

KAGD200016122025



IN THE COURT OF CIVIL JUDGE AND JMFC, NARAGUND

AT : NARAGUND

PRESENT: SRI. JINNAPPA CHOUGALA,

B.A., LL.B

Civil Judge & J.M.F.C., Naragund

Dated this 1st day of August, 2026.

Original Suit No.129/2025

- Plaintiff/s :**
1. Smt. Sunita W/o.Suresh Pattar
Age: 49 years, Occ: House work,
R/o: Ganeshpur Galli, Shahapur,
Belagavi, Tq: & Dist:Belagavi.
 2. Mohan S/o.Pralhad Hombal
Age: 46 years, Occ: Private Job,
R/o: Indraprasta Nagar, 6th cross,
Hubballi, Tq:Hubballi, Dist: Dharwad.
 3. Sujata W/o.Sidramappa Pattar
Age: 44 years, Occ: House work,
R/o: Subhas Nagar, Lokapur,
Tq: Mudhol, Dist: Bagalkot.
 4. Prashant S/o.Pralhad Hombal
Age: 43 years, Occ: Private work,
R/o: Kasaba Oni, Naragund,
Tq: Naragund, Dist: Gadag.
 5. Mahesh S/o. Pralhad Hombal
Age: 40 years, Occ: Private work,
R/o: Kasaba Oni, Naragund,
Tq: Naragund, Dist: Gadag.

6. Sunil S/o.Panduranga Pattihal
Age: 51 years, Occ: Private Job,
R/o: Old Hubballi, Tq: Hubballi,
Dist: Dharwad.
7. Ramesh S/o.Panduranga Pattihal
Age: 45 years, Occ: Private Job,
R/o: Old Hubballi, Tq: Hubballi,
Dist: Dharwad.
8. Nanda W/o.Raghavendra Pattar
Age: 37 years, Occ: House work,
R/o: Byahatti, Tq: Hubballi,
Dist: Dharwad.
9. Smt. Padmavati W/o.Mahadevappa
Pattihal,
Age: 72 years, Occ: House work,
R/o: Mastan Soph, Hubballi,
Tq: Hubballi, Dist: Dharwad.

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

-V/s-

- Defendant/s :**
1. The Karnataka Government
Deputy Commissioner,
Gadag, Gadag District,
 2. The Tahasildar, Nargund Taluka,
Nargund, Gadag District.

(By L/A.G.P.)

Date of institution of suit	:	22-11-2025
Nature of suit	:	Declaration
Date of commencement of evidence	:	02-03-2026

Date of pronouncement of judgment		01-08-2026		
Total duration	:	Year/s	Month/s	Day/s
		00	08	12

(Jinnappa Chougala)
Civil Judge & J.M.F.C., Nargund.

-:: J U D G M E N T ::-

Plaintiffs have filed this suit by seeking relief of declaration that they are the only legal heirs of deceased Ramanna @ Ramappa @ Ramachandrappa S/o.Tippanna Hombal who died on 28-05-2005 at Naragund Town and also sought for direction to the defendants to issue heir-ship certificate of deceased, in their favor.

2. Brief facts of the case are as follows:-

Genealogy of the plaintiffs is mentioned under schedule 'A' of plaint. Proposed Tippanna S/o.Ramappa Hombal died long back and his wife Kamma died on 03-05-1997 by leaving behind 4 children by name Ramanna, Pralhad, Janavva @ Jayalaxmi and Padmavati. Out of that, Ramanna @ Ramappa @ Ramachandrappa died on 28-05-2005 and his wife of Renavva died on 09-09-2025, without any issues. 2nd son Pralhad died on 24-07-2017 and his wife Indrabai died on 25-01-2005, by leaving behind plaintiff No.1 to 5 as their legal heirs. Daughter of propositus by name Janavva @ Jayalaxmi W/o.Panduranga Pattihal died on 26-07-2012 and her husband Panduranga died long back. Plaintiff No.6 to 8

are the children of said Janavva @ Jayalaxmi. 4th child by name Padmavati W/o.Mahadevappa Pattehal is the plaintiff No.9 in this case. Open site bearing CTS No.2272/B and 2445 of Naragund are in the name of deceased Ramanna @ Ramappa @ Ramachandrappa and as he died issue-less, therefore, plaintiffs are his only legal heirs. Therefore, plaintiff No.4 has filed application before defendant No.2 office to issue heir-ship certificate of deceased Ramanna @ Ramappa @ Ramachandrappa, but on 13-10-2025, said office has issued endorsement by stating that said deceased has no direct legal heirs and also directed the plaintiffs to get heir-ship certificate from the Court. Hence, plaintiffs have filed this suit and prayed to decree the suit.

