



Govt. of
Karnataka
[C.R.P. 67]

TITLE SHEET FOR JUDGMENT IN SUITS

**Form No. 9 (Civil) Title
Sheet for Judgment
In Suits (R. P. 91)**

**IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC.,
MUDIGERE**

PRESENT: Sri. Yogesha.M.R. B.A.,LL.B.,
Prl. Civil Judge & JMFC.,
Mudigere.

DATED THIS THE 02nd DAY OF JULY 2026

ORIGINAL SUIT NO:49/2024

BETWEEN :

Smt.Padmamma,
Aged about 71 years,
W/o late Krishnaiah,
D/o late Siddaiah,
R/o Muthigepura Village,
Halase Post, Kasaba Hobli,
Mudigere Taluk.

Presently R/o Baggasagodu Village,
Banakal Hobli, Mudigere Taluk.

... Plaintiff

(By Sri.K.C.Chandrashekhar, Adv.,)

AND :

1. Sri.Duggaiah,
Aged about 43 years,
S/o late Siddaiah.
2. Smt.Motamma,
Aged about 41 years,
D/o late Siddaiah.
3. Sri.Annappa,



Aged about 39 years,
S/o late Siddaiah.

4. Sri.Rudresh,
Aged about 37 years,
S/o late Siddaiah.

All are R/o Muthigepura Village,
Halase Post, Kasaba Hobli,
Mudigere Taluk.

.... Defendants

(D1 & 2:Exparte,)
(D3 By Sri.H.K.Devaraj, Adv.,)
(D4 By Sri.Prathap Kumar.H.M, Adv.,)

Date of Institution of suit	24.04.2024
Nature of the suit	Partition & Separate possession
Date of commencement of evidence	24.10.2024
Date of closure of the evidence	04.06.2026
Date of pronouncement of judgment	02.07.2026
Total duration:	Years, Months, Days. 02 02 08

(Yogesha.M.R)
Prl. Civil Judge & JMFC.,
Mudigere.

JUDGMENT

The plaintiff has filed the above suit seeking for the relief of partition and separate possession of her share in the suit schedule property.



2. The plaintiff has contended that one Siddaiah got two wives by name Manjamma and Subbamma. The plaintiff is the daughter of first wife of late Siddaiah by name Manjamma and the defendants are the children of second wife of late Siddaiah by name Subbamma. During the lifetime of the father of plaintiff and defendants by name Siddaiah was acquired the property and after the death of said Siddaiah, the defendants were succeeded to change the khatha of the schedule property to the name of mother of defendant by name Subbamma without the knowledge of the plaintiff. Hence, the plaintiff was objected the same and she was preferred appeal before the Assistant Commissioner, Chikkamagaluru. As per the order of the Assistant Commissioner, the khatha of the schedule property was mutated to the joint names of plaintiff and the mother of the defendants as per MR.No.H2/2017-18, dated 02.02.2018. It is further contended that the plaintiff and defendants are belongs to the Hindu Undivided Family governed by Hindu Mithakshara Law. On 20.02.2024, the plaintiff has requested the defendants to partition the schedule property, but the defendants have not come forward for the partition. Hence, it is difficult for the plaintiff and defendants to manage the schedule property jointly. On these averments, the plaintiff has sought for decree in her favour.

3. On service of suit summons, the defendant No.3 and 4 are appearance through their counsel and the defendant No.3 only filed the written statement. Defendant No.1 and 2 are not appeared inspite of service of suit summons and hence, they are placed ex-parte. In the written statement, the defendant No.3 has denied the



plaint averments and contended that the plaintiff has filed suit before this Court as OS.No.15/2012 in respect to the schedule property against the defendants. But the said suit came to be dismissed on 20.09.2016 and the plaintiff has not filed any appeal against the said order. Hence, this suit is not maintainable either in law or on facts. On the above averments, the defendant No.3 has sought for dismissal of the suit.

4. In view of the above pleadings of both the parties, this court has framed the following issues:

- 1. Whether the plaintiff proves that she and the defendants being to joint Hindu family and that the suit property is their joint family property?**
- 2. Whether the plaintiff proves that she has got legitimate share in and over the plaint schedule property?**
- 3. Whether the above suit is barred by the doctrine of *res-judicata*?**
- 4. Whether the plaintiff is entitle for the reliefs as claimed in the plaint?**
- 5. What order or decree?**

5. In proof of her case, the plaintiff has got examined herself as PW1 and got marked documents at Ex.P1 to 5 i.e., Ex.P1 is the R.T.C Extract, Ex.P2 is the certified copy of Mutation register extract,



Ex.P3 & 4 are the certified copies of index of land and record of rights and Ex.P5 is the certified copy of genealogy certificate & affidavit and closed her side. On the other hand, the defendants side did not mark any oral or documentary evidence.

6. Heard the arguments addressed by learned counsels for both side and also perused the entire materials on record. Now, the findings of this Court on the above issues are as follows:

Issue No.1 : **In the Affirmative**

Issue No.2 : **In the Affirmative**

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

Issue No.4 : **In the Affirmative**

Issue No.5 : **As per the final order
for the following**

REASONS

7. Issue No.1, 2 & 4: Since these issues require common appreciation of materials on record so as to arrive at a conclusion of the dispute involved therein, they are taken for common discussion so as to avoid repetitions.

