

KACN310009692016



Presented on : 24-09-2016
Registered on : 26-09-2016
Decided on : 03-06-2026
Duration : Years Months Days
09 08 10

**IN THE COURT OF THE SENOR CIVIL JUDGE AND
JMFC AT KOLLEGALA.**

Dated this the 03rd day of June, 2026

PRESENT:

Smt. Sunitha, B.Com., L.L.M., PGDFcs
Senior Civil Judge and JMFC., Kollegal.

O.S. No: 20/2016

Plaintiff : Smt. Sarojamma
D/o Late Siddashetty,
W/o Late Siddappaswamy,
Aged about 55 years,
R/o Vangashetty Beedhi,
Madhuvanahalli village,
Kollegala Taluk,
Chamarajanagar District.

(By Sri R. Siddaraju, Advocate)

V/s.

- Defendants** :
1. Smt. Savithramma
[Dead by LR's]
 - 1a. Smt. Meenakshi @ Meena
W/o Narayana,
Aged about 46 years,
R/o Doddamole village,
Chamarajanagar Taluk & District.
 - 1b. Vasanthakumara @ Vasantha
S/o Late Mahadevashetty,
Aged about 42 years,
 - 1c. Jayendra
S/o Late Mahadevashetty,
Aged about 39 years,

Both are residing at
Uppara Beedhi,
Doddinduvadi village,
Kollegala Taluk,
Chamarajanagar District.
 2. Smt. Jayamma
D/o Late Siddashetty,
W/o Linganna,
Aged about 58 years,
R/o Gowdagereshetty Doddi,
Hanur Hobli, Kollegal Taluk,
Chamarajanagar District.
 3. Shivabasavashetty
[Dead by LR's]
 - 3a. Smt. Bhagya @ Bhagyamma
W/o Late Shivabasavashetty,
Aged about 58 years,

R/o Gowdagereshetty Doddi,
Near Budubalu village,
Mangala village, Hanur Taluk,
Chamarajanagar District.

4. Maruswamy
S/o Late Siddashetty,
Aged about 52 years,
5. Smt. Siddamma
W/o Maruswamy,
Aged about 45 years,
6. Basavaraju
S/o Late Siddashetty,
Aged about 47 years,
7. Lokesh
S/o Late Siddashetty,
Aged about 43 years,
8. Smt. Rajamma
W/o Late Krishnashetty,
Aged about 36 years,
9. Sridhar
S/o Late Krishnashetty,
Aged about 22 years,
10. Prema
D/o Late Krishnashetty,
Aged about 20 years,

Defendant No: 8 to 10 are
residing at Molaganakatte,
[Rachashetty Doddi], Kottanuru Post,

Palya Hobli, Kollegala Taluk,
Chamarajanagar District.

11. Mahadevashetty S/o Late Siddashetty,
Aged about 38 years,

Defendant No: 4, 5, 6, 7 & 11 are
residing at Gowdagereshetty Doddi,
Hanur Hobli, Kollegal Taluk,
Chamarajanagar District.

12. Prakash. L. S/o Lingashetty,
Aged about 32 years,
R/o Gowdagereshetty Doddi,
Hanur Hobli & Taluk,
Chamarajanagar District.

(D1[a to c], 2, 3, 4, 6 to 10 By Sri S. Shashibimba, Advocate)
(D5 By Sri M. Ravikumar, Advocate)
(D11 By Sri M. Santhosh, Advocate)
(D12 By Sri Prakash, Advocate)

Date of Institution	:	24.09.2016
Nature of the suit	:	Partition suit
Date of Commencement of recording of evidence	:	06.10.2017
Date of Pronouncement of judgment	:	03.06.2026
Total Duration	:	Year/s Month/s Day/s 09 08 10

(SUNITHA)
Senior Civil Judge & JMFC.,
Kollegala.

JUDGMENT:

This suit is filed for seeking partition and separate possession of her equal share over the suit schedule properties from the defendants by metes and bounds and for declaring the settlement deed dated: 10-10-1976 and gift deed dated: 17-01-2022 are not binding on her share.

2. The brief facts of the plaintiffs case is as under:

The plaintiff has filed the present suit against the 1st defendant, who has since died consequently her legal heirs have been brought on record as defendant Nos: 2 to 12. The suit is filed seeking cancellation of the alleged unregistered partition deeds dated: 05-05-1986 and 07-09-1995, declaration that the consent letter alleged to have been created by forgery is illegal, cancellation of the settlement deed dated: 10-10-1976 and the gift deed dated: 17-01-2022 along with related mutation records and for partition and separate possession of the plaintiff's 1/9th share in the suit schedule properties bearing Sy. Nos: 437, 514, 516, 516/1, 519 and 439, along with mesne profits. The plaintiff contends that the suit schedule properties are ancestral properties belonging jointly to the plaintiff and defendants and that no lawful partition has taken place till date. It is stated that the

plaintiff's father Siddashetty had nine children comprising six sons and three daughters, among whom one son Krishna shetty, died and the plaintiff is the youngest daughter. Siddashetty died on 21-03-2002 and his wife died on 03-12-2011.

3. The plaintiff alleges that the 5th defendant illegally obtained khata in respect of Sy. No: 519 measuring 3-40 cents, and despite repeated demands the defendants failed to effect partition. It is further stated that the 2nd schedule property was originally Government barren land, later restored in the name of the plaintiff's father pursuant to orders passed by the Deputy Commissioner in RRT proceedings and that the plaintiff and defendants jointly cultivated and developed the land. The plaintiff further states that village panchayats were held on several occasions wherein elders advised the defendants to allot the plaintiff's share including item No: 3 in Sy. No: 516 measuring 4-42 cents standing in the name of the plaintiff's mother but defendant Nos: 3, 4 and 6 refused to do so. The plaintiff alleges that on 17-12-2012 the 2nd defendant in collusion with others created a forged consent letter by fabricating the signatures/thumb impressions of the plaintiff and other defendants to transfer khata in her favour. It is also

alleged that the plaintiff was threatened by the son of the 2nd defendant and compelled to affix her thumb impression. The plaintiff claims to be illiterate and contends that the signatures were fabricated by the husband of the 2nd defendant.

4. It is further stated that objections were filed before the revenue authorities on 19-08-2015 against transfer of khata in respect of Sy. No: 514 measuring 11-42 cents. According to the plaintiff a village panchayat held on 15-06-2015 proposed allotment of 6 acres to the 2nd defendant and 5-42 cents to the plaintiff since the 2nd defendant had already obtained khata in respect of another extent of land. The plaintiff claims to be in joint possession and enjoyment of the suit schedule properties along with the 11th defendant and asserts that the cause of action arose on various dates including 21-03-2002, 03-12-2011, 18-05-2014, 19-08-2015, 15-06-2015, 01-08-2015, 11-03-2016 and 18-03-2016 when the defendants allegedly refused partition and mediation proceedings took place within the jurisdiction of the Court. Therefore, prays for decree the suit.

5. The 4th defendant in his written statement contended that on 05-05-1986 the plaintiff, defendants Nos: 1 to 7 and 11 along with krishna Shetty and their

parents Siddashetty and Gurumallamma effected a partition of the family properties. Since the khata was not changed pursuant to the said partition a fresh partition deed was executed on 07-09-1995 in the presence of panchayatdars which according to the defendant was within the knowledge of the plaintiff. It is further contended that as the said partition deed was not challenged within the prescribed limitation period, the present suit is not maintainable. The defendant further stated that after their marriages the plaintiff and defendants Nos: 1, 2 and 5 resided separately with their husbands, while defendants Nos: 3, 4, 6, 7 and Siddashetty were residing separately after taking their respective shares under the partition dated: 05-05-1986. After the death of Siddashetty, his legal heirs got the khata changed to their names. It is specifically contended that no ancestral or joint family property exists as on date and therefore the genealogy produced by the plaintiff has no significance. Regarding item No: 5 bearing Sy. No: 519 measuring 3-40 cents out of 31 - 40 cents, it is stated that the said property fell to the share of the 4th defendant under the partition dated: 05-05-1986 and reaffirmed under the partition dated: 07-09-1995, after which the khata was transferred to the

name of his wife, the 5th defendant. With respect to item No: 2, it is stated that the 2nd defendant and her husband were cultivating the government land and when the Tahsildar sought clarification regarding the grant the 2nd defendant requested that it be granted in the name of Siddashetty and accordingly the grant was made in his favour. Subsequently after the death of Siddashetty and the order of the Deputy Commissioner for “bilu restore,” the 2nd defendant applied for transfer of khata from the name of Siddashetty to her name, for which the plaintiff had also allegedly given consent by affixing her thumb impression. Hence it is contended that the said property is not a joint family property and the entire claim of the plaintiff has been denied. Accordingly prayed for dismissal of the suit.

6. The 11th defendant filed the written statement wherein admitted the case of plaintiff and prayed to grant his share and he will ready to pay the Court fee. Accordingly prayed for disposal of the case.

7. The 12th defendant filed his written statement denying the entire case of the plaintiff. It is stated that the plaintiff and defendants had already partitioned the family properties in the year 1986 itself. It is further

stated that Item No: 6 property was given to the 2nd defendant by Siddashetty under a Settlement Deed dated: 10-10-1976 which was registered on 12-10-1976. Accordingly the khata was changed to her name. She in turn, gifted the said property to the 12th defendant on 17-01-2022. Accordingly the khata was changed to his name as per the MR. Hence he prays for dismissal of the suit.

8. The 2nd defendant filed her written statement wherein she denied the entire case of the plaintiff. It is stated that after acquiring the 6th schedule property under the Settlement Deed she mortgaged the said property to SBI on 07-08-2010 for a sum of ₹. 1,00,000/- and cleared the loan on 14-09-2021. Thereafter she gifted the same to her son on 17-01-2022.

9. It is admitted that the 2nd schedule property was originally Government land and that it was granted in the name of her father, Siddashetty. Since he had stopped cultivating the land the same was confiscated. Thereafter as the 2nd defendant took possession of and cultivated the said land she filed an application seeking restoration of the confiscated land. However by mistake the khata was changed to the name of Siddashetty. It is stated that

she is in possession of the property and has constructed a house and installed a borewell therein.

10. It is further stated that the family properties had already been partitioned in the year 1986 itself and as such the concept of joint family does not exist. It is also stated that the 6th schedule property was given to this defendant by Siddashetty under the Settlement Deed dated: 10-10-1976. Therefore Item Nos: 2 and 6 are the self-acquired properties of this defendant and with regard to the other family properties ,partition had already taken place. Hence she prays for dismissal of the suit.

11. Based on the above pleadings, my Predecessor-in-office as well as this Court has framed the following:

ISSUES:

1. *Whether the plaintiff proves that the plaintiff and defendants constitute a Hindu joint family?*
2. *Whether the plaintiff proves that the suit schedule properties are the joint family properties of plaintiff and defendants?*
3. *Whether the plaintiff is entitled for a share in the suit schedule properties? if so, what is the extent of her share?*

4. *Whether the defendant No: 4 proves that the suit schedule properties were partition among the plaintiff, defendant No: 1 to 7, 11 and deceased Krishna shetty on 05-05-1986?*
5. *Whether the defendant No: 4 proves that the defendant No: 3, 4, 6, 7 and deceased Krishna shetty have been enjoying their respective shares in the suit schedule properties since 05-05-1986?*
6. *Whether the defendant No: 4 proves that the defendants have partitioned the suit schedule properties on 07-09-1995 in the presence of panchayathadhars?*
7. *What order/decree?*

Additional issues:

1. *Whether the defendant No: 2 proves that suit item No: 2 and 6 properties are his self-acquired properties as pleaded in paragraphs 19 to 22 of the written statement?*
2. *Whether the plaintiff proves that the settlement deed dated: 10-10-1976 executed by Siddashetty in favour of defendant No: 2 Smt. Jayamma in respect of suit item No: 6 is not binding on the plaintiff?*

3. *Whether the plaintiff proves that the gift deed dated: 17-01-2022 executed by defendant No: 2 Smt. Jayamma in favour of defendant No: 12 L. Prakasha in respect of suit item No: 6 is not binding on the plaintiff?*

12. Heard learned counsel for both parties and perused the material available on record.

13. The plaintiff herself examined as PW1 and got marked 40 documents as per Ex.P1 to 46. The defendant No: 4, 12, 11 and 2 are examined as DW1 to 4 respectively and got marked 37 documents as per Ex.D1 to 37.

14. My findings to the above issues are as under:

<i>Issue No: 1 to 3:</i>	<i>In the affirmative</i>
<i>Issue No: 4:</i>	<i>In the negative</i>
<i>Issue No: 5:</i>	<i>Partly in the affirmative</i>
<i>Issue No: 6:</i>	<i>In the negative</i>
<i>Addl. Issue No: 1:</i>	<i>In the negative</i>
<i>Addl. Issue No: 2:</i>	<i>In the affirmative</i>
<i>Addl. Issue No: 3:</i>	<i>In the affirmative</i>
<i>Issue No: 7:</i>	<i>As per final order for the following:</i>

REASONS:

15. Issue No. 1 & 2: Since both these issues are interconnected and depend upon common evidence they are taken up together for common discussion in order to avoid repetition of facts and evidence.

