

KADW200002292026



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.51/2026

Dated this the 20th day of July – 2026

Plaintiff : Smt. Laxmi W/o. Guranagouda Patil,
Age: 56 years, Occ: Household work,
R/o. Ayodhyanagar, Old-Hubballi,
Hubballi.

[By Sri. R.G. Kodli, Advocate]

.Vs.

Defendants 1: Basanagouda S/o. Fakkiragouda Patil,
Age: 80 years, Occ: Nil,
R/o. Kavalgeri Main Road, Judges
Colony, Amargol, Hubballi.

- 2: Smt. Sharada W/o. Basanagouda Patil,
Age: 70 years, Occ: Household work,
R/o. Kavalgeri Main Road, Judges Colony,
Amargol, Hubballi.
- 3: Fakkiragouda S/o. Basanagouda Patil,
Age: 48 years, Occ: Agriculture,
R/o. Kavalgeri Main Road, Judges Colony,
Amargol, Hubballi.
- 4: Smt. Seema W/o. Manjunath Attigeri,
Age: 43 years, Occ: Govt. Service,
R/o. Attigeri, Tq: Shiggaon.
- 5: Smt. Kavita W/o. Basanagouda
Danappagoudar, Age: 40 years,
Occ: Household work, R/o. Sherewad,
Tq: Hubballi.

[Exparte]

Date of institution of suit : 05-02-2025

Nature of suit : Partition and separate
possession

Date of recording of
evidence : 19.06.2026

Date on which Judgment was : 20-07-2026
pronounced

Duration of suit	:	Year/s	Month/s	Day/s
		01	05	15

J U D G M E N T

This suit is filed by the plaintiff against defendants for
partition and separate possession.

2. The case of the plaintiff in brief is as under:

The propositus of the family of plaintiff and defendants was one Basanagouda, who expired long. His wife Basamma also expired leaving behind her son Fakkirgouda. He also expired leaving behind his son- defendant No.1. Defendant No.2 is his wife. The plaintiff and defendants No.3 to 5 are the children of defendants No.1 and 2. The suit properties are ancestral properties of plaintiff and defendants and they are in joint possession of the same. There is no partition took place between them in respect of suit properties. The suit schedule C property was totally measuring 5 acres 22 guntas, some part was sold to different persons and in remaining part plots have been formed and some plots have been sold to different persons and the plots mentioned in the suit schedule C property are with the family of plaintiff and defendants. The suit schedule B property is house and open space and it is joint family property. The suit schedule D property is old house and plaintiff and defendants are the joint owners of the said properties. During the November 2025 the plaintiff asked her share, but the defendants refused to effect the partition. Hence, the plaintiff has filed this suit claiming her 1/5th share in the suit schedule properties.

3. On issuance of suit summons, defendants remained absent before the court. Hence, they have been placed as exparte.

4. In order to prove the case, plaintiff got examined herself as PW.1 and got marked Ex.P.1 to 14.

5. Heard the learned counsel for the plaintiff and perused the plaint, evidence oral and documentary and materials on record. The following points arise for my consideration:

1) Whether the plaintiff proves that the suit properties are ancestral and joint family properties of plaintiff and she has got 1/5th share in the suit properties?

2) What order or decree?

6. My answers to the above points are as under:

Point No.1 : Partly Affirmative.
Point No.2 : As per final order,
for the following

REASONS

7. **Point No.1:** Plaintiff filed evidence affidavit by reiterating contents of the plaint. The said evidence remained unchallenged. Though defendants have not appeared, but the burden is upon the plaintiff to prove her case. Ex.P.1 to 8 are the RTC extracts of the suit schedule A to C properties, they are standing in the name of defendant No.1. Ex.P.9 is the tax assessment details of suit schedule D property, which discloses that it is standing in the name of defendant No.1. Ex.P.10 to 14 are the mutation extracts.

8. I have perused the oral and documentary evidence produced by the plaintiff. After the death of father of defendant No.1, the name of defendant No.1 was mutated to the suit schedule A, C and D properties. Hence, these properties are the ancestral properties of plaintiff and defendants. So, by producing these document plaintiff has proved that the suit schedule A, C and D properties are her ancestral properties and plaintiff is having 1/5th share in these properties.

9. The plaintiff has contended that out of the income of joint family the defendant No.1 has purchased suit schedule B property. The plaintiff has not plead and proved that there is sufficient nucleus from joint family to acquire the schedule B property. In the absence of evidence with regard to sufficient joint family nucleus in order to purchase the suit schedule B property, this court is not accepted the evidence of PW.1 with regard suit schedule B property. Hence, in this property the plaintiff is not entitle for any share. Hence, considering the evidence on record I hold that the plaintiff is entitle for 1/5th share in the suit schedule A, C and D properties only. Hence, I answer **point No.1 in partly Affirmative.**

10. **Point No.2:** In view of my answer to point No.1 as stated above, I proceed to pass the following:

ORDER

Suit of the plaintiff is decreed in part with costs.

It is declared that the plaintiff is entitle for 1/5th share in the suit schedule A, C and D properties only and she is entitle for partition and separate possession of the said share by metes and bounds.

The suit against suit schedule B property is dismissed.

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 20th day of July - 2026)

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

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

PW.1 : Laxmi Guranagouda Patil.

2.List of documents exhibited on behalf of Plaintiff:

Ex.P.1 to 8 : R of R extracts.

Ex.P.9 : Tax details.

Ex.P.10 to 14 : Mutations.

3.List of witnesses examined on behalf of Defendants:

-NIL-

4.List of documents exhibited on behalf of Defendants:

-NIL-

Prl. Senior Civil Judge,
Hubballi.