The plaintiff has contended that one Siddaiah got two wives by name Manjamma and Subbamma. The plaintiff is the daughter of first wife of late Siddaiah by name Manjamma and the defendants No.1 to 4 are the children of second wife of late Siddaiah by name Subbamma. To prove this genealogical tree, the plaintiff adduced Ex.P5 i.e., genealogical tree in the form of affidavit. Moreover, the



defendants are not disputed the above said genealogical tree. Hence, the plaintiff proves the relationship between the plaintiff and defendants.

8. It is the case of plaintiff that the suit schedule property is the joint family property of herself and the defendants and the said property is acquired by her father through order dated 14.06.1961 No.LND.631/1960-61. In this regard, plaintiff adduced Ex.P4-record of rights. Ex.P3-index of land also discloses the same.

9. As per Ex.P2 i.e., MR.H2/2017-18, the suit schedule property mutated in the name of plaintiff and defendants and same is reflected in Ex.P1-RTC extract for the year of 2023-24. At present, suit schedule property is jointly in the name of plaintiff and defendants No.1 to 4.

10. The defendant No.3 learned Advocate cross-examined the PW1 and admitted the case of the plaintiff. During the cross-examination of the PW1, the Advocate for defendant No.3 suggested as follows:-

1. ಪ್ರತಿವಾದಿ 1 ರಿಂದ 4 ರವರು ನನಗೆ ಸಹೋದರ ಮತ್ತು ಸಹೋದರಿಯರು.
2. ದಾವಾ ಸ್ವತ್ತು ವಾದಿ ಮತ್ತು ಪ್ರತಿವಾದಿಗಳಿಗೆ ಸಮವಾಗಿ ಹಂಚಿಕೆಯಾಗಲು ನಿಮಗೆ ತೊಂದರೆ ಇಲ್ಲ ಎಂದರೆ ಸರಿ.
3. ದಾವಾ ಸ್ವತ್ತಿನಲ್ಲಿ ವಾದಿ ಮತ್ತು ಪ್ರತಿವಾದಿ ಎಲ್ಲರಿಗೂ ಹಕ್ಕಿದೆ ಎಂದರೆ ಸರಿ.

11. Even though the defendant No.3 deny the plaintiff's case in his written statement, but as per the above suggestions, the defendants admitted the case of the plaintiff.



12. At the stage reference of 8 of Hindu Succession Act, is very much necessary and said section read as follows:-

Section 8:-General rules of succession in the case of males.

The property of a male Hindu dying intestate shall devolve according to the provisions of this Chapter:-

- (a) firstly, upon the heirs, being the relatives specified in class I of the Schedule;
- (b) secondly, if there is no heir of class I, then upon the heirs, being the relatives specified in class II of the Schedule;
- (c) thirdly, if there is no heir of any of the two classes, then upon the agnates of the deceased; and
- (d) lastly, if there is no agnate, then upon the cognates of the deceased.

13. As discussed above, the father of plaintiff and defendants No.1 to 4 is the owner of the suit schedule property by name Siddaiah. As per the section 8 of Hindu Succession Act, the plaintiff and defendants No.1 to 4 are the class-I heirs of the said Siddaiah. Hence, they are entitled for equal share in the suit schedule property.

14. As per the Ex.P1 to 5 and above referred portion of the cross of PW1 and suggestions made by the defendants side to PW1, the plaintiff proves the suit schedule property is joint family property of plaintiff and defendants No.1 to 4 and they are constituted the joint Hindu family and plaintiff has 1/5th share in



the suit schedule property. Hence, issue No.1, 2 and 4 are answered in **Affirmative**.

15. Issue No.3: The present issue related to doctrine of res-judicata i.e., treated as preliminary issue and the same is answered in Negative as per order dated 30.10.2025.

16. Issue No.5: In view of findings on above issues No.1 to 4, this court proceeds to pass the following;

ORDER

Suit of the plaintiff is decreed.

Plaintiff is entitled for 1/5th share in the suit schedule property.

The defendants No.1 to 4 are also entitled for 1/5th share each in the suit schedule property.

They are also entitled to get separate possession of their respective shares.

Draw Preliminary Decree accordingly and put up the same as F.D.P., after the lapse of appeal period.

No orders as to costs.

*(Dictated to the Stenographer, directly typed by her on computer, corrected and then pronounced by me in the open Court on this the **02nd day of JULY 2026, at Mudigere.**)*

(Yogesha.M.R)
Prl. Civil Judge & JMFC.,
Mudigere.

**ANNEXURE****LIST OF WITNESSES EXAMINED ON BEHALF OF THE PLAINTIFF:-**

PW.1 : Padmamma

LIST OF DOCUMENTS MARKED ON BEHALF OF THE PLAINTIFF:-

Ex.P1 : R.T.C Extract

Ex.P2 : Certified copy of Mutation register extract

Ex.P3 & 4 : Certified copies of index of land and record of rights

Ex.P5 : Genealogy certificate & affidavit

LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENDANTS:-

-NIL-

LIST OF DOCUMENTS MARKED ON BEHALF OF THE DEFENDANTS:-

-NIL-

(Yogesha.M.R)

Prl. Civil Judge & JMFC.,
Mudigere.

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VP

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