

KADW300001882025



IN THE COURT OF THE CIVIL JUDGE & JMFC,
KALAGHATAGI

PRESENT: Sri.G Sanjeev Kumar, MBA., LLB.,
Civil Judge & JMFC,
Kalaghatagi.

DATED THIS THE 14th DAY OF AUGUST, 2026

O.S.No.: 38/2025

PLAINTIFF/S: Smt. Ranjeeta W/o. Gurunath Baregal
Age: 21 years, Occ: House hold work,
R/o. Dummawad village,
Tq: Kalaghatagi, Dist: Dharwad.

(By Sri. M.G.P., Advocate)

V/s

DEFENDANT/S: The State of Karnataka Represented
by its Deputy Commissioner,
Dharwad, Dist: Dharwad.

2 The Tahasildar,
Office of the Tahasildar
Kalaghatagi, Tq: Kalaghatagi,
Dist: Dharwad.

3 The Village Accountant
Sangedevarkoppa,
Tq: Kalaghatagi, Dist: Dharwad.

(D1 to 3 By AGP)

Date of Institution of the suit:	04.02.2025		
Nature of the suit:	Declaration and Mandatory injunction		
Date of commencement of recording of the evidence:	11.02.2026		
Date of which the Judgment was pronounced:	14.08.2026		
Total duration:	<u>Years</u> 01	<u>Months</u> 06	<u>Days</u> 10

**Civil Judge & JMFC,
kalaghatagi.**

J U D G M E N T

The suit is filed seeking a declaration that the Plaintiff is the sole legal heir of her deceased parents, and consequently, a mandatory injunction directing the Defendants to enter the Plaintiff's name in the RTC extracts in respect of the properties standing in the names of her deceased parents.

PART- A

1. Factual Trajectory of the plaintiff's case:

The case of the plaintiff's is encapsulated as per below:

(I) It is the case of the Plaintiff that she is the **only daughter and sole legal heir of her deceased parents**, who died leaving behind no other legal heirs. After the demise of her parents, the Plaintiff approached the concerned revenue authorities seeking mutation of the revenue records and entry of her name in respect of the properties standing in the names of her deceased parents. However, the revenue authorities declined to effect such mutation and advised the Plaintiff to approach the competent Civil Court for a declaration of her legal heirship and for consequential entry of her name in the revenue records. Hence, the Plaintiff, being constrained by the said refusal, has instituted the present suit seeking the reliefs of **declaration and mandatory injunction**.

2. Written Statement filed by the Defendant:

The contentions raised by the defendants in their written statement are encapsulated as follows:

(i) The Defendants have contended that the Plaintiff has no legally enforceable right to seek a direction against

the revenue authorities for entering her name in the RTC extracts merely on the basis of her alleged relationship with the deceased. It is their contention that the revenue authorities have rightly declined to effect the mutation in the absence of a proper determination of the Plaintiff's alleged status as the **sole legal heir** of the deceased.

(ii) It is further contended that the Plaintiff has not produced sufficient and legally acceptable documentary evidence to establish that she is the **only surviving legal heir** of her deceased parents. The Defendants have specifically disputed the Plaintiff's claim of exclusive heirship and have contended that, unless the Plaintiff establishes her status and exclusive entitlement in accordance with law, she cannot seek consequential relief of mandatory injunction for mutation of her name in the revenue records.

(iii) The Defendants have also contended that the suit is misconceived and that the Plaintiff is not entitled to seek

a mandatory injunction against the revenue authorities for effecting mutation without first establishing a clear and legally enforceable right over the properties standing in the names of the deceased. The revenue entries, according to the Defendants, cannot be altered merely on the basis of the Plaintiff's unilateral claim of heirship. On these grounds, the Defendants have denied the entitlement of the Plaintiff to the reliefs sought in the suit and have prayed for **dismissal of the suit with costs.**

3. Issues framed

Acting U/o 14 rule 1 of CPC and considering the materials on record, this court had framed the following issues for consideration:

ISSUES

Issue No.1: Whether this Court has jurisdiction to entertain a suit for effecting changes in the revenue records”?