3. Learned A.G.P has appeared for both defendants and filed written statement of defendant no.2 and adopted the same for defendant No.1. In said written statement, defendants have merely denied the whole case of plaintiffs and further contended that, this Court has no jurisdiction to try this suit and plaintiffs have not paid proper Court fee. Further contended that plaintiffs have not issued statutory notice before filing this suit and not impleaded the Secretary of State as party to this suit who represents the State, therefore, suit is bad for non-joinder of necessary parties. Therefore, prayed to dismiss the suit.

4. On the basis of pleadings of parties, this court has framed followings issues;

:: I S S U E S ::

- 1) Whether plaintiffs prove that their uncle by name Ramanna @ Ramappa @ Ramachandrappa S/o.Tippanna Hombal died issue-less on 28-05-2005 at Naragund Town?**
- 2) Whether plaintiffs prove that they are the only legal heirs of deceased Ramanna @ Ramappa @ Ramachandrappa S/o.Tippanna Hombal?**
- 3) Whether suit is bad for non-joinder of necessary parties?**
- 4) Whether plaintiffs are entitled for the relief of declaration and direction as prayed?**
- 5) What order or decree?**

5. To prove the case, plaintiff No.4 has deposed as PW-1 and got marked Ex.P1 to P11 documents, thereby closed their side. In-spite of sufficient opportunities, defendants have not produced oral or documentary evidence. Hence, thereby evidence taken as nil and posted for arguments.

6. Advocate for plaintiff has submitted to take arguments as heard. Learned AGP has submitted arguments. Perused the materials placed on record.

7. Findings on the above Issues are as follows:-

Issue No.1	:	In the Affirmative
Issue No.2	:	In partly Affirmative
Issue No.3	:	In the Negative

Issue No.4 : In the Affirmative
Issue No.5 : As per final order
for the following:

-: R E A S O N S :-

8. **Issue No.1 and 2:-** As both these issues are inter-linked with each other, hence, both these issues are taken together for common consideration, to avoid repeated discussion. In the chief examination affidavit, PW-1 has reiterated the contents of plaint and got marked Ex.P1 to P11 documents. Learned AGP has cross-examined the PW-1 in detail. In said cross-examination also PW-1 has clearly reiterated the genealogy of their family as mentioned in schedule-‘A’ of plaint and also reiterated that deceased Ramanna @ Ramappa @ Ramachandrappa died issue-less and they are the only legal heirs of said deceased. Thereby, in the said cross-examination also, PW-1 has proved their case.

9. Ex.P2 death certificate of wife of propositus by name Kalamma W/o.Tippanna Hombal shows that she died on 03-05-1997 at Naragund Town. As per Ex.P3 death certificate, Ramanna S/o.Tippanna Hombal died on 28-05-2005 at Naragund Town and as per Ex.P4 death certificate, his wife Renavva died on 09-09-2025 at Nargund Town. As per Ex.P5 death certificate, father of plaintiff No.1 to 5 by Prahlad died on 24-07-2017 at Naragund Town and as Ex.P6 death certificate, mother of said plaintiffs by name Indrabai died on 25-01-2025 at Naragund Town. At the same time,

Ex.P10 death certificate, mother of plaintiff No.6 to 8 by name Jayalaxmi Pattehal died on 26-07-2012 at Hubli of Hubli taluk and as per Ex.P11 death certificate, father of plaintiff No.6 to 8 by name Panduranga died on 29-01-2011 in KIMS Hospital of Hubli. All these death certificates supported the pleadings of plaintiffs.

10. Ex.P7 and P8 are the certified copy of property card of site properties. Ex.P7 property card of CTS No.2445 measuring 40 sq.yrd. of Naragund Town shows that in the year 1955, said property was in the name of propositus Tippanna and his brother Irappa and after the death of propositus Tippanna on 01-11-1966, the names of his wife and 4 children were entered to said property to the share of propositus. ExP8 property card of CTS No.2272/B measuring 31.7/3 Sq. yrd. of Naragund Town also shows that after the death of propositus, the name of his wife and children were entered to said property as only legal heirs. Both these documents show the name of deceased Ramappa S/o.Tippanna Hombal as joint katha holder with plaintiff No.9 and propositus of plaintiff No.1 to 8. As said Ramappa died issue-less, therefore, plaintiffs want to succeed to said properties as only legal heirs. Hence, they have filed this suit for heir-ship certificate of deceased Ramanna. Hence, Ex.P7 and P8 documents proved the reason behind filing this suit.

11. Ex.P1 is the endorsement issued by defendant No.2 office on 13-10-2025. Said document shows that plaintiff No.4 has filed application before defendant No.2

office by requesting to issue heir-ship certificate of deceased Ramanna and after due enquiry, said office has issued endorsement by stating that said Ramanna and his wife died issue-less therefore, there is no direct legal heir to said deceased. At the same time, by way of said endorsement, defendant No.2 office has directed the plaintiff to get heir-ship certificate of deceased Ramanna, from the Court. On the basis said endorsement, plaintiffs have filed this suit. Hence, Ex.P1 endorsement proved the cause of action for this suit and also proved that Ramanna and his wife have no any class-I heirs.

12. By leading proper oral and documentary evidence plaintiffs have proved their genealogy as mentioned in the schedule-A of plaint and also proved that their family member by name Ramanna S/o.Timppanna Hombal and his wife Renavva died issue-less. In Ex.P3 death certificate, the name of deceased is mentioned as Ramanna and in Ex.P4 death certificate of his wife, by name of Renavva, his name is mentioned as Ramachandrappa @ Ramanna. In property card of site properties, the name of deceased is mentioned as Ramappa. Hence, plaintiffs have mentioned the name of deceased as Ramanna @ Ramappa @ Ramachandrappa.

13. As per genealogy, plaintiff No.1 to 5 are the brother's children and plaintiff No.6 to 8 are the sister's children and plaintiff No.9 is the sister of deceased Ramappa. Schedule of Section 8 describes list of Class-II heirs of deceased Hindu Mail. As per said schedule, brother

and sister come under entry No.2 and brother's children, sister's children come under entry No.4 of Class-II heirs. On cogent reading of Section 9 and 11 of Hindu Succession Act, it is clear that Class-II legal heir in the first entry will be prepared against the legal heirs of second entry and members in entry No.2 shall have preference against 3rd entry and so on in the succession. As plaintiff No.9 is the sister of deceased, hence, she comes under entry No.2 of class-2 legal heirs. Being the children of brother's and sister's, plaintiff No.1 to 8 come under entry No.4 of Class-II heirs. So, it is clear that to decide the issue of succession, only plaintiff No.9 will be considered as legal heir of deceased Ramanna @ Ramappa @ Ramachandrappa. Therefore, **Issue No.1** is answered in **Affirmative** and **Issue No.2** is answered in **Partly Affirmative**.

14. **Issue No.3:-** In the written statement, defendants have contended that plaintiffs have not impleaded the Chief Secretary of State as party to this suit, hence, suit is not maintainable for non-joinder of necessary parties. But on going through Sec.80(1)(c) of C.P.C, this Court finds that if any person wants to file a suit against state government, he has to implead the Chief Secretary of State or the Collector of District as party to the suit to represent the State Government. In this case, plaintiffs have not impleaded the Chief Secretary of State as party, but they have impleaded the Collector of Gadag District as defendant no.1 in this case. Hence, not impleading the Chief Secretary of State, is not fatal to the case of plaintiffs. Hence, **Issue No.3** is

answered in the **Negative.**

15. **Issue No.4:-** During arguments, Learned A.G.P has submitted that plaintiffs have not issued statutory notice as required U/Sec.80(2) of C.P.C before filing of this suit, hence, suit is not maintainable. On going through the records, Court finds that plaintiffs have not complied the provisions of Sec.80(2) of C.P.C. The purpose of issuance of statutory notice before filing of suit is to inform the Government officials about their grievance and also to get relief instead of approaching the Court. But in this case, before filing this suit, plaintiff No.4 has filed application for legal heir-ship certificate of deceased Ramappa @ Ramappa @ Ramachandrappa S/o.Tippanna Hombal, but defendant no.2 authority itself has issued Ex.P1 endorsement by directing the plaintiffs to approach the Civil Court. Said endorsement clearly shows that defendants are fully aware about the grievance of plaintiffs. Therefore, issuance or not issuance of notice prior to suit, will make no difference. As defendant no.2 itself has issued Ex.P1 endorsement by stating that they are unable to resolve the dispute, therefore, in the opinion of this Court, issuance of statutory notice is not required. Hence, said arguments of learned A.G.P is not considerable.

16. In the written statement, defendants have merely contended that this Court has no jurisdiction to try this suit but nowhere mentioned the reasons for lack of jurisdiction. At the same time, defendants further contended that

plaintiffs have not paid proper court fee, but not mentioned the proper court fee to be payable. As suit is for declaration, hence plaintiff has rightly paid Rs.25/- as court fee. Hence, said defense of defendants are not considerable.

17. Plaintiffs have successfully proved that their family member by name Ramanna @ Ramappa @ Ramchandrapa died on 28-05-2005 at Naragund Town without any issues and on the basis of records, Court finds that only plaintiff No.9 will be considered as Class-II legal heir of said deceased against other plaintiffs, for the purpose of succession. Hence, plaintