1. Smt.Venkatalakshamma  
W/o Venkateshappa  
D/o Late Gowdappa  
Aged about 63 years  
R/at Devaganahalli village  
Jangamakote Hobli  
Sidlaghatta Taluk  
Chikkaballapura District
2. Smt.Bagyamma  
W/o Ramakrishnappa  
D/o Late Narayanappa  
Aged about 56 years  
R/at Sonnahalli village  
Behind Canara Bank  
Lakkandahalli Hobli  
Hosakote Taluk  
Bangalore Rural District
3. Smt.Munirathnamma  
W/o Muniseethappa  
D/o Late Muniyamma  
Grand D/o Late Gowdappa  
Aged about 50 years  
R/at Kelagina Thotagalu  
H.S.Garden  
Chikkaballapura Town and Taluk

4. Sri.R.M.Gangadhara  
S/o Late Muniyappa  
Aged about 48 years  
R/at KK Pete, Ward No.3,  
Sidlaghatta Town and Taluk
5. Sri.Narayanaswamy  
S/o Late Muniyappa  
Aged about 46 years  
R/at KK Pete, Ward No.3,  
Sidlaghatta Town and taluk
6. Sri.Devaraj  
S/o Late Muniyappa  
Aged about 44 years  
R/at KK Pete, Ward No.3,  
Sidlaghatta Town and taluk
7. Sri.Beeresh  
S/o Late Muniyappa  
Aged about 42 years  
R/at KK Pete, Ward No.3,  
Sidlaghatta Town and taluk
8. Smt.Kalpana W/o Kempaiah  
D/o Late Muniyappa  
Aged about 40 years  
R/at Herandahalli village  
Bidrahalli Hobli  
K.R.Puram Taluk  
Bangalore North Taluk

**(By D.V.S, Advocate)**

**V/s**

- DEFENDANTS:** 1. Smt.Muniyamma  
W/o Late Narayanappa  
Aged about 75 years  
R/at Sonnahalli village  
Behind Canara Bank  
Lakkandahalli Hobli  
Hosakote Taluk  
Bangalore Rural District

2. Smt.Munilakshamma  
W/o Late Muniyappa  
Aged about 65 years  
Daughter in law of Late Gowdappa  
R/at Devaganahalli village  
Jangamakote Hobli  
Sidlaghatta Taluk
3. Smt.Shoba W/o Beeregowda  
Aged about 45 years  
R/at Manchanabale village  
Kasaba Hobli  
Chikkaballapura Taluk and District
4. Smt.Nagamani W/o Manjunath  
Aged about 42 years  
R/at Devaganahalli village  
Jangamakote Hobli  
Sidlaghatta Taluk and Town  
Chikkaballapura District
5. Smt.Naleena W/o Harish  
Aged about 38 years  
R/at Manchanabale village  
Kasaba Hobli  
Chikkaballapura Taluk and District
6. Sri.Narasimhamurthy  
S/o Late Muniyappa  
Aged about 32 years  
R/at Devaganahalli village  
Jangamakote Hobli  
Sidlaghatta Taluk
7. Sri.Ashwath S/o Late Muniyappa  
Aged about 30 years  
R/at Devaganahalli village  
Jangamakote Hobli  
Sidlaghatta Taluk
8. Smt.Mala W/o Mohan babu  
Aged about 30 years  
R/at Gangamma Beedhi Road  
Chikkaballapura Town

9. Smt.Jayamma  
W/o Late Krishnappa  
Aged about 63 years  
Daughter in law of  
Late Gowdappa  
R/at Devaganahalli village  
Jangamakote Hobli  
Sidlaghatta Taluk
10. Sri.Ramesh S/o Late Krishnappa  
Aged about 44 years  
R/at Devaganahalli village  
Jangamakote Hobli  
Sidlaghatta Taluk
11. Smt.Girijamma  
W/o Manjunath  
Aged about 40 years  
R/at Devaganahalli village  
Jangamakote Hobli  
Sidlaghatta Taluk
12. Sri.Narayanaswamy  
S/o Late Krishnappa  
Aged about 38 years  
R/at Devaganahalli village  
Jangamakote Hobli  
Sidlaghatta Taluk
13. Smt.Ambika W/o Late Sandappa  
Aged about 36 years  
R/at Devaganahalli village  
Jangamakote Hobli  
Sidlaghatta Taluk
14. Smt.Munithayamma  
W/o Late Narayanappa  
D/o Late Gowdappa  
Aged about 65 years  
R/at Avathi village  
Jala Hobli,Devanahalli Taluk  
Bangalore Rural District

15. Sri.Harish S/o Late Muniyamma  
 Aged about 46 years  
 R/at Manchanabale village  
 Kasaba Hobli  
 Chikkaballapura Taluk and District

**(D1 to 15 Exparte)**

Date of institution of the suit	<b>11/06/2024</b>		
Nature of the suit	<b>SUIT FOR PARTITION &amp; SEPARATE POSSESSION</b>		
Date of commencement of recovering of evidence	<b>28/10/2025</b>		
Date on which the Judgment was pronounced	<b>10/06/2026</b>		
TOTAL	<b>YEAR</b>	<b>MONTH</b>	<b>DAY</b>
	<b>01</b>	<b>11</b>	<b>29</b>

**(MOHAMMED ROSHAN SHA)**  
 Sr. Civil Judge & JMFC.,  
 Sidlaghatta

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

The plaintiffs have filed this suit against the defendants for the relief of partition and separate possession in the suit schedule properties.

**2. In brief case of the plaintiff is as follows:-**

One Gowdappa and his wife Mallamma died leaving behind legal heirs namely Narayanappa, Muniyamma, Muniyappa, Krishnappa, defendant No.14 and plaintiff No.1 and one Muniyamma. The Narayanappa died leaving behind

his wife 1<sup>st</sup> defendant, 2<sup>nd</sup> plaintiff. The above said Muniyamma died leaving behind plaintiff No.3 to 8. The Muniyappa died leaving behind his wife 2<sup>nd</sup> defendant and children defendant No.3 to 8. The above said Krishnappa leaving behind his wife 9<sup>th</sup> defendant and children defendant No.10 to 13. An another Muniyamma died leaving behind his son defendant No.15. Both parties are joint family members. The 3<sup>rd</sup> son of Gowdappa namely Muniyappa was maintaining the joint family. The suit schedule properties are joint family properties. The defendants colluded with each other created documents and trying to alienate the same to third parties. Therefore, the plaintiff filed suit for partition and prays to decree the same.

**3. After registration of suit, suit summons has issued to the Defendants. The defendants No.1 to 15 placed exparte.**

4. Based on the pleading of the plaintiff, this court has framed the following points:-

- 1. Whether the plaintiffs prove that the suit schedule properties are joint family properties of plaintiffs and defendant No.1 to 15?**

2. **Whether the plaintiffs entitled for share as claimed in the plaint?**

3. **Whether the plaintiffs entitled for the relief as sought in the plaint?**

4. **What order or decree?**

5. In order to prove the case of plaintiffs, the plaintiff No.4 examined as PW1 and got marked Ex.P1 to Ex.P6 documents.

6. Heard Arguments.

7. **After going through the records my answer to the above points are:-**

**point No.1 :** In the **Negative**

**point No.2 :** In the **Negative**

**point No.3 :** In the **Negative**

**point No.4 :** As per the final order for the following:-

### **REASONS**

8. **Point No.1 and 2:-** These points are interconnected with each other, hence they have taken up together for common discussion to avoid repetition of facts.

9. The plaintiff No.4 has examined as PW-1 and produced Ex.P1 to Ex.P6 documents. The Ex.P1 is the Genealogical Tree, Ex.P2 to Ex.P6 the RTC extracts.

10. The PW1 reiterate averments of plaint in his chief examination. It has contended that, one Gowdappa and his

wife Mallamma died leaving behind legal heirs namely Narayanappa, Muniyamma, Muniyappa, Krishnappa, defendant No.14 and plaintiff No.1 and one Muniyamma. The Narayanappa died leaving behind his wife 1st defendant, 2nd plaintiff. The above said Muniyamma died leaving behind plaintiff No.3 to 8. The Muniyappa died leaving behind his wife 2<sup>nd</sup> defendant and children defendant No.3 to 8. The above said Krishnappa leaving behind his wife 9th defendant and children defendant No.10 to 13. An another Muniyamma died leaving behind his son defendant No.15. In order to substantiate the said fact the PW1 got marked Genealogical tree at Ex.P1. Both parties are joint family members. The 3rd son of Gowdappa namely Muniyappa was maintaining the joint family. The suit schedule properties are joint family properties. The defendants colluded with each other created documents and trying to alienate the same to third parties. In order to the said alleged fact, the PW1 got marked RTC extract at Ex.P2 for suit item No.1, which is standing in the name of defendant No.9 and it has mutated under inheritance. Further RTC extract at Ex.P3 for suit item No.2 also stands

in the name of 9<sup>th</sup> defendant. Another RTC extract at Ex.P4 for suit item No.3 stands in the name of 6<sup>th</sup> defendant. The RTC extract at Ex.P5 for suit item No.4 standing in the name of defendant No.6. Further RTC extract at Ex.P6 for suit item No.5 standing in the name of one Krishnappa. It has specific contention of the plaintiffs that the suit schedule properties undivided joint family property or ancestral property. But the said revenue documents are not sufficient to considering the fact that the suit schedule properties are ancestral properties. Because there has no such pleading how those properties came to the hands of defendant No.6 and 9. It has burden lies on the plaintiffs to properly plead about the said fact but they did not to do so. The defendants have placed exparte. They id not challenge or contest the suit matter. Even though the burden lies upon the plaintiffs to prove the nature of the suit schedule properties are ancestral but the said fact has not established with cogent material. As per ***Mulla Hindu law 22<sup>nd</sup> Edition Article 211 held that to understand the formation of coparcenery, it is important to note the distingution between the ancestral property and***

*separate property. Property inherited by hindu from his father, father's father or father's father's father, is ancestral property. Property inherited by him from other relation is his separate property.* In the present case there has no such pleading to considering the said fact about the ancestral property. The plaintiff has not pleaded how the suit schedule properties become ancestral property. So in the absence of said pleadings and material evidence, it has not possible to consider the claim. Hence in view of above said reasons and discussion the point No.1 and 2 answered in **Negative**.

**11. Point No.3:-** For the reasons and discussion stated in point No.1 and 2 the plaintiff has not entitled relief as sought in the plaint. Hence I answered point No.3 **Negative**.

12. **Point No.4-** For the aforesaid reasons and discussion made above, I pass the following:

**ORDER**

**The suit of the plaintiff has  
dismissed.**

**Draw decree accordingly.**

(Dictated to the Stenographer directly on computer typed by her, corrected by me and then pronounced in the open court on this the 10<sup>th</sup> day of June 2026)

**(MOHAMMED ROSHAN SHA)**  
SR. CIVIL JUDGE & JMFC.,  
SIDLAGHATTA

**ANNEXURE****The list of witnesses examined on behalf of plaintiffs:**

PW.1 : Sri.R.M.Gangadhara

**The list of documents exhibited on behalf of the plaintiffs:-**

Ex.P1 : Genealogical Tree  
Ex.P2 to 6 : RTC extracts

**The list of witnesses examined on behalf of defendants:-**

None

**The list of documents exhibited on behalf of defendants:**

Nil

**(MOHAMMED ROSHAN SHA)**  
SR. CIVIL JUDGE & JMFC.,  
Sidlaghatta





