

KADW050033572025



Presented on : 11-09-2025
Registered on : 11-09-2025
Decided on : 20-07-2026
Duration : 0 years, 10 months, 9 days

**IN THE COURT OF THE I ADDL. SENIOR CIVIL JUDGE AND
CJM, DHARWAD**

PRESENT

**Sri. Venkatesha Naika V, B.Com., LL.B.
I Addl. Senior Civil Judge & CJM,
Dharwad**

Dated this the 20th day of July, 2026

O.S. No.383/2025

Plaintiff/s: 1. Smt. Laxmi W/o. Dyamappa Marewad,
Before marriage Laxmi D/o. Basanagouda
@ Basavanneppa Patil, @ Jatangoudar @
Marewad, Age: 26 yrs, Occ: Household,
R/o.Panchayath Oni, Managundi,
Tq & Dist: Dharwad.

(By Sri.RIS/RSD/ASK., Advs.,)

V/s

Defendants 1. Sri. Tippavva W/o. Siddanagouda Patil
@ Jatangoudar @ Marewad,
Age: 78 yrs, Occ: Household,
R/o.Shinde Oni, Managundi,
Tq & Dist: Dharwad-580007.

2. Sri. Basanagouda @ Basavanneppa
S/o. Siddanagouda Patil @ Jatangoudar
@ Marewad, Age: 62 yrs, Occ: Agriculture,
R/o.Shinde Oni, Managundi,
Tq & Dist: Dharwad-580007.

3. Shaila W/o. Basanagouda @ Basavanneppa Patil @ Jatangoudar @ Marewad, Age:50 yrs, Occ: Household/Coolie, R/o.Badiger House, Shinde Oni, Managundi, Tq & Dist: Dharwad-580007.
4. Sri. Ningappa S/o. Siddappa @ Siddanagouda Patil @ Jatangoudar @ Marewad, Age: 58 yrs, Occ: Agriculture, R/o.Shinde Oni, Managundi, Tq & Dist: Dharwad-580007.

(D-1 & D4 By Sri. SGH.,
D-2 By Sri. PRK., Adv.
D-3 placed exparte.)

Date of institution of suit : 11.09.2025
 Nature of suit : Partition & Separate Possession
 Date of commencement of evidence : 14.07.2026
 Date of pronouncement of Judgment : 20.07.2026.
 Total duration : Year/s Month/s day/s
 0 years, 10 months, 9 days

(Venkatesha Naika V)
 I Addl. Senior Civil Judge & CJM.,
 Dharwad.

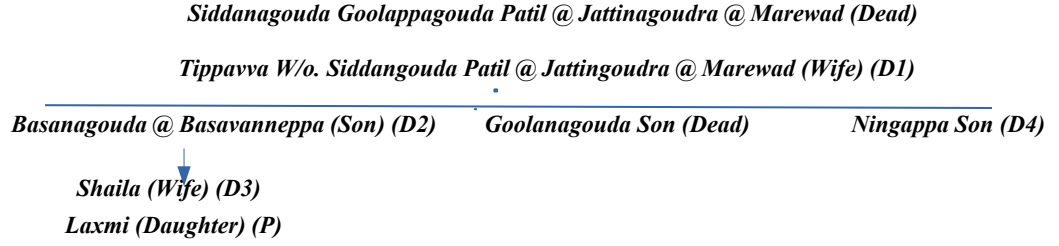
: J U D G M E N T :

The present suit has been instituted by the plaintiff claiming her legitimate share in the suit properties by meets and bounds.

The gist of the plaintiff's case is hereunder.

2. The house and landed properties described in Schedule No.1 to 4 annexed with the plaint are the subject matter of the present suit.

3. **The genealogy of the plaintiff and defendants family is hereunder.**



4. One Siddanagouda S/o.Goolappagouda Patil @ Jattinagoudar @ Marewad was the propositus of family of the plaintiff and defendants and he was died intestate leaving behind him, his wife Tippavva/defendants No.1 and three children by name Basanagouda @ Basavanneppa, Goolanagouda and Ningappa/defendant No.4 as his heirs. The plaintiff was the daughter of Basanagouda/defendant No.2.

5. The suit properties are their ancestral and joint family properties. There was no partition by metes and bounds among the plaintiff and defendants. Such being the facts, the defendants colluded with each other and without there being the consent of the plaintiff got divided and distributed the suit properties among themselves behind the back of the plaintiff. After knowing the fact, the plaintiff approached the

defendants and requested to effect partition and allot her a legitimate share. Since the defendants did not heed the request of the plaintiff, thus constrained to file a present suit.

6. The defendant No.1 appeared before the court however did not resist the claim of the plaintiff filing the written statement. Similarly, the defendant No.3 also did not appear before the court in spite of service of suit summons thus placed ex parte.

7. The defendant No.2 and 4 filed their written statement in detail. The written statement of the defendant No.4 is nothing but a replica of the written statement of defendant No.2. Hence, to avoid repetition, the gist of the written statements are narrated hereunder.

8. The suit instituted by the plaintiff is false, frivolous and vexatious thus not tenable either in the eye of law or on facts and thus the suit deserves to be dismissed at threshold. Further contended that the genealogy appended with the plaint is also false and incorrect. The defendants further denied the fact that

the plaintiff and defendants constituted a Hindu undivided family consisting of plaintiff and defendants. However, the defendants admitted the relationship between plaintiff and defendants and the suit properties are their ancestral properties. Except the said fact, the defendants denied the rest of the plaint averments.

9. It is further contended that in respect to land mentioned at Schedule No.3 and 4 concerned a suit bearing O.S.No.582/2023 was filed before the Hon'ble I Additional Civil Judge and JMFC, Dharwad and the said suit came to be disposed off before the Lok-adalat and award also passed on 07.12.2023 in this effect. Further contended that the suit bearing O.S.No.162/2022 filed in respect to the property mentioned at Schedule No.2 of the plaint and the said suit also came to be decreed as per the compromise held between parties in Lok-adalat held on 25.06.2022. These facts are well within the knowledge of the plaintiff. Though the plaintiff, without challenging the Lok-adalat award drawn in O.S.No.582/2023 and

O.S.No.162/2022 filed the present suit. Hence, the present suit is not sustainable until and unless the Lok-adalat award is set aside by the Competent Court of Law. Soon after partition, as per Lok-adalat Award, the defendants acquired those properties independently. Hence, as of now, the suit properties have not remained as joint family properties and now the suit properties have become their self-acquired properties. Hence, the plaintiff has no right to claim share in the independent and self-acquired properties of the defendants. On aforementioned grounds prayed to dismiss the suit with costs.

10. Based on the rival pleadings, the court framed following :

ISSUES

- 1.** Whether the plaintiff proves that herself and the defendants constituted a Hindu undivided family?
- 2.** Whether the plaintiff further proves that the suit properties are their ancestral as well as joint family properties?
- 3.** Whether the defendant No.2 and 4 proves that the genealogy appended with the plaint, is incorrect?

4. Whether the defendant No.2 and 4 further proves that the suit properties are their self acquired and an absolute properties as per the award passed by Lok Adalath in O.S.No.582/2023 dated 07.12.2023 and O.S.No.162/2022 dated 25.06.2022?
5. Whether the plaintiff is entitled for the relief of partition as sought for?
6. What order or decree?

11. In order to fortify their respective contentions, for the plaintiff, the plaintiff herself entered into the witness box and examined as P.W-1 and produced as many as 22 documents and got exhibited as Ex.P1 to Ex.P22. The defendants have not led the evidence.

12. Heard.

13. Perused the available materials.

14. My findings to the aforementioned 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 Negative,

Issue No.5 : In the Affirmative,

Issue No.6 : As per final order for the following:

: R E A S O N S :

15. **Issue No.1 to 5:** *Since these issues are interrelated with each other, hence, to avoid repetition all the issues taken together for common discussion.*

16. In this case it is undisputed fact that, one Siddanagouda S/o. Goolappagouda Patil @ Jattinagoudar @ Marewad was the propositus of the family of the plaintiff and defendants and he was died intestate leaving behind him, his wife Tippavva/ defendant No.1, children by name Basanagouda @ Basavanneppa/ defendant No.2, Gulappagouda and Ningappa/defendant No.4. The plaintiff was the daughter of defendant No.2. The defendants, though they have denied the genealogy annexed with the plaint, but the facts reiterated by the plaintiff in her affidavit filed in lieu of chief examination are not denied and disputed by effective cross-examination. The defendants are denied the pedigree and later in their written statement admitted their relationship. Absolutely no evidence for the defendants to fortify their contention that the pedigree was incomplete or incorrect. Hence, there is no necessity to discuss much

more about undisputed facts. Hence, in my view, the plaintiff successfully proved that the genealogy appended with the plaint is true and correct.

17. It is the specific assertion of the plaintiff that the suit schedule properties are their ancestral and joint family properties and after the demise of propositus of their family the plaintiff and defendants are heirs of propositus constituted a Hindu undivided family and thus they are in use and enjoyment of the suit schedule properties. On the other hand, the defendants No.2 and 4 have taken specific contention that the suit properties previously belonged to their propositus and after his demise, the original suit bearing O.S.No.582/2023 was filed before the court of I Addl. Civil Judge and JMFC, Dharwad in respect to Schedule No.3 and 4 properties and another suit bearing O.S.No.162/2022 also filed in respect to Schedule No.2 property and both the suits ended in compromise as per the negotiation held in Lok-Adalath. Hence, the award passed in aforementioned two suits are binding on the plaintiff as the plaintiff not at all

tried to challenge the same in accordance with law.

18. So far as the proof of the nature of the suit schedule properties concerned, the plaintiff produced the certificate issued by the competent authority in respect to Schedule-1 property and marked as Ex.P1. As per the Ex.P1 it is abundantly clear that the house property stands in the name of defendants No.2 and 4 together. In respect to Schedule-2 to 4 properties concerned the RTC pertaining to the land bearing R.S.No.215, 175 and 105/1 are produced and marked as Ex.P-2 to 13. The entries in Ex.P2 to 13 throws light that the land bearing R.S./Block.No.215 stands in the name of defendant No.4, the land bearing R.S.No.175 stands in the name of defendants No.1 and 4 and the land bearing R.S./Block No.105 stands in the name of defendants No.1, 2 and 4. The documentary evidence appears to be in consonance with the oral evidence. As per the contention of the defendants it is clear that the suit properties are inherited from their common ancestors as per succession but the name of the plaintiff does not find place in RTCs. Hence, it is

further clear that the defendants have entered their names in the concerned records behind the back of the plaintiff. The mutation entries as relied as Ex.P14 to 20 throws light the name of the defendants are reflected.

19. Since the defendants have admitted the relationship with the plaintiff that the plaintiff was the daughter of defendant No.2 and they have taken specific contention that the suit properties are family properties but got divided and distributed among the defendants as per the compromise held between parties before the Lok-Adalath and in terms of Lok-adalath award name of the defendants reflected in concerned records.

20. The oral testimony of P.W-1 coupled with the documentary not at all challenged by the defendants by way of effective cross-examination or even adducing contra evidence or even producing substantial evidence in support of their specific stand. The defendants, though they have taken such a specific contention having regard to the previous partition as per the award passed by Lok-adalath in two different suits, but

the contention remained as not proved with reliable and cogent evidence. As per the contention of the defendants they became an independent owners of the suit properties. But in order to discharge the burden, they have not shown interest either to cross examining P.W-1 or to lead evidence in their support. The oral testimony of P.W-1 and the documentary evidence placed on record itself clinches that the plaintiff was the daughter of the defendant No.2 and the suit suit properties are their ancestral and joint family properties. As the contentions of the defendants are not supported by any documentary evidence, and even tried to elicit the relevant facts through the mouth of P.W-1. Hence, the evidence on record was not challenged and thus remained intact. Absolutely, there is no ground to distrust the evidence placed on record. Both the oral and documentary evidence placed on record appears to be reliable and cogent. Since the defendants in this case have not tried to discharge their burden and tried to prove their specific contention, such being the facts there is no grounds to

distrust untested evidence available on record. On the other hand, the case of the plaintiff is well supported by presumption that the plaintiff and defendants are constituted a Hindu undivided family and they are in joint in food, worship etc. The presumption was not rebutted by the contesting defendants.

21. The initial burden having regard to the proof of the nature of the suit properties as their ancestral properties of plaintiff and defendants and the factum of constitution of the joint family and the plaintiff, being the daughter of defendant No.2, having her legitimate share in the suit schedule properties, is well established with cogent evidence. Since the contention of the defendants remained not proved. Hence it is not necessary to discuss much more about the contentions of the defendants in the absence of reliable and cogent evidence. Hence, the plaintiff succeeded in her attempt to prove disputed facts. Accordingly. **Issues No.1, 2** and **Issues No.5** are answered in the **Affirmative.** **Issue No.3** and **4** are answered in the **Negative.**

22. **Issue No.6:** In view of my discussion and conclusion, I proceed to pass following:

ORDER

The suit of the plaintiff is hereby decreed.

Consequently, the plaintiff is entitled for her 1/6th share in the suit schedule properties by metes and bounds.

The defendant No.1, 2 and 4 are entitled for their 1/3rd share each in the suit schedule properties by metes and bounds.

No order as to costs.

Draw preliminary decree accordingly.

(Judgment dictated in AI Adalat Software directly, thereafter the same is shared to Stenographer's login, formatted by her, corrected by me & pronounced by me in the open court on this 20th day of July, 2026).

(Venkatesha Naika V)
I Addl. Senior Civil Judge & CJM.,
Dharwad.

: ANNEXURE :

1. List of witnesses examined for plaintiffs:

PW-1 : Smt. Laxmi Dyamappa Marewad

2. List of documents marked for plaintiffs:

Ex.P-1 : Certificate issued by the Gram Panchayath
Office, Managundi bearing Property No.340

Ex.P-2 : RTC bearing Block No.215 of 2025-26

Ex.P-3 : RTC bearing Block No.215 of 2024-25

- Ex.P-4 : RTC bearing Block No.215 of 2023-24
Ex.P-5 : RTC bearing Block No.175 of 2025-26
Ex.P-6 : RTC bearing Block No.175 of 2024-25
Ex.P-7 : RTC bearing Block No.175 of 2023-24
Ex.P-8 : RTC bearing Block No.175 of 2022-23
Ex.P-9 : RTC bearing Block No.175 of 2021-22
Ex.P-10 : RTC bearing Block No.175 of 2020-21
Ex.P-11 : RTC bearing Block No.105/1 of 2025-26
Ex.P-12 : RTC bearing Block No.105/1 of 2024-25
Ex.P-13 : RTC bearing Block No.105/1 of 2023-24
Ex.P-14 : M.R.No.H-12 dated 07.10.2024
Ex.P-15 : M.R.No.T-5 dated 29.10.2024
Ex.P-16 : M.R.No.T-19 dated 19.05.2025
Ex.P-17 : M.R.No.H-14 dated 04.01.2025
Ex.P-18 : M.R.No.H-15 dated 04.01.2025
Ex.P-19 : C.C of M.E.No.1607
Ex.P-20 : C.C of M.E.No.1040
Ex.P-21 : Notarized Adhar card of P.W-1
Ex.P-22 : Notarized Ration card of Shaila Basavanneppa
Jattanagoudar.

3. List of witnesses examined for defendants:

-Nil-

4. List of documents marked for defendants:

-Nil-

(Venkatesha Naika V)
I Addl. Senior Civil Judge & CJM.,
Dharwad.