Issue No.2: Whether the plaintiff proves that he is the legal heir of deceased “Shivaputrappa”?

Issue No.3: Whether the plaintiff is entitled for the relief of declaration and mandatory direction as sought for?

Issue No.4: What Order or Decree?**4. Plaintiff's Evidence :-**

Plaintiff had examined herself as PW1 and had filed an affidavit in lieu of his examination-in-chief and got marked Ex.P1 to Ex.P14. The detailed description of the documents are as per below:

Sl. No.	Description of Document	Exhibits
1	Computerized copy of RTC extracts of Sy.No.47/2B+3A	Ex.P-1
2	Office copy of legal notice dated 06.12.2024	Ex.P-2
3	3 Postal receipts	Ex.P-3
4	2 Postal acknowledgments	Exs.P-4 & 5
5	Original school certificate of PW1	Exs.P-6
6	Attested copy of Aadhar cards bearing Nos.0090, 4408, 3273, 1302, 0222 and 3608	Exs.P-7 to 12
7	Computerized copy of death certificate dated 12.08.2019	Ex.P13
8	Computerized copy of death certificate dated 29.08.2011	Ex.P14

5. Defendants' Evidence :-

The defendants have not led their evidence and they have not produced any documents.: :

6. Findings on the Issues:-

Heard the arguments of the plaintiffs and the Defendants and perused the materials on record. This Court had arrived at the following findings :-

Issue No.1 : In the Negative

Issue No.2 : Partly In the Affirmative

Issue No.3 : Partly In the Affirmative

Issue No.4 : As per final order for the following:

PART- B

7. Issue No. 2: This issue is framed to determine whether the Plaintiff proves that she is the legal heir of the deceased Shivaputrappa and, further, that she is his sole and exclusive legal heir.

8. In order to discharge the burden cast upon her, the Plaintiff has examined herself as **PW.1** by filing her affidavit in lieu of examination-in-chief and has got marked **Ex.P.1 to Ex.P.14**. Ex.P.1 is the computerized copy of the RTC extract; Ex.P.2 is the office copy of the legal notice; Ex.P.3 comprises the postal receipts; Ex.P.4 and Ex.P.5 are the postal acknowledgements; Ex.P.6 is the original school certificate of PW.1; Ex.P.7 to Ex.P.12 are the attested copies

of Aadhaar Cards; and Ex.P.13 and Ex.P.14 are the computerized copies of the death certificates.

. **9.** On careful perusal of **Ex.P.6**, the school certificate of PW.1, coupled with **Ex.P.13**, the death certificate of deceased Shivaputrappa, it is evident that **Shivaputrappa is shown as the father of the Plaintiff.** These documents, therefore, sufficiently establish the relationship of the Plaintiff with the deceased Shivaputrappa. The said aspect is also not effectively impeached in the cross-examination of PW.1. Thus, the Plaintiff has succeeded in establishing that she is the daughter and, consequently, one of the legal heirs of deceased Shivaputrappa.

10. However, the Plaintiff seeks a further declaration that she is the **only or exclusive legal heir** of the deceased. The burden to establish this additional fact squarely rests upon the Plaintiff. In this regard, the evidence placed on record falls short of the required standard. During

the course of cross-examination, PW.1 has admitted that she has not produced any independent documentary evidence, apart from Ex.P.6, to establish that she was the **only offspring of the deceased** or that there were no other persons having a legally recognised right of succession to the estate of Shivaputrappa.

11. Significantly, the Plaintiff has not produced any **cogent and reliable material** to establish that she alone succeeded to the estate of the deceased. Mere proof of the relationship of the Plaintiff as the daughter of the deceased cannot, by itself, lead to the conclusion that she is his sole and exclusive legal heir. The question of exclusive heirship is a matter which has to be established by positive evidence demonstrating the absence of any other person who is entitled to succeed to the estate of the deceased.

12. It is true that the Defendants have not specifically impeached each of the documents produced by the Plaintiff on the aspect of her relationship with the

deceased. Nevertheless, the absence of an effective challenge to those documents does not relieve the Plaintiff of the burden of affirmatively establishing the positive fact of her exclusive heirship. The Plaintiff cannot obtain a declaration of exclusive legal heirship merely on the basis of the fact that her relationship with the deceased as his daughter has been established.

13. Further, the cross-examination of PW.1 has elicited the relationship of the persons whose names are reflected in **Ex.P.1-RTC extract**. The presence of such persons, coupled with the evidence elicited regarding their relationship with the Plaintiff, creates a circumstance which cannot be ignored while considering the Plaintiff's claim of exclusive heirship. The Plaintiff has not adduced sufficient evidence to demonstrate that the persons so referred to have no right or interest in the estate of the deceased Shivaputrappa. Therefore, this Court cannot, on the basis of the evidence presently available on record, record a finding

that the Plaintiff is the **only or exclusive legal heir** of the deceased.

14. At the same time, the Defendants have also not placed sufficient evidence on record to disprove the Plaintiff's relationship with deceased Shivaputrappa or to establish that she is not one of his legal heirs. The documentary evidence, particularly Ex.P.6 and Ex.P.13, establishes the relationship of **father and daughter** between the deceased Shivaputrappa and the Plaintiff. Hence, to that limited extent, the Plaintiff has successfully discharged the burden cast upon her.

15. Therefore, on an overall appreciation of the oral and documentary evidence, this Court is of the considered opinion that the Plaintiff has **proved that she is one of the legal heirs of deceased Shivaputrappa**, but has failed to prove that she is his **sole and exclusive legal heir**. Consequently, the issue deserves to be answered **Partly in the Affirmative**, to the extent that the Plaintiff is

a legal heir of deceased Shivaputrappa, and **in the Negative** insofar as her claim of being his only or exclusive legal heir is concerned. Accordingly, Issue No.2 is answered **partly in the Affirmative**.

16. Issue Nos.1 & 3: Issue No.1 is framed to determine whether this Court has the jurisdiction to entertain the suit seeking alteration or mutation of the revenue records, whereas Issue No.3 is framed to determine whether the Plaintiff is entitled to the reliefs of declaration and mandatory injunction as sought in the plaint.

17. As already discussed while considering Issue No.2, the Plaintiff has established that she is the **daughter and one of the legal heirs of deceased Shivaputrappa**. However, she has failed to establish that she is his sole and exclusive legal heir. The evidence on record is insufficient to grant a declaration of exclusive heirship. Nevertheless, the Plaintiff is entitled to seek a declaration regarding her status as a legal heir of the

deceased, as such declaration concerns her civil status and legal right, which falls within the jurisdiction of a Civil Court.

18. However, the position is different insofar as the relief of mandatory injunction directing the revenue authorities to enter the Plaintiff's name in the RTC extracts is concerned. The preparation and maintenance of revenue records, including mutation of names in RTC and other revenue records, are matters entrusted to the competent revenue authorities under the relevant revenue laws and procedures. The entries made in such records are primarily intended for fiscal and administrative purposes and do not, by themselves, create or extinguish title or determine the ultimate succession to the property.

19. A Civil Court undoubtedly has jurisdiction to adjudicate upon the **civil right or status of a person**, including the question as to whether a person is a legal heir of a deceased person. However, such jurisdiction does not necessarily extend to assuming the statutory functions of

the revenue authorities and issuing a mandatory direction requiring them to effect a particular mutation entry in the revenue records. The Plaintiff, therefore, cannot seek to invoke the jurisdiction of this Court for the purpose of directly compelling the revenue authorities to make a particular entry in the RTC.

20. In the present case, the Plaintiff's grievance appears to have arisen because the revenue authorities declined to effect mutation in her favour and advised her to approach the Civil Court. Such advice may justify the Plaintiff seeking an appropriate declaration regarding her civil status and legal heirship; however, it does not confer upon this Court the jurisdiction to itself order alteration of the revenue records or to substitute its direction for the statutory procedure to be followed by the revenue authorities.

21. Further, in view of the finding recorded on Issue No.2 that the Plaintiff has established herself only as **one of the legal heirs of deceased Shivaputrappa**, but has

failed to establish that she is his **sole and exclusive legal heir**, a direction to enter her name in the revenue records as though she alone succeeded to the estate would be wholly unwarranted. Such a direction would, in effect, prejudicially affect the rights of other persons who may have a lawful claim to the estate of the deceased.

22. Therefore, this Court is of the considered view that, **to the extent the suit seeks a mandatory direction to the revenue authorities for alteration or mutation of the RTC entries, the Civil Court cannot assume the statutory function of the revenue authorities.** The Plaintiff is required to work out the consequential mutation, if otherwise permissible, before the competent revenue authority in accordance with law and on the basis of the declaration made by the Civil Court.

23. At the same time, the Plaintiff's entitlement to a declaration regarding her status as a legal heir is a matter within the jurisdiction of this Court. As found while

answering Issue No.2, the Plaintiff has proved that she is a legal heir of deceased Shivaputrappa, though she has failed to prove that she is his exclusive legal heir. Consequently, the declaratory relief can be granted **only to the limited extent of declaring the Plaintiff as one of the legal heirs of deceased Shivaputrappa**, and not as his sole or exclusive legal heir.

24. Accordingly, **Issue No.1 is answered in the Negative**, insofar as the Plaintiff seeks a mandatory direction from this Court for effecting changes or mutation in the revenue records. Issue No.3 is answered **Partly in the Affirmative**, holding that the Plaintiff is entitled to a declaration that she is one of the legal heirs of deceased Shivaputrappa, but she is **not entitled to the relief of mandatory injunction directing the Defendants/revenue authorities to enter her name in the RTC extracts.**

25. Issue No.4: For the forgoing reasons, this Court is inclined to pass the following:

ORDER

The suit of the Plaintiff is hereby **DECREED IN-PART** with costs as follows:

It is hereby **declared that the Plaintiff is one of the legal heirs of deceased Shivaputrappa.**

The prayer of the Plaintiff seeking a declaration that she is the **sole and exclusive legal heir** of deceased Shivaputrappa is hereby **rejected**.

The prayer of the Plaintiff seeking a **mandatory injunction directing the Defendants/revenue authorities to enter her name in the RTC extracts** in respect of the properties standing in the name of the deceased Shivaputrappa is hereby **rejected**.

The Plaintiff is at liberty to approach the **competent revenue authority** for mutation of the revenue records in accordance with law, on the basis of the declaration granted herein. However, the Revenue Authorities shall consider such

application purely in accordance with law notwithstanding this order.

Office is hereby directed to draw decree accordingly.

(Dictated to Adalat Ai, auto transcribed by Adalat Ai formatted by Stenographer corrected by me and then pronounced by me in the open court on this **14th day of August, 2026**)

(G. Sanjeev Kumar)
Civil Judge & JMFC,
Kalaghatagi,

A N N E X U R E

List of witnesses examined on behalf of Plaintiff :

PW.1 : Smt. Ranjeea Gurunath Baregal

List of documents marked on behalf of plaintiff;

Ex.P1 : Computerized copy of RTC extracts
of Sy.No.47/2B+3A

Ex.P2 : Office copy of legal notice
dated 06.12.2024

Ex.P3 : 3 Postal receipts

Exs.P4 & 5 : 2 Postal acknowledgments

Ex.P6 : Original school certificate of PW1

Exs.P7 to 12 : Attested copy of Aadhar cards bearing
Nos.0090, 4408, 3273, 1302,
0222, 3608

Ex.P13 : Computerized copy of death certificate
dated 12.08.2019

Ex.P14 : Computerized copy of death certificate
dated 29.08.2011

List of witnesses examined on behalf of Defendants:

- NIL-

List of documents marked on behalf of Defendants:

- NIL-

(G. Sanjeev Kumar)
CIVIL JUDGE & JMFC,
KALAGHATAGI,