16. The specific case of the plaintiff is that the suit schedule properties are ancestral joint family properties belonging to late Siddashetty and his wife Gurumallamma and that after their death, the plaintiff and defendants succeeded to the same as members of Hindu Joint Family. The plaintiff further contends that no valid partition had taken place among all the sharers and that the alleged unregistered partition deeds dated: 05-05-1986 and 07-09-1995 are not binding upon her, as she was neither allotted any share nor had signed the said documents. On the other hand defendant Nos: 2, 4 and 12 have contended that the family properties were already partitioned in the year 1986 and again in the year 1995, and thereafter the parties have been in separate possession and enjoyment of their respective shares and therefore no joint family or joint family property exists.

17. In order to prove the case the plaintiff examined herself as PW1 and relied as many as 46 documents. Wherein Ex.P1 is the Genealogy (Siddashetty, wife Gurumallamma, and their children.) Ex.P2 is the death certificate of Siddashetty, Ex.P3 is the death certificate of Gurumallamma, Ex.P4 and 5 are the RTC. Ex.P6 is the MR, Ex.P7 to 9 are the RTC, Ex.P10 is the MR dated:

30-01-2012, Ex.P11 is the RTC. Ex.P12 is the application by plaintiff to Special Tahasildar, Ex.P13 is the RRT, Ex.P14 is the order passed by Special Tahsildar in respect of RRT, Ex.P15 and 16 are the MR, Ex.P17 is the RTC, Ex.P18 is the death certificate of Gurumallamma, Ex.P19 is the certified copy of order sheet pertaining to RRT, Ex.P20 to 23 are the notice in RRT, Ex.P24 is the MR standing in the name of 2nd defendant, Ex.P25 to 29 are the certified copy of plaint of the present case, Ex.P30 to 33 are the RTC, Ex.P34 is the MR, Ex.P35 to 39 are the RTC, Ex.P40 is the certified copy of gift deed dated executed by 2nd defendant to 12th defendant, Ex.P41 is certified copy of family tree of 2nd defendant, Ex.P42 is the certified copy of affidavit regarding Genealogy, Ex.P43 is the certified copy of adhar card of Manjunath, Ex.P44 is the RTC, Ex.P45 is the certified copy of adhar card of 12th defendant, Ex.P46 is the certified copy of adhar card of 2nd defendant.

18. On the other hand to substantiate the contention taken in the written statement the defendant no;4 examined as DW1 and relied as many as 37 documents. Wherein Ex.D1 is the RRT for restoration order, Ex.D2 and 3 are the RTC, Ex.D4 is the settlement deed, Ex.D5 is the loan clearance certificate, Ex.D6 is the

original gift deed, Ex.D7 is the MR, Ex.D8 to 11 are the RTC, Ex.D12 is the notice dated: 19-11-2014, Ex.D13 is the revenue receipt, Ex.D14 is the service certificate, Ex.D15 to 37 are the MR extracts.

19. The 12th defendant is examined as DW2, 11th defendant is examined as DW3, and 2nd defendant is examined as DW4.

20. Now in the light of rival contentions urged by the counsel for the parties I have gone through the records. In order to establish the relationship between the parties the plaintiff has relied upon ExP1 Genealogy tree. The said document discloses that Siddashetty and Gurumallamma had nine children, namely six sons and three daughters including the plaintiff. The relationship of parties is not seriously disputed by any of the defendants. Ex.P2 and Ex.P3 are the death certificates of Siddashetty and Gurumallamma respectively showing that Siddashetty died on 21-03-2002 and Gurumallamma died on 03-12-2011. Therefore it stands clearly established that the plaintiff and defendants are members descending from common ancestors and are members of a Hindu family.

21. The next question that arises is whether the suit schedule properties continued to retain the character of

joint family properties. In this regard the oral admissions elicited from DW1, DW2 and DW4 assume great significance.

22. PW1 in her cross-examination admitted that the brothers and sisters are residing separately since many years and that her brothers are cultivating separately in the lands allotted to them. However she specifically stated that she is not claiming share in the alleged divided properties of brothers but is claiming share in the properties standing in the names of her parents. She further denied the suggestion that she had been allotted any share in the alleged partition. Mere separate residence or separate cultivation by itself does not amount to proof of complete partition or severance of joint family status, particularly when the properties continued in the names of the parents and the alleged partition documents are not proved in accordance with law.

23. DW1 namely defendant No: 4 has admitted in his cross-examination that total extent of 59 acres 88 cents belonged to their parents and that both brothers and sisters have rights over the same. He further admitted that in the alleged partition of the year 1986 only six members participated, and the sisters were not

included. He categorically admitted that the plaintiff's signature is not found in the alleged partition deeds dated: 05-05-1986 and 07-09-1995. He also admitted that he does not know whether oral or written consent of the plaintiff was obtained at the time of partition. Most importantly he admitted that item Nos: 1 to 3 still stand in the names of the parents and that the joint family is in existence. These admissions clearly falsify the defence taken by defendant No: 4 that there was complete partition among all the sharers.

24. DW1 further admitted that he has not stated in the written statement as to which survey numbers were partitioned and what extent was allotted to each sharer. He admitted that item No: 2 was not included in the alleged partition deed and no document is produced to show transfer of item No: 2 in favour of defendant No: 2. He also admitted that item Nos: 1 to 6 belonged to Siddashetty and Gurumallamma. Such admissions clearly probalilise the plaintiff's case that the properties retained their ancestral and joint family character.

25. The documentary evidence also supports the plaintiff. Ex.P4 RTC of Sy.No: 437 stands in the names of the children of Siddashetty. Ex.P5 RTC pertaining to

Sy.No: 514 stands in the name of Siddashetty. Ex.P7 RTC pertaining to Sy.No: 516 stands in the name of Gurumallamma. Ex.P8 RTC pertaining to Sy.No: 516/1 stands in the names of all children of Siddashetty. Ex.P30 to Ex.P32 and Ex.P35 RTCs disclose that Sy.No: 437 continued in the name of Gurumallamma for several years even after her death. Ex.P37 RTC also stands in the name of Gurumallamma in respect of Sy.No: 516/2 Ex.P38 and Ex.P39 RTCs further disclose joint entries in respect of other schedule properties. These revenue records clearly indicate continuation of joint ownership and possession.

26. The evidence of DW4/2nd defendant is also material. She admitted in her cross-examination that the suit schedule properties are ancestral properties though she volunteered that partition had taken place long ago. She admitted that she does not know the survey numbers allegedly allotted to the plaintiff. She further admitted that item No: 2 was originally government land granted in the name of her father Siddashetty. She admitted that no cultivation certificate or revenue records are produced to show her exclusive title over item No:2. She further admitted that in Ex.D4 settlement deed it is recited that item No: 6 is ancestral property and there is

no recital stating that it is self-acquired property of Siddashetty. She admitted that the signatures of plaintiff and other sisters are not found in Ex.D4 and that no consent letter was obtained while executing the settlement deed or subsequent gift deed. She also admitted that at the time of execution of gift deed in favour of defendant No: 12 she was aware about pendency of the present suit. These admissions clearly weaken the defence version that item Nos: 2 and 6 are self-acquired properties of defendant No: 2.

27. DW2/12th defendant also admitted that ExD4 contains recital showing item No: 6 as ancestral property. He further admitted that no consent of other sharers was obtained while executing the gift deed in his favour. He also admitted that except the gift deed no independent document is produced to establish exclusive ownership of defendant No: 2 over item No:6.

28. The defendants mainly rely upon the alleged partition deeds dated: 05-05-1986 and 07-09-1995. However admittedly both documents are unregistered. DW1 himself admitted that the plaintiff and other sisters had not signed the said documents and no share was allotted to them. It is also admitted that stamp duty was

paid only on 14-10-2019. Therefore the said documents cannot be treated as valid and binding partition deeds so as to deprive the plaintiff of her lawful share in the ancestral properties.

29. Further the defendants have not produced any convincing evidence to show complete severance of joint family status among all coparceners. Mutation entries and separate cultivation alone are insufficient to establish lawful partition. On the contrary the RTCs and mutation records produced by both parties disclose that several properties continued in the names of Siddashetty, Gurumallamma and other joint family members even after the alleged partition.

30. The conduct of defendant No: 11 is also relevant. Defendant No: 11 filed written statement supporting the plaintiff and sought allotment of his separate share by paying Court fee. Such conduct probabalises that even according to one of the defendants the properties continued to remain joint and available for partition.

31. Therefore on careful appreciation of the entire oral and documentary evidence this Court is of the considered opinion that the plaintiff has successfully

established that the plaintiff and defendants constitute members of Hindu Joint Family and that the suit schedule properties are joint family/ancestral properties of the plaintiff and defendants. The defendants have failed to prove complete and lawful partition binding on the plaintiff. Therefore, **Issue Nos: 1 and 2 are answered in the Affirmative.**

32. Issue No. 3: By virtue of answering issue No: 1 plaintiff has succeeded in establishing that at least substantial portions of the suit schedule properties continued to retain the character of joint family/ancestral properties and that no lawful and binding partition allotting share to the plaintiff has been proved by the contesting defendants. Though defendants No: 2, 4 and 12 contended that a partition had already taken place under unregistered partition deeds dated: 05-05-1986 and 07-09-1995 the very evidence of DW1 clearly demolishes their defence. DW1 admitted in the cross-examination that the alleged partition deeds do not contain the signatures of the plaintiff and other sisters and that no consent of the plaintiff was obtained either orally or in writing. He further admitted that in the said partition the plaintiff was not allotted any share in the ancestral properties. He also admitted that item Nos:1 to

3 still stands in the names of the parents and that joint family properties continued in existence. These admissions materially affect the defence plea of complete partition. Further the alleged partition deeds are unregistered documents affecting immovable properties of substantial extent and no satisfactory evidence is produced to prove lawful severance of status binding upon the plaintiff. Mere mutation entries or separate cultivation by brothers would not extinguish the legal right of a coparcener/co-sharer particularly when the plaintiff specifically asserts that she was excluded from partition.

33. The evidence on record further discloses that the suit schedule properties originally belonged to Siddashetty and Gurumallamma. Ex.P4, Ex.P5, Ex.P7, Ex.P30 to Ex.P39 RTC extracts consistently show the names of Siddashetty, Gurumallamma and children of Siddashetty in several survey numbers. DW1 admitted that the total extent of 59 acres 88 cents belonged to the parents and also admitted that item Nos: 1 to 6 belonged to the parents. He further admitted that partition was effected only among the brothers and that sisters were not included. Such admission itself establishes that the plaintiff's lawful share was not carved out. The plea that

the plaintiff was orally given some share is vague and unsupported by any documentary evidence. DW4 also admitted that though she contended the plaintiff was given share she does not know in which survey number such share was allotted. Hence the defence version regarding allotment of share to the plaintiff is not believable.

34. So far as item No: 2 bearing Sy.No: 514 is concerned though defendants attempted to contend that it was government land and later became the exclusive property of defendant No: 2, the records disclose that the land was granted in the name of Siddashetty. DW4 herself admitted in cross-examination that the land was granted in the name of her father. Ex.P5, ExP13 and Ex.P14 support the plaintiff's contention that the property stood in the name of Siddashetty and objections were raised when defendant No: 2 attempted to secure mutation exclusively in her favour. No document is produced to establish exclusive regrant or conferment solely in favour of defendant No: 2. Hence item No: 2 also cannot be treated as the exclusive self-acquired property of defendant No: 2.

35. Likewise with respect to item No: 6 bearing Sy.No: 439 defendants relied upon Ex.D4 settlement

deed said to have been executed by Siddashetty in favour of defendant No: 2. However DW4 admitted that Ex.D4 itself recites the property as ancestral property and nowhere states that it was the self-acquired property of Siddashetty. She further admitted that signatures of plaintiff and other sharers are absent, and no consent was obtained from them. DW2 also admitted that he has no knowledge whether item No: 6 was ancestral property and further admitted that the gift deed in his favour was obtained during pendency of the suit. When the property itself possessed ancestral character, Siddashetty could not have conveyed the entire property exclusively to defendant No: 2 so as to defeat the rights of other sharers. Consequently the subsequent gift deed dated 17-01-2022 executed by defendant No: 2 in favour of defendant No: 12 cannot bind the share of the plaintiff.

36. The evidence of PW1 that the brothers were separately cultivating properties for several years does not by itself prove lawful partition excluding the plaintiff. Her specific assertion in cross-examination that she seeks share in the properties retained by the parents probabalises her case. Moreover defendant No: 11 has supported the plaintiff and sought allotment of his own share, thereby corroborating the plaintiff's version that

complete and valid partition had not taken place among all heirs.

37. Therefore considering the admissions of DW1 and DW4, the RTCs and mutation records standing in the names of Siddashetty, Gurumallamma and children, the absence of proof regarding allotment of share to the plaintiff and the failure of defendants to establish a valid and binding partition against the plaintiff, this Court holds that the plaintiff is entitled to claim partition and separate possession of her lawful share in the suit schedule properties. Since Siddashetty and Gurumallamma had nine children and the plaintiff is one among the Class-I heirs/coparceners the plaintiff is entitled to her 1/9th share in the suit schedule properties. Therefore, **Issue No: 3 is answered in the Affirmative.**

38. Issue No. 4: The defendant No: 4 has taken a specific contention that the suit schedule properties were already partitioned on 05-05-1986 during the lifetime of propositus Siddashetty and mother Gurumallamma and that all the sharers were put in separate possession of their respective shares. In order to substantiate the said plea the burden lies heavily upon defendant No: 4 under Sections 101 and 102 of the Indian Evidence Act to

establish the factum of partition by cogent and convincing evidence. Though defendant No: 4 in his written statement pleaded that partition took place among plaintiff, defendant No: 1 to 7, 11 and deceased Krishna Shetty on 05-05-1986, in the cross-examination he admitted that he has not stated in the written statement as to how much property was divided and which survey numbers were allotted to each sharer. He further admitted that in the alleged partition of the year 1986 only the brothers were allotted properties and the sisters were not included. More importantly he categorically admitted that the plaintiff was not given any share in the alleged partition deed dated: 05-05-1986 and that the plaintiff had not signed the said document. He further admitted that neither oral nor written consent of the plaintiff was obtained at the time of the alleged partition. Such admissions go to the root of the defence case and probabalise the contention of the plaintiff that there was no valid partition binding upon her.

39. The evidence on record further discloses that several revenue records continued to stand in the names of the parents Siddashetty and Gurumallamma even after the alleged partition. Ex.P30 to Ex.P32 RTCs pertaining to Sy.No: 437 stand in the name of Gurumallamma.

Ex.P37 RTC pertaining to Sy.No: 516/2 also stands in the name of Gurumallamma. Defendant No: 4 himself admitted that item Nos: 1 to 3 still stand in the names of the parents and admitted that joint family is in existence in respect of those properties. If really there had been a complete partition on 05-05-1986 the natural conduct of parties would have been to mutate the khata and revenue entries in favour of the respective sharers immediately thereafter. The continuation of the names of the parents in the RTCs even after their death creates serious doubt regarding the alleged partition.

40. Further, defendant No: 4 admitted that two unregistered partition deeds dated: 05-05-1986 and 07-09-1995 were executed. He also admitted that stamp duty in respect of those documents was paid only on 14-10-2019. The conduct of defendants in executing another partition deed in the year 1995 itself indicates that the earlier alleged partition of 1986 was neither acted upon completely nor legally concluded. Moreover defendant No: 4 admitted that the plaintiff and some other defendants had not signed either of the alleged partition deeds. Thus the alleged partition documents cannot be said to be binding on non-signatory coparceners, particularly the plaintiff.

41. The evidence of PW1 also assumes significance. Though in cross-examination she admitted that her brothers are residing separately and cultivating separately, she consistently asserted that she is claiming share in the properties standing in the names of her parents and that she was not allotted any share under the alleged partition. Mere separate residence or separate cultivation by male members does not by itself establish a lawful partition excluding the daughters especially when the defendants themselves admit that the plaintiff was not given any share.

42. Further defendant No: 4 admitted that item No: 2 was not included in the partition deed and that no document is produced to show that the said property was allotted to defendant No: 2. He also admitted that no document is produced to show that item No: 3 was given to defendant No: 7. Such admissions clearly indicate that all the suit schedule properties were not the subject matter of the alleged partition.

43. The evidence of DW4/2nd defendant also weakens the defence. Though she asserted that partition took place about 50 years ago she admitted that she does not know the survey numbers allegedly allotted to the

plaintiff. Such vague evidence cannot establish a valid partition. On the contrary, Ex.P4, Ex.P8 and Ex.P38 RTCs disclose the names of several children of Siddashetty jointly appearing in the revenue records thereby supporting the plaintiff's contention regarding jointness.

44. It is also pertinent to note that defendant No: 11 supported the plaintiff and sought allotment of his own share. Had there been a complete partition in 1986 there would have been no occasion for defendant No: 11 also to seek partition.

45. Therefore upon appreciation of the oral and documentary evidence, particularly the material admissions elicited from DW1 and DW4, this Court is of the opinion that defendant No: 4 has failed to prove that there was a lawful and binding partition among the plaintiff and defendants on 05-05-1986. The alleged partition appears to have been acted upon only among some male members, without allotting any share to the plaintiff and other female members. Hence, **Issue No: 4 is answered in the Negative.**

46. Issue No. 5: In respect of this issue the burden is upon defendant No: 4 to establish that after the alleged

partition dated: 05-05-1986, defendants No: 3, 4, 6, 7 and deceased Krishna Shetty were put in separate possession and enjoyment of their respective shares in the suit schedule properties. In support of the said contention defendant No: 4 relied upon the plea of earlier partition dated: 05-05-1986 and subsequent partition dated: 07-09-1995 and also produced mutation entries and RTC extracts standing in the names of different defendants.

47. During the cross-examination PW1 admitted that all the children of Siddashetty are residing separately for the last about 40 years. She further admitted that her brothers are cultivating separately in the portions allotted to them and khatas are also changed to their names and that she is aware of the said facts since 38 years. Such admission of PW1 clearly discloses that the male members of the family were separately enjoying certain portions of the properties for several years. The said admission lends support to the case of defendant No: 4 regarding separate enjoyment of some properties by different brothers.

48. Further defendant No: 4 in his evidence specifically deposed that after the partition, defendants No: 3, 4, 6, 7 and deceased Krishna Shetty were residing

separately and cultivating their respective portions. Ex.D2 to Ex.D37, namely RTCs and mutation records also disclose that different survey numbers stood in the names of different defendants from several years. Particularly, Ex.D2 RTC stands in the name of 3rd defendant in respect of Sy.No: 519, Ex.D3 RTC stands in the name of 8th defendant in respect of Sy.No: 516/1 Ex.D15 to Ex.D37 are mutation entries reflecting separate khatahs in the names of different defendants. These revenue documents probabalise that the defendants were in separate possession and enjoyment of different extents of lands.

49. However mere mutation entries and separate cultivation by themselves are not conclusive proof of a lawful partition binding upon all coparceners. The evidence on record further discloses serious inconsistencies in the defence version. DW1 admitted in the cross-examination that he has not stated in the written statement how much property was divided under the alleged partition. He further admitted that in the partition deeds dated: 05-05-1986 and 07-09-1995 the plaintiff was not given any share in the ancestral properties and that neither oral nor written consent of the plaintiff was obtained. He also admitted that the

alleged partition was only among brothers and sisters were not included. Significantly DW1 admitted that the plaintiff and defendants had not signed the alleged partition deeds dated: 05-05-1986 and 07-09-1995. He further admitted that item Nos: 1 to 3 still stand in the names of the parents and that joint family properties are still in existence.

50. The admissions of DW1 clearly weaken the defence plea that there was a complete and binding partition among all coparceners in the year 1986. Though separate possession of some defendants is shown through revenue entries, the same cannot establish absolute partition of all suit schedule properties, particularly when the daughters were excluded and the properties continued in the names of Siddashetty and Gurumallamma in several RTCs such as Ex.P30 to Ex.P38.

51. Moreso defendant No:4 admitted that item No: 2 was not included in the alleged partition deed and that no document is produced to show allotment of item No: 2 to defendant No: 2. He also admitted that no gift deed or document is produced to show transfer of item No: 3 to defendant No: 7. These admissions further indicate that

the alleged partition was neither complete nor properly acted upon in respect of all suit schedule properties. Therefore the evidence on record establishes only that defendants No: 3, 4, 6, 7 and deceased Krishna Shetty were separately enjoying certain portions of the properties for several years and their names were entered in some revenue records. But defendant No: 4 has failed to satisfactorily prove that all the suit schedule properties were legally partitioned and separately enjoyed by them pursuant to a valid and binding partition dated: 05-05-1986. Accordingly, **Issue No: 5 is answered partly in the affirmative.**

52. Issue No. 6: The burden of proving the alleged partition dated: 07-09-1995 squarely lies upon defendant No: 4, since it is his specific defence that after an earlier partition in the year 1986, another partition deed was executed on 7-09-1985 in the presence of panchayatdars. Though defendant No: 4 has pleaded existence of such partition, the evidence placed before the Court is wholly insufficient to establish a lawful and binding partition among all the coparceners.

53. During the cross-examination, DW1/4th defendant admitted that he has not specifically stated in

the written statement as to which survey numbers were divided under the alleged partition of 1995. He further admitted that in the chief-examination also he has not stated the particulars of the properties allegedly partitioned. These admissions materially affect the credibility of the defence plea because in a case of partition the defendants are expected to clearly establish, the properties allotted to each sharer.

54. DW1 further admitted that the alleged partition deeds dated: 05-05-1986 and 07-09-1995 are unregistered documents. He also admitted that the plaintiff was not given any share in the ancestral properties under those documents. Significantly he deposed that the plaintiff and defendants had not signed the partition deeds dated: 05-05-1986 and 07-09-1995. He further admitted that he does not know whether oral or written consent of the plaintiff was obtained at the time of alleged partition. These admissions clearly demonstrate that the alleged partition of 1995 was neither executed by all the sharers nor accepted by them.

55. DW1 also admitted that partition took place only among the brothers and the sisters were not included. Such an admission goes to the root of the

matter. Even according to the defendants themselves the daughters of Siddashetty were excluded from the alleged partition arrangement. Therefore the alleged partition cannot bind the plaintiff who is admittedly one of the daughters of Siddashetty.

56. Further DW1 admitted that item Nos: 1 to 3 still stand in the names of the parents and that the joint family is still in existence. RTCs marked at Ex.P30 to Ex.P39 also disclose that several suit schedule properties continued in the names of Siddashetty, Gurumallamma, or jointly in the names of family members even after the alleged partition. If a complete partition had in fact taken place in the year 1995 the revenue records would normally reflect exclusive possession and enjoyment by the respective sharers. Continuance of the revenue entries in the names of the parents and joint entries probabalises the case of the plaintiff that no complete partition had taken place.

57. The conduct of the parties also creates serious doubt regarding the genuineness of the alleged partition. DW1 admitted that stamp duty was paid to the unregistered partition deeds only on 14-10-2019, much after institution of the present suit. Such subsequent

payment of stamp duty does not validate the partition nor cure the defect of non-registration. The said circumstance creates suspicion that the documents were relied upon only after commencement of litigation.

58. Moreso no independent panchayatdars who allegedly witnessed the partition dated: 07-09-1995 have been examined before the Court. Though the defendants specifically pleaded that the partition was effected in the presence of village elders and panchayatdars none of such witnesses have entered the witness box to support the defence version. Adverse inference therefore has to be drawn against the defendants under Section 114(g) of the Indian Evidence Act.

59. The evidence of DW4/2nd defendant also does not support the defence in a satisfactory manner. Though she stated that partition had taken place about 50 years ago and that the plaintiff was also given share she categorically admitted that she does not know the survey numbers allotted to the plaintiff. Such vague evidence cannot establish a concluded partition.

60. On the contrary the evidence of PW1 consistently shows that she has been asserting her right in the properties standing in the names of her parents.

Her statement that she is seeking share in the properties allotted to the share of her parents also gains support from the RTCs standing in the names of Siddashetty and Gurumallamma.

61. Therefore, considering the admissions elicited from DW1 and DW4 absence of signatures of the plaintiff and other sharers on the alleged partition deeds, non-examination of panchayatdars, continuance of joint revenue entries and failure of the defendants to establish actual division of properties by metes and bounds, this Court holds that defendant No: 4 has failed to prove that a valid partition of the suit schedule properties took place on 07-09-1995 in the presence of panchayatdars. Therefore, **Issue No: 6 is answered in the Negative.**

62. Addl. Issue No. 1: The burden is upon defendant No: 2 to establish that suit item No: 2 bearing Sy.No: 514 measuring 11-42 cents and item No: 6 bearing Sy.No: 439 measuring 3-72 cents are her exclusive self-acquired properties and not joint family properties. In order to discharge such burden defendant No: 2 relied upon Ex.D4 settlement deed, revenue entries, restoration proceedings and oral testimony of DW4.

63. Insofar as item No: 2 Sy.No: 514 is concerned defendant No: 2 herself has categorically admitted in her cross-examination that the said property was originally Government land and that it was granted in the name of her father Siddashetty. She further admitted that the suit schedule properties are ancestral properties and that Ex.P13 and other revenue records stand in the name of Siddashetty. Ex.P5 RTC and Ex.P17 RTC pertaining to Sy.No: 230 disclose the name of Siddashetty in the revenue records. ExP6 mutation extract also describes the property as ancestral. Though defendant No:2 contended that she alone cultivated the land and sought restoration after confiscation, she has not produced any independent grant order, saguvali chit, cultivation certificate, revenue receipts or any document evidencing exclusive conferment of occupancy rights in her favour. On the contrary DW4 admitted that even while availing loan over the said property her father Siddashetty joined as guarantor. Such evidence probabalizes the plaintiff's contention that the property continued to be treated as family property. Mere mutation or restoration proceedings in the name of defendant No: 2 do not confer absolute title when the origin of the property itself traces to the father Siddashetty and the family.

64. Further Ex.D10 and Ex.D11 RTCs disclose the name of Government in respect of Sy.No: 514 for certain years thereby showing that the title and possession history of the property remained disputed and uncertain. Ex.P13 objection petition filed by plaintiff and defendant No: 11 before the Tahsildar also demonstrates that the change of khata in favour of defendant No: 2 was seriously disputed by other legal heirs. Ex.P14 order of the Tahsildar directed the parties to approach Civil Court thereby indicating that the revenue authorities themselves did not conclusively recognize the exclusive ownership of defendant No: 2.

65. With regard to item No: 6/Sy.No: 439 defendant No: 2 relied mainly upon ExD4 settlement deed alleged to have been executed by Siddashetty in her favour. However serious suspicious circumstances surround the said document. DW4 admitted in her cross-examination that Ex.D4 itself recites the property as ancestral property and nowhere mentions that the same was self-acquired property of Siddashetty. She further admitted that neither the plaintiff nor other daughters had signed the said document and no consent was obtained from them. DW2 the beneficiary under the subsequent gift deed also admitted that Ex.D4 contains recitals referring

to ancestral property. Further DW4 admitted that except Ex.D4 no other independent document is produced to establish her exclusive ownership over item No: 6.

66. If really item No: 6 had become the absolute self-acquired property of defendant No: 2 under a valid family arrangement or independent grant there was no impediment for her to produce supporting revenue documents, tax paid receipts, grant records or partition records specifically allotting the same to her share. However no such material is forthcoming. Moreso DW4 admitted that she executed Ex.D6 gift deed in favour of defendant No: 12 during the pendency of the present suit and without consent of other sharers, despite having knowledge of the dispute. Such conduct creates further doubt regarding the bona fides of her claim.

67. The evidence of DW1 is also material. He admitted that item Nos: 1 to 6 originally belonged to their parents and that in the alleged partition deeds dated: 05-05-1986 and 07-09-1995, plaintiff and sisters were not allotted any share. He further admitted that item No: 2 was not included in the partition deed and no document was produced to show allotment of item No: 2 to defendant No: 2. These admissions materially weaken the defence set up by defendant No: 2.

68. It is well settled that mutation entries and revenue records are only fiscal entries and do not by themselves confer title. Likewise when a property admittedly originated in the name of the father, the burden heavily lies upon the member asserting self-acquisition to prove the same through cogent evidence. In the present case except self-serving oral assertions and disputed revenue entries, defendant No: 2 has not produced satisfactory evidence to establish that item Nos: 2 and 6 are her absolute self-acquired properties.

69. Therefore considering the admissions elicited in the cross-examination of DW1, DW2 and DW4, the recitals found in Ex.D4, the RTCs and mutation records standing in the name of Siddashetty and Gurumallamma and the absence of convincing evidence showing exclusive acquisition by defendant No: 2 this Court holds that defendant No: 2 has failed to prove that suit item Nos: 2 and 6 are her self-acquired properties. Therefore, **Addl. Issue No: 1 is answered in the Negative.**

70. Addl. Issue No. 2: The specific case of defendant No: 2 and defendant No: 12 is that suit item No: 6 was the self-acquired property of Siddashetty and that during his lifetime he settled the said property in

favour of defendant No: 2 under Ex.D4. On the contrary the plaintiff contends that the said property is ancestral/joint family property and that Siddashetty had no absolute right to exclusively settle the same in favour of defendant No: 2 to the exclusion of other coparceners and legal heirs.

71. In order to substantiate their defence defendants relied mainly upon Ex.D4 settlement deed, Ex.D5 loan clearance certificate, Ex.D6 gift deed executed by defendant No: 2 in favour of defendant No: 12 and the mutation entries standing in her name. However mere mutation entries or revenue records do not confer title. The burden was heavily upon defendant No: 2 to establish that item No: 6 was the exclusive and self-acquired property of Siddashetty. Except producing Ex.D4 no independent material has been placed before the Court to show as to how Siddashetty acquired absolute title over Sy.No: 439 or that it was his separate property.

72. On the contrary the admissions elicited during cross-examination probabalise the case of the plaintiff. DW2/12th defendant has clearly admitted that in Ex.D4 there is a recital describing item No: 6 as ancestral

property. The relevant portion was marked as Ex.P48. He further admitted that Ex.D4 does not mention anywhere that the property is the self-acquired property of Siddashetty. DW4/2nd defendant also admitted in her cross-examination that Ex.D4 contains recital showing the property as ancestral property and that there is no recital therein stating that it is the self-acquired property of Siddashetty. These admissions go to the root of the defence set up by defendants No: 2 and 12.

73. Further DW4 admitted that except Ex.D4 she has not produced any document to show that item No: 6 was her exclusive property. She also admitted that while executing Ex.D6 gift deed in favour of defendant No: 12 she had not obtained consent of the plaintiff or other sharers though she was aware of pendency of the present suit since the year 2016. DW2 also admitted that plaintiff and other sisters had not signed Ex.D4. The evidence on record therefore clearly discloses absence of consent or relinquishment by the plaintiff.

74. The conduct of defendants also creates serious doubt regarding their claim of exclusive ownership. Though defendants contend that complete partition had taken place in the year 1986 and again in 1995, DW1

admitted that plaintiff and other sisters were not signatories to the said partition deeds and no share was allotted to them therein. He further admitted that several suit schedule properties continued in the names of the parents even thereafter and that some RTCs still reflected joint names. Such admissions weaken the defence theory that the plaintiff had already lost her rights in all ancestral properties.

75. It is also pertinent to note that defendant No: 2 herself admitted that the suit schedule properties are ancestral properties and that partition had taken place about 50 years ago. However she was unable to state specifically which survey number had fallen to the share of the plaintiff. Such vague evidence is insufficient to establish exclusion of plaintiff from ancestral properties.

76. Under Hindu law when a property is ancestral or joint family property the Karta or father cannot gift or settle the entire property in favour of one child to the prejudice of other coparceners except for legal necessity or for a reasonable purpose recognised by law. In the present case defendants failed to establish that Siddashetty had any exclusive right over item No: 6 or

that Ex.D4 was executed for legal necessity or with consent of all interested members.

77. The evidence of PW1 coupled with the admissions of DW1, DW2 and DW4 clearly establishes that plaintiff continued to assert joint family rights over the suit properties and that Ex.D4 cannot bind her share. Accordingly this Court holds that the settlement deed executed by Siddashetty in favour of defendant No: 2 in respect of suit item No: 6 is not binding on the plaintiff's legitimate share in the suit schedule property. Hence, **Addl. Issue No: 2 is answered in the affirmative.**

78. Addl. Issue No. 3: It is evident that the plaintiff has specifically challenged the gift deed dated: 17-01-2022 executed by defendant No: 2 in favour of defendant No: 12 in respect of suit item No: 6 bearing Sy.No: 439 measuring 3-72 cents. The consistent case of the plaintiff is that the said property is an ancestral/joint family property and defendant No: 2 had no exclusive right to alienate the same in favour of defendant No: 12. On the other hand defendant No: 2 and defendant No: 12 contend that the said property is the self-acquired property of defendant No: 2 obtained under settlement

deed dated: 10-10-1976 executed by Siddashetty and therefore she had absolute right to execute the gift deed.

79. In order to substantiate their defence, defendants relied upon Ex.D4 settlement deed, Ex.D6 gift deed and Ex.D7 mutation entries. However the evidence on record clearly discloses several circumstances which probabalise the case of the plaintiff. During the cross-examination DW4/2nd defendant categorically admitted that the suit schedule properties are ancestral properties and further admitted that in Ex.D4 there is recital stating that item No: 6 is ancestral property. The relevant portion is marked as Ex.P48. She further admitted that Ex.D4 nowhere mentions that item No: 6 is the self-acquired property of Siddashetty. She also admitted that neither the plaintiff nor other daughters had signed Ex.D4 and no consent of other family members was obtained at the time of execution of Ex.D4. Further DW4 admitted that except Ex.D4 she has not produced any document to show that item No: 6 is her exclusive property.

80. Further DW2/12th defendant admitted in his cross-examination that he was aware of pendency of the present suit when ExD6 gift deed was executed in his favour. He admitted that no consent of other brothers

and sisters was obtained while executing the gift deed. He also admitted that Ex.D4 does not contain the signatures of the plaintiff and other sisters. The evidence further discloses that defendant No: 2 executed the gift deed only in favour of defendant No:12 stating that he alone was looking after her. Such recital itself indicates that the transfer was not based on any prior exclusive title but only out of personal preference.

81. The admissions elicited from DW1/4th defendant are also material. DW1 admitted that in the alleged partition deeds dated: 05-05-1986 and 07-09-1995 plaintiff was not given any share and that plaintiff and other sisters had not signed the said partition deeds. He further admitted that item Nos: 1 to 3 still stands in the name of the parents and joint family properties continued in the revenue records. Thus the defence version regarding complete partition and severance of joint family status is not satisfactorily established.

82. The documentary evidence also supports the plaintiff. Ex.P44 RTC pertaining to Sy.No: 439 stood in the name of defendant No: 2 only on the basis of consent and not by virtue of any registered partition. Mere mutation entries or RTC entries do not confer title. Ex.D6 gift deed came into existence during pendency of the suit.

When the title of defendant No:2 itself was under serious dispute and the matter was pending, defendant No: 2 could not have conveyed a better title to defendant No: 12 than what she herself possessed. If the property is ultimately held to be joint family/ancestral property the gift deed executed by one coparcener without consent of other sharers cannot bind the share of the plaintiff.

83. Moreso defendant No: 2 failed to establish that Siddashetty had absolute and exclusive right over item No: 6 so as to settle the same exclusively in her favour under Ex.D4. In the absence of proof of exclusive ownership of Siddashetty and in view of the admissions that the property was ancestral in nature, Ex.D4 itself cannot defeat the lawful share of the plaintiff. Consequently Ex.D6 gift deed executed on the strength of such disputed title also cannot bind the plaintiff's share.

84. Therefore from the oral and documentary evidence placed on record, this Court is of the considered opinion that the plaintiff has succeeded in proving that the gift deed dated: 17-01-2022 executed by defendant No: 2 in favour of defendant No: 12 in respect of suit item No: 6 is not binding on the plaintiff's share. Therefore,
Addl. Issue No: 3 is answered in the Affirmative.

85. Issue No. 7: In view of answering issue No: 1 to 6 and Addl. Issue No: 1 to 3, I proceed to pass the following:

ORDER:

The suit of the plaintiff is decreed.

The plaintiff is entitled for partition and separate possession of her 1/9th share over the suit schedule properties by metes and bounds.

The Settlement Deed dated: 10.10.1976 and Gift Deed dated: 17.01.2022 are not binding to the extent of her share over the suit property.

The parties have to bear their own cost.

Draw preliminary decree accordingly.

(Dictated to the Stenographer directly on the Computer, typed by her, corrected and then pronounced by me in the Open Court on this the 03rd day of June, 2026).

(SUNITHA)

Senior Civil Judge & JMFC.,
Kollegala.

ANNEXURE

List of witnesses examined for the plaintiff:

PW1 : Smt. Sarojamma

List of documents marked on behalf of the plaintiff:

Ex.P1	:	Genealogy tree
Ex.P2, 3	:	Death certificates
Ex.P4, 5	:	RTC's
Ex.P6	:	MR
Ex.P7 to 9	:	RTC's
Ex.P10	:	MR
Ex.P11	:	RTC
Ex.P12	:	Application to Tahasildar
Ex.P13	:	Copy of RRI proceedings
Ex.P14	:	Copy of RRI order
Ex.P15, 16	:	Copies of MR
Ex.P17	:	Copy of RTC
Ex.P18	:	Copy of death certificate
Ex.P19	:	Copy of RRT order sheet
Ex.P20 to 23	:	Copies of RRT notices
Ex.P24	:	Copy of mutation
Ex.P25 to 29	:	Unserved notices
Ex.P25 to 29[a]	:	Postal covers
Ex.P25 to 29[b]	:	Postal acknowledgments
Ex.P30 to 33	:	RTC
Ex.P34	:	MR
Ex.P35 to 40	:	RTC's
Ex.P41	:	Certified copy of family tree
Ex.P42	:	Certified copy of affidavit
Ex.P43	:	Certified copy of Adhaar card
Ex.P44	:	RTC
Ex.P45	:	Certified copy of Adhar card
Ex.P46	:	Certified copy of Adhar card

List of witnesses examined for the defendants:

DW1	:	Mariswamy
DW2	:	L. Prakash
DW3	:	Mahadevashetty
DW4	:	Smt. Jayamma

List of documents marked on behalf of the defendants:

Ex.D1	:	Proceedings of DC, Chamarajanagar
Ex.D2, 3	:	RTC's
Ex.D4	:	Settlement deed
Ex.D5	:	Letter of thiruvalli
Ex.D6	:	Gift deed
Ex.D7	:	MR
Ex.D8 to 11	:	RTC's
Ex.D12	:	Notice of Tahasildar
Ex.D13	:	Revenue receipt
Ex.D14	:	Service letter
Ex.D15 to 37	:	MR's

(SUNITHA)

Senior Civil Judge & JMFC.,
Kollegala.