

KADG210004842024



Presented on : 26-07-2024
Registered on : 26-07-2024
Decided on : 07-07-2026
Duration : 1 years, 11 months, 12 days

**IN THE COURT OF THE SENIOR CIVIL JUDGE & J.M.F.C.
AT: CHANNAGIRI**

Present:
Soubhagya.B.Bhusher
B.A.,LL.M
Senior Civil Judge & J.M.F.C.,
Channagiri

DATED; THIS THE 07th DAY OF JULY 2026
R.A.NO.60/2024

**Appellant/
Defendant No.3**

Thimmappa S/o Donne Thimmabhovi
@ Thimmabhovi, Age: 58 years, R/o:
Dodderikatte village, Tq: Channagiri,
Dist: Davanagere.

(By Sri.Y.M.Ramachandra Rao.,Adv.)

V/s

Respondents

1. Smt.Lakshamma W/o Thimmabhovi
@ Thimmappa, Age: 59 years, Occ:
Agriculturist.
2. Smt.Hanumakka D/o Thimmabhovi @
Thimmappa, Age: 35 years, Occ:
Agriculturist.

3. Smt.Geetha D/o Thimmabhovi @ Thimmappa, Age: 33 years, Occ: Agriculturist.
4. Annappa.T S/o Thimmabhovi @ Thimmappa, Age: 30 years, Occ: Agriculturist.
5. Hanumanthappa S/o Donne Thimmabhovi @ Thimmappa, Age: 63 years, Occ: Agriculturist.
6. Smt.Lakshamma @ Lakshmakka W/o Late Annappa, Age: 43 years, Occ: Agriculturist.
7. Praveena S/o Late Annappa, Age: 23 years, Occ: Agriculturist.
8. Anusha A D/o Late Annappa, Age: 21 years, Occ: Agriculturist, All are R/o: Dodderikatte village, Tq: Channagiri, Dist: Davanagere, C/o: Agaradalli Camp, Tq: Bhadravathi. Dist: Shivamogga.
9. Smt. Eramma D/o Donne Thimmabhovi @ Thimmappa, Age: 62 years, R/o: Karekappa village, Tq: Shikaripura, Dist: Shivamogga.
10. Smt.Manjamma D/o Donne Thimmabhovi @ Thimmappa, Age: 59 years, R/o: Agaradalli Camp, Tq: Bhadravathi. Dist: Shivamogga.

11. Smt.Hanumakka D/o Donne
Thimmabhovi @ Thimmappa, Age: 57
years, Occ: Agriculturist, R/o
Dodderikatte village, Tq:Channagiri,
Dist: Davanagere.

(R.1 to 9 By Sri.D.R.Jagadeesh.,Adv.,)
(R.10 In-person)
(R.11 Ex-parte)

1.	Date & nature of decree appealed against.	Judgment and decree passed in O.S.No.180/2021 dated: 07.06.2024 on the file of Prl. Civil Judge & J.M.F.C., Channagiri.		
2.	Date of Institution of the appeal.	26.07.2024		
3.	Date of Judgment.	07.07.2026		
4.	Duration of the Appeal.	Year	Month	Days
		01	11	12

(Soubhagya.B.Bhusher)
Senior Civil Judge & J.M.F.C.,
Channagiri

JUDGMENT

The present appeal is preferred by the appellant/defendant 3 under order 41 Rule 1 and 2 R/w section 151 of C.P.C., against the respondents/plaintiffs and the defendant No.1, 2 and 4 to set aside the judgment and decree passed in O.S.No.180/2021 dated: 07.06.2024 on the file of Prl. Civil Judge and J.M.F.C., Channagiri by allowing the appeal.

2. The appellant was the defendant No.3 and the respondents are the plaintiffs and the defendant No.1, 2 and 4 before the trial court. Thus, they are referred to by the same rank, in this case.

3. The summary of the suit that was filed by the plaintiffs against the defendants for the relief of partition and separate possession of their 1/7th share in the suit schedule property and also for the relief of perpetual injunction. The plaintiffs claimed the genesis of the property through one Thimmabhovi @ Bheemabhovi, who is no more and his wife Eramma is also no more. As per the description of the genealogical tree, the said Thimmabhovi and Eramma had 4 daughters namely, Hanumakka, Thimmakka, Yallamma and Maramma. Out of all 4 children, Hanumakka, Thimmakka and Yallamma died issue-less. The said Maramma died leaving behind 9 children. She was the wife of Donne Thimmabhovi @ Thimmabhovi. She left one Thimmabhovi @ Thimmappa, Gangamma, Manjamma, Hanumanthappa,

Eramma, Thimmappa, Annappa and Hanumakka. Out of all 9 children, Thimmabhovi, Gangamma and Eranna are no more. Thimmabhovi left the plaintiff No.1 to 4 as his legal representatives. The Gangamma and Eranna died issue-less and were unmarried. The Annappa left the plaintiff No.6 to 8 as his legal representatives.

4. It is averred that the suit schedule property was granted land to Thimmabhovi @ Bheemabhovi and the grant was through Darkast bearing No.GD55/58-59 dated: 23.06.1962. By virtue of the same, his name came to be mutated in the revenue records pertaining to the said property, vide MR No.2/93-94. The said land was initially given with Sy.No.17/26 and later it changed into Sy.No.59 in the process of sub-division correction. It is pleaded that one Murigeppa had purchased the suit property from Thimmabhovi @ Bheemabhovi and that too without his knowledge. The said sale transaction was challenged by the plaintiffs and the defendants before the Assistant Commissioner, Davanagere in PTCL/CR10/17-18. The same came to be allowed on 17.08.2020 by restoring the suit schedule property to the actual legal representatives of Thimmabhovi @ Bheemabhovi. The defendant No.3 has got mutated his name alone at the revenue records in a fraudulent way and without notice to the plaintiffs. The plaintiffs and the defendants are in possession of the same and have got equal share in it. The defendant No.3 by taking undue advantage of mutation of his name alone in the revenue records is trying to alienate it to third parties. Thus, the plaintiffs filed the suit with

asserted cause of action dated 04.07.2018. Accordingly, the plaintiffs prayed to decree the suit.

5. In the trial court the defendant No.1 to 3 had appeared and contested the suit. The defendant No.3 filed the written statement. In spite of service of the suit summons the defendant No.4 not appeared. Hence, he is placed ex-parte.

6. In the written statement the defendant No.3 admitted the relationship and the genealogical tree as is furnished by the plaintiffs. He has denied the joint possession, joint family status and also resting the suit property in joint family. He has also denied the joint ownership and co-sharership of the plaintiffs in and over the suit schedule property. He also disputed the cause of action and also disputed the court fee, as is calculated and paid by the plaintiffs. He has contended that he had challenged the sale deed and succeeded in it. The same was through the order dated: 28.02.2014 passed in PTCL CR No.38, 47/2011-12, by the Assistant Commissioner, Davanagere. He also pleaded regarding the appeal before the Deputy Commissioner and its dismissal on 23.11.2015. He has contested the claim of the plaintiffs by taking defense of relinquishment of rights in suit schedule property by his mother, the plaintiff No.5, husband of the plaintiff No.6, father of the plaintiff No.7 and 8. According to him, they jointly executed relinquishment deed on the premise of the investment made by the defendant No.3 for the PTCL proceedings and also other proceedings initiated to restore the suit schedule property into the

family, he contends. He has also contended that one Chandrappa S/o Thimmabhovi of Aralikatte Village, with false representation got changed the khata and pahani of the land into his name. Which process was also challenged by the defendant No.3 and expended sums with the consent of all the family members and as such they relinquished their rights in favour of this defendant. Further contended that Gangamma, Thimmakka, Rajappa, Thippakka had sold out the suit property to one Channabasappa, Sunitha D/o Channabasappa for an amount of Rs.4,00,000/- on 24.07.2013. The same was cancelled in a compromise and got the consent letter on 06.07.2015 by paying the sale consideration amount from the pocket of this defendant. Thus, he is in actual possession and he is exclusive owner of suit schedule property. Thus, he prays to dismiss the suit with exemplary costs.

7. Based upon the above pleadings, the trial court has framed the following;

ISSUES

1. Whether the plaintiffs prove that they are co-owners/joint owners of suit schedule property inherited from one Maremma D/o Thimmabhovi?
2. Whether the plaintiffs prove that there are entitled legitimate share in the suit schedule property?
3. Whether the defendant No.3 proves that Lakshamma W/o Thimmabhovi, Hanumanthappa S/o Donne Thimmabhovi and Annappa S/o Donne Thimmabhovi have jointly relinquished their right over the suit schedule property in his favour?

4. Whether the plaintiff is entitled for relief of as sought for?

5. What order or decree?

8. In the trial court, the plaintiff No.6 herself examined as PW.1 and 10 documents were marked at Ex.P.1 to 10. The plaintiffs have also got marked 18 documents through DW.1 on confrontation at Ex.P.11 to 28. The plaintiffs have also got examined one more witness as PW.2, but he has not turned up for the test of cross examination.

9. On the other hand, the defendant No.3 had examined himself as DW.1 and 12 documents were marked at Ex.D.1 to 12. That apart, the defendant No.3 has got examined two more witnesses as DW.2 and 3.

10. After trial, the trial court has answered the Issue No.1, 2 and 4 the Affirmative and Issue No.3 the Negative and consequentially decreed the suit of the plaintiffs. Feeling aggrieved by the said impugned judgment and decree, the defendant No.3 has preferred this appeal on the grounds that trial court has erred in decreeing the suit in respect of suit schedule property and same was not proper, not correct and liable to be set aside. The trial court has not appreciated the evidence of RW.1 and also cross examination of PW.1 has not at all taken into consideration, and in respect of suit schedule property and also actual and legal passion

over the suit schedule property by this appellant. Hence, prays to allow the appeal.

11. After the appeal was registered, though notices were served on the respondents, the respondent No.1 to 9 are appeared through their counsel and contested the appeal. The respondent No.10 appeared in-person. The respondent No.11 not appeared inspite of service of notice. Hence, the respondent No.11 is ex-parte. The trial court records were secured.

12. Heard the arguments on both the sides and perused the entire trial court records. The following points that arise for my consideration;

1. Whether the judgment and decree under appeal are illegal, perverse and against the facts of the case thereby warranting interference by this court? If so to what extent?

2. What order or direction?

13. My findings on the above points are as under:

Point No.1: In the Negative.

Point No.2: As per the final order, for the following;

:REASONS:

14. POINT NO.1: It is the case of the plaintiffs is that this suit schedule property is their ancestral joint family property and inherited it through one Thimmabhovi @ Bheemabhovi. As per the pleadings, the Thimmabhovi had 4 daughters. All three daughters died issue-less. Except Maramma. According to them she is

inherited the suit property. Thus it is quite clear that the suit schedule property is Stridhana property of Late Maramma. As per pleadings the plaintiffs, all 3 daughters of Late Thimmabhovi, who was original grantee of the suit schedule property, are no more and are issue-less. Thus, she alone inherited the property through her father in terms of section 8 of the Hindu Succession Act, as she being the Class-I legal heir. Upon acquisition of right, title or interest in and over the suit schedule property by the said Maramma, she became the absolute owner of the same as per section 14(1) and (2) of the Hindu Succession Act, 1956. As per the available records, the evidence and admitted facts, she died intestate leaving behind 9 children including the present defendants, the plaintiff No.5 and the defendant No.2 to 4. The plaintiff No.1 to 4, 6 to 8 are the legal representatives of predeceased sons of Maramma. Thus, all the children being the Class-I legal heirs to female Hindu are entitled to get share in the property left by Maramma in terms of section 15 of Hindu Succession Act. Therefore, the suit schedule property is the joint holding of the plaintiffs and the defendants. They are co-owners/coparceners of the suit property. The same is inherited or devolved upon the death of ancestress namely, Maramma. Thus the plaintiffs are entitled equal share in it. Hence, the plaintiffs have constrained to file this suit. In order to prove their case, the plaintiff No.6 herself got examined as PW.1 and had marked 28 documents before the trial court at Ex.P.1 to 28. The plaintiff No.2

examined one more witness as PW.2. But this witness not turned up for cross examination.

15. On the other hand the defendant No.1 to 3 have appeared and contest the suit. The defendant No.3 filed written statement. In the written statement he admitted the genealogy as pleaded in the plaint by the plaintiffs and admits the relationship. He has denied the other averments pleaded by the plaintiffs. It is specifically pleaded that the suit schedule property was granted to his grandfather Thimmabhovi @ Bheemabhovi. He admits that his mother namely Maramma was the daughter of the said Thimmabhovi. According to his pleadings the said property acquired and inherited by his mother upon the death of Thimmabhovi. It is specifically pleaded that he is exclusive owner of property as per the relinquishment deed and as per the proceedings inherited by him in terms of PTCL Act against one Chandrabhovi. The plaintiffs have no any right over the suit property. Hence, prayed to dismissal of the suit with exemplary costs. In order to prove his defence, the defendant No.3 himself examined as DW.1 and had marked 12 documents before the trial court at Ex.D.1 to 12. The defendant No.3 examined two more witnesses as DW.2 and 3.

16. The learned counsel for the appellant has argued that from the evidence produced by the appellant, it is clear that the suit schedule property is belongs to this defendant and he is in possession. Further argued that the plaintiffs are not the joint

owner or in possession of the suit schedule property. The plaintiffs have not produced any kind of evidence to substantiate their joint status. It was further argued that the plaintiffs and the other defendants having no any right, title and interest over the suit schedule property. However the trial court has overlooked these aspects and wrongly decreed the suit. He further argued that the reasonings given by the trial court to rely on the admission of DW.1. Though the plaintiffs have not at all produced any evidence to prove their case, but the trial court wrongly observed that it was proved. So also on wrong presumption that the trial court has placed reliance on the admission of DW.1. Therefore, it was his argument that the judgment and decree of the trial court is perverse and against material on record. It was further argued that the trial court with a biased mind have proceeded to pass the judgment and decree, decreeing the suit of the plaintiffs, in as much as in the preface to returning their findings on the issues framed and without applying the mind, the trial court have made a sweeping observation that the plaintiffs have proved that they are co-owners and are joint possession. This observation of the trial court has a big impact in assigning the reasons and in arriving at the findings returned on the issues framed by the trial court. Further the trial court have committed gross error of law and on facts which has resulted in passing the impugned judgment and decree and thereby resulted in great miscarriage of justice. Hence, he prayed to allow the appeal.

17. On the other hand the learned counsel for the respondent No.1 to 9 has supported the impugned judgment and decree passed by the trial court. He further argued that trial court after considering all the aspects has rightly decreed the suit holding that the very claim made by the defendant No.3 is not maintainable in law. Further argued that the plaintiffs have proved that the suit schedule property is their joint family property. Thus, there are no grounds to set aside the judgment or decree. It was his further argument that there are no grounds to interfere with the well reasoned judgment of the trial court. On perusing the oral and documentary evidence it is shown that the plaintiffs and the defendants are in joint possession of the suit schedule property. Hence, the trial court rightly observed this point and rightly decreed the suit of the plaintiffs. Hence, he prayed to dismiss the appeal.

18. This is a simple suit for partition and separate possession and the plaintiffs had sought for 1/7th share over the suit schedule property. In the trial court, after full pledged trial the trial court has made an observation that the suit schedule property was the ancestral joint family property of the plaintiffs and the defendants and the plaintiffs are the members of the joint family and therefore, decreed the suit of the plaintiffs.

19. On perusal of the judgment, it is apparent that the trial court has considered the pleadings as well as materials on record. The trial court has also considered the aspects whether the suit schedule property has been granted in favour of the Thimmabhovi.

Further on perusal of the judgment, the trial court has also considered the aspect whether the Lakshamma W/o Thimmabhovi, Hanumanthappa S/o Donne Thimmabhovi and Annappa S/o Donne Thimmabhovi have jointly relinquished their right over the suit schedule property in favour of the defendant No.3.

20. The documents relied by the plaintiffs, clearly reveals that originally suit property was in the name of Thimmabhovi S/o Bheemabhovi and later it was changed in the name of the defendant No.3. Ex.P.1 is the genealogy tree of the plaintiffs and the defendants. The parties are not at dispute as regards the relationship is concerned. The plaintiffs have also produced RTC extracts in respect of the suit property as per Ex.P.2 to 5 which shows that suit property is in the name of the Thimmabhovi. As per Ex.P.6 the land bearing Sy.No.17 was granted to various persons by the Government. It is also reveals the Sub-division process of the DDLR, Shivamogga. The name of the Thimmabhovi @ Bheemabhovi is at Sl.No.26 and his extent is 3 acres. After Sub-division, his portion was renumbered as Sy.No.59. All the revenue documents at Ex.P.2 to 5 disclose the name of the Bheemabhovi to the property bearing Sy.No.59 of Aralikatte village. Ex.P.7 is the certified copy of grant certificate in the name of the Bheemabhovi. There is no dispute at all in this regard. Ex.P.8 is the indemnity bond executed by the various grantees including the grandfather of the plaintiffs. Ex.P.9 is the mutation and is showing the name of the defendant No.3 and Thimmakka, Hanumamma, Yallamma,

Maramma and Eshwarappa. As per these documents it is appears that the suit schedule property was originally comprised in Sy.No.17/26 and in sub-division process consequent to grant to various persons including forefather of the plaintiffs, changed into Sy.No.59. As per the record the original grantee had not left any testamentary document. The 4 daughters of original grantee were succeeded his estate and sale transaction was held as per Ex.P.3 and the same was cancelled by the Assistant Commissioner as per Ex.D.4, which is confirmed by the Deputy Commissioner as per Ex.D.5.

21. Further it is also reveals that order for cancellation of mutation entries in the name of one Chandrappa S/o Thimmabhovi @ Thimmappa, Eshwarappa S/o Thimmabhovi @ Thimmappa of Aralikatte village. The order passed by Assistant Commissioner and Deputy Commissioner, in terms of section 4(2), 5(1a) and (b), the land was restored to the actual legal representatives of the original grantee. As is admitted by DW.1 that the plaintiffs and the defendants are the legal representatives to the original grantee. As such they all are entitled the share in the property equal terms. The trial court has correctly observed these documents and granted relief to the parties.

22. The defendant No.3 has come up with defence that his mother, the plaintiff No.5, husband of the plaintiff No.6, father of the plaintiff No.7 and 8 have relinquished their rights in view of his expenditure incurred towards PTCL litigations, litigations for

cancellation of mutation in the name of Chandrappa S/o Thimmabhovi of Arakere village, also for cancellation of sale transaction dated: 24.07.2013 in the name of Siddaramappa S/o Channabasappa, Sunita D/o Channabasappa. In this regard the defendant No.3 relied upon the document at Ex.D.12. The trial court it was held that Ex.D.12 is the document titled as relinquishment deed, which is allegedly executed by one Maramma W/o Late Donne Thimmabhovi, who is none other than the mother of the defendant No.3, Lakshamma W/o Late Thimmabhovi, Hanumanthappa S/o Late Donne Thimmabhovi, Annappa S/o Late Donne Thimmabhovi, in the name of the defendant No.3. The trial court rightly observed that the said document is written on Rs.100/- stamp paper and which is not registered. As per Section 17(1) of the Registration Act, 1908, the relinquishment deed is compulsorily registrable document and if not registered, the consequences of section 49 of the Registration Act, 1908 would follow. The said document is unregistered and therefore the same cannot be looked into for any of the purpose for which parties relied it. In the case on hand, the defendant No.3 relied Ex.D.12 to establish his case of exclusiveness over the suit schedule property and relinquishment of right in it by the Maramma, the plaintiff No.5, ancestor of the plaintiff No.6 to 8. Does in view of legal bar, that document has no sanctity in the eye of law and cannot be regarded at all to settle the basic contentions of the defendant No.3.

23. The documents relied by the plaintiffs, clearly reveals that originally the suit schedule property was in the name of Thimmabhovi and later it was changed in the name of the defendant No.3. As per the pleadings the deceased Thimmabhovi is survived by 4 daughters. Out of which 3 children i.e., Hanumakka, Thimmakka and Yallamma died issueless. Maramma died leaving behind 9 children. The plaintiffs have produced Genealogical tree, RTC's, grant certificate and mutation extract in respect of the suit schedule property-Ex.P.1 to 10 which shows that the suit schedule property earlier in the name of Thimmabhovi for different periods and in column No.9 and 12 as per grant. The documentary evidence reveals that the suit schedule property was granted to the Thimmabhovi. The defendant No.3 has not disputed the said aspect of grant of the property. Further the documents goes to show that the suit schedule property is mutated in the name of the defendant No.3 on the basis of inheritance proceedings. It is not the case of the defendant No.3 that through that mutation entry parties got partitioned the suit schedule property or oral partition was held prior to the said mutation. In view of these admitted facts, the said mutation entry is nothing but entry with reference to the inheritance proceedings of Late Thimmabhovi. Thus, the said property was the joint property of the parties to the suit. Thus, the trial court has correctly observed these documents and granted relief to the parties.

24. Further the trial court rightly come to the conclusion that DW.1 during his cross examination has admitted that he had

created documents to get change the revenue records of the suit schedule property into his name. This admission is suffice hold that whatever the documentary evidence relied by the defendant No.3 as per Ex.D.1 to 12 and more particularly Ex.D.12 the alleged relinquishment deed are absolutely created one. Further it was rightly held that which are created for the purpose of mutation of his name to revenue records pertaining to suit schedule property by siding all the legal/legitimate rights of the plaintiffs and rest of the defendants. The defendant No.3 has utterly failed to prove the alleged relinquishment of rights of the suit property in his favour by the plaintiff No.5, Maramma and ancestor of the plaintiff No.6 to 8.

25. The said judgment is well reasoned and has taken into consideration, the documents and the admission made by DW.1 in the right perspective. The say of the defendant No.3 that the admission could not be relied upon is not acceptable. Because when a specific admission has been made by DW.1 why it should be overlooked has not been explained by the defendant No.3 in this appeal. In that regard the plaintiffs have also relied upon the documents in respect suit schedule property, which are Ex.P.1 to 10. Hence, the trial court is of the opinion that the plaintiffs have successfully established that they are in joint possession of the suit schedule property.

26. The trial court has relied on Section 15 of the Hindu Succession Act and holding that the suit schedule property acquired by the Maramma through her father Thimmabhovi @

Bheemabhovi. Upon her death her legal representatives mentioned in schedule furnished under section 15 of the Hindu Succession Act all the plaintiffs and the defendant No.1 to 4 would become the Class-I legal heirs and are entitled equal share in the suit schedule property. As is held above, the relationship is undisputed fact. The plaintiffs and the defendant No.1 to 4 are Class-I legal heirs to the Late Maramma. Therefore, they entitled equal share in it. The restoration of suit land by the Assistant Commissioner, confirmation of the said order by the Deputy Commissioner under the PTCL Act is subject to restore the land to all the actual legal heirs of late Thimmabhovi. As per the admitted fact all the plaintiffs and the defendants are actual legal representatives of Late Thimmabhovi and are entitled equal share in it. Further the plaintiffs and the defendants being the co-owners/co-sharers of the suit schedule property, no one of them has superior or inferior right in the suit property. Therefore, no one can restrain the other to deal with the property. Hence, the trial court rejected the perpetual injunction relief. According, the trial court is of the opinion that the suit schedule property is the joint family property of the plaintiffs and the defendant No.1 to 4. As such the plaintiff No.5, the defendant No.2, 3 and 4 being the sons and the daughters of Maramma preferred first and their share is 1/7th each in the suit schedule property. The plaintiff No.1 to 4 are the legal heirs of son of Maramma are entitled 1/7th share together. Likewise, the plaintiff No.6 to 8 being the heirs of another son of Maramma are together entitled 1/7th share in the suit

schedule property. It is needless to say that mere oral evidence without being backed up by any documents is of no help to prove that Lakshmamma, Hanumanthappa and Annappa have jointly relinquished their right over the suit schedule property in favour of the defendant No.3. There is no such evidence in the trial court. Therefore, there is no error apparently committed by the trial court in holding that the plaintiffs were entitled for a share. The judgment of the trial court is sound and based on the evidence presented.

27. The trial court has correctly appreciated the facts and evidence and has applied its mind and come to just and right conclusion that the suit schedule property is the joint family property of the plaintiffs and the defendant No.1 to 4 and decreed the suit of the plaintiffs. Thereby the trial court was justified in allotting 1/7th share each. Therefore, there is absolutely nothing erroneous on the part of the trial court in calculating the shares. In this case the Maramma died intestate. Hence, as per section 15 of Hindu Succession Act, all the sons and the daughters became the Class-I legal heirs and all are entitled equal share. Thus there is no merit in the appeal. Therefore, I answered the point No.1 in the Negative.

28. POINT NO.2: In view of the above stated facts and circumstance, I proceed to pass the following;

ORDER

The appeal filed by the appellant/defendant No.3 under order 41 Rule 1 and 2 R/w section 151 of C.P.C., is hereby dismissed with costs throughout.

Consequently, the judgment and decree passed by the Prl. Civil Judge & J.M.F.C., Channagiri in O.S.No.180/2021 dated: 07.06.2024 is hereby confirmed.

Office is directed to draw decree accordingly.

The office is hereby directed to send back the Trial Court Records along with copy of this judgment and decree.

(Directly dictated on computer script to typist, typed by her, corrected by me, signed and then pronounced in open court on 07th day of July 2026)

**(Soubhagya.B.Bhusher)
Senior Civil Judge & J.M.F.C
Channagiri**