

KADW200019502024



Govt. of Karnataka **TITLE SHEET FOR JUDGMENT
IN SUITS**

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

**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE, HUBBALLI**

Present:

Sri. Yamanappa Karehanumanthappa,
Prl. Senior Civil Judge, Hubballi.

O.S. No.185/2024

Dated this the 28th day of July – 2026

PLAINTIFFS

- 1: Sri. Anandappa S/o. Sannabasappa
Agasanalli @ Agasanahalli,
Age: 73 years, Occ: Agriculture,
R/o. Sulla, Tq: Hubballi, Dist: Dharwad.
- 2: Smt. Ratnavva W/o. Virupaxappa
Agasanalli @ Agasanahalli,
Age: 61 years, Occ: Agriculture/
Household, R/o. Sulla, Now at
Amargol, Tq: Hubballi, Dist: Dharwad.
- 3: Sri. Kallappa S/o. Virupaxappa Agasanalli
@ Agasanahalli, Age: 40 years,
Occ: Agriculture, R/o. Sulla,
Now at Amargol, Tq: Hubballi,
Dist: Dharwad.

- 4: Smt. Shantavva W/o. Shankrappa
Malligwad, Age: 60 years,
Occ: Agriculture/ Household,
R/o. Sulla, Tq: Hubballi, Dist: Dharwad.

(By Smt. S.S.P., Advocate)

-VERSUS-

DEFENDANTS 1: Smt. Gangavva W/o. Laxmappa
Agasanalli @ Agasanahalli,
Age: 62 years, Occ: Agriculture/
Household, Tq: Sulla, Tq: Hubballi,
Dist: Dharwad.

- 2:** Smt. Savita W/o. Basavaraj Jinnur,
(Before marriage Savita D/o. Laxmappa
Agasanalli) Age: 40 years,
Occ: Agriculture/ Household,
R/o. Tawargeri, Tq: Kalghatagi,
Dist: Dharwad.

[By Sri. S.Y.B., Advocate]

Date of Institution of suit. : 19.04.2024

Nature of suit. : Partition and separate
possession

Date of commencement of : 28.08.2024
recording of evidence.

Date on which judgment was : 28.07.2026
pronounced

Total duration. : Year/s Month/s Day/s
02 03 09

J U D G M E N T

This is a suit filed by the plaintiffs against defendants for partition and separate possession with respect to suit schedule properties.

2. The brief facts of the plaintiffs are as under:

The propositus of the family of the plaintiffs and defendants was one Sannabasappa. He died leaving behind his 3 sons by name Anandappa (plaintiff No.1), Virupaxappa, Laxmappa and daughter by name Shantavva (plaintiff No.4). Virupaxappa died leaving behind plaintiffs No.2 and 3 and Laxmappa died leaving behind defendants No.1 and 2. The suit properties are ancestral and joint family properties of plaintiffs and defendants. Till today no partition took place between themselves. After the death of propositus the names of plaintiffs and defendants were entered jointly. Hence, the plaintiffs claims 1/4th share in the suit properties. Since the dispute arose between the plaintiffs and defendants, the plaintiffs on 20.03.2024 asked the defendants to partition the suit properties and give their share, but the defendants were postponing the same on one or other reasons. Hence, prayed to decree the suit.

3. On service of summons the defendant No.1 and 2 have appeared through their counsel and filed written statement by denying the contents of the plaint in parawise. They have admitted the genealogy. They have contended that at the time of marriage of plaintiff No.4 the defendants

have given 10 tola gold and ₹5 lakhs cash. Hence, the plaintiff No.4 is not having any share in the suit properties. The suit of the plaintiffs suffers from non-joinder of necessary parties. The defendants have further contended that the plaintiff No.1 has purchased the property bearing RS No.1134, measuring 4 acres 27 guntas, situated at Byahatti from the joint family nucleus in favour of his wife Smt. Yallavva. Hence, she is also necessary party to the suit. The plaintiffs have filed this suit only to harass these defendants. Hence, prayed to dismiss the suit with compensatory cost of ₹10,000/-.

4. On the basis of above pleadings, I have framed the following issues:

1. Whether plaintiffs proves that suit properties are joint family properties of plaintiffs and defendants and plaintiffs are having 1/4th share in the suit properties?
2. Whether the plaintiffs are entitle for the reliefs sought for?
3. Whether the defendants No.1 and 2 proves that the suit is suffering from non-inclusion of all the joint family properties?
4. What order or decree?

5. In order to prove the case, the plaintiff No.1 has got examined himself as PW.1 and got marked Ex.P.1 to 11.

The defendant No.2 has got examined herself as DW.1 and got marked Ex.D.1 to 7.

6. I have heard both side and perused the pleadings, oral and documentary evidence and materials on record.

7. My answers to the above issues are as under:

Issue No.1	: In the Affirmative.
Issue No.2	: In the Affirmative.
Issue No.3	: In the Negative.
Issue No.4	: As per final order, for the following

REASONS

8. **Issues No.1 to 3:** These issues are inter-linked to each other and hence, in order to avoid repetition of facts, I have taken these issues for common consideration.

9. The plaintiffs have filed the suit against defendants for partition and separate possession in respect of suit properties stating that the suit properties are the ancestral and joint family property of plaintiffs and they are having 1/4th share in the same.

10. In order to prove the pleadings, the plaintiff No.1 is examined as PW.1 by reiterating all the plaint averments in chief-examination and got marked Ex.P.1 to 11. Ex.P.1 to 4 are the record of rights of the suit schedule A properties,

these standing in the names of plaintiffs and defendants jointly. Ex.P.5 to 8 are death certificates. Ex.P.9 to 11 are VPS extracts of the suit schedule B properties, which discloses that they are standing in the name of propositus Sannabasappa Agasanalli.

11. The PW.1 during his cross-examination has admitted the suit properties are joint family properties of plaintiffs and defendants and further admitted that all are having equal share in the suit properties.

12. The defendant No.1 and 2 have contended that at the time of marriage of plaintiff No.4 the defendants have given 10 tola gold and ₹5 lakhs cash. Hence, the plaintiff No.4 is not having any share in the suit properties. The suit of the plaintiffs suffers from non-joinder of necessary parties. The defendants have further contended that the plaintiff No.1 has purchased the property bearing RS No.1134, measuring 4 acres 27 guntas, situated at Byahatti from the joint family nucleus in favour of his wife Smt. Yallavva. Hence, she is also necessary party to the suit.

13. The defendant No.2 has examined herself as DW.1 and got marked Ex.D.1 to 7. Ex.D.1 is CTS extract of RS No.1134/1, it is standing in the name of Yallavva – wife of plaintiff No.1. Ex.D.2 is the record of right of the RS No.1134/1, it is standing in the name of plaintiff No.1. Ex.D.3

is the record of right of the property bearing RS No.1134, it is standing in the name of propositus of the family of plaintiffs and defendants. Ex.D.4 and 5 are the mutation extracts. Ex.D.6 is the copy of sale deed, which discloses that plaintiff No.1 has purchased the property bearing RS No.1134. Ex.D.7 is the copy of gift deed, which discloses that plaintiff No.1 has gifted the property bearing RS No.1134/1 in favour of his wife Yallavva.

14. I have perused the documents produced by both the parties. I have gone through the pleadings of both parties and oral and documentary evidence of both parties. In the present case there is no dispute with regard to relationship between the parties. On perusal of Ex.P.1 to 4 clearly reveals that the suit schedule A properties were jointly standing in the names of plaintiffs and defendants. After the death of propositus the names of plaintiffs and defendants were entered jointly. On perusal of Ex.P.9 to 11 clearly reveals that the suit schedule B properties were standing in the name of propositus Sannabasappa. Hence, I hold that the suit schedule properties are ancestral and joint family properties of plaintiffs and defendants and in these properties the plaintiffs No.1 and 4 being the son and daughter of propositus are having 1/4th share each, the plaintiffs No.2 and 3 being the legal heirs of Virupaxappa are having 1/4th share together and defendants No.1 and 2 being the legal heirs of Laxmappa are having 1/4th share together.

15. Further the defendants have contended that the plaintiff No.1 out of joint family nucleus has purchased the property at Byahatti village bearing RS No.1134, measuring 4 acres 27 guntas. In order to prove this the defendants have produced the copy of sale deed of the property bearing RS No.1134, which discloses that the plaintiff No.1 has purchased the said property through registered sale deed for sale consideration. I have perused the said document. It is registered document. The contents of the sale deed are true and correct until contrary is proved. When the registered document indicates that plaintiff No.1 has purchased the property, it presumes that plaintiff No.1 has purchased from his own earning, not from joint family nucleus. The plaintiff No.1 has gifted the said property in favour of his wife. In order to prove that the plaintiff No.1 has purchased the said property out of joint family nucleus, the defendants have not produced any documents. Further the defendants have not filed any counter claim for claiming this property as joint family property. Hence, I hold that this property is self-acquired property of plaintiff No.1 and defendants and other plaintiffs are not having any share in the said property. Accordingly, I answer **issues No.1 and 2 in Affirmative and issue No.3 in Negative.**

16. **Issue No.4:** In view of my answer to above issues, I proceed to pass the following:

ORDER

Suit of the plaintiffs is decreed.

The plaintiffs No.1 and 4 are entitle for 1/4th share each, the plaintiffs No.2 and 3 are entitle for 1/4th share together and defendants No.1 and 2 are entitle for 1/4th share together in the suit schedule properties by metes and bounds and entitle for partition and separate possession of the said suit properties.

Draw a preliminary decree accordingly.

(Dictated to the Stenographer directly on computer, script corrected directly on computer and then pronounced by me in the Open Court on this the **28th day of July – 2026.**

(Yamanappa Karehanumanthappa)
Prl. Senior Civil Judge,
Hubballi.

ANNEXURE**1.List of witnesses examined on behalf of Plaintiffs:**

PW.1 : Anandappa Sannabasappa Agasanahalli.

2.List of documents exhibited on behalf of Plaintiffs:

Ex.P.1 to 4 : Record of rights.
Ex.P.5 to 8 : Death extracts.
Ex.P.9 to 11 : VPC extracts.

3.List of witnesses examined on behalf of Defendants:

DW.1 : Smt. Savita Basavaraj Jinnur.

4.List of documents exhibited on behalf of Defendants:

Ex.D.1 to 3 : R of R extracts.
Ex.D.4 and 5 : Mutation extracts.

Ex.D.6 : Copy of sale deed.
Ex.D.7 : Copy of gift deed.

**Prl. Senior Civil Judge,
Hubballi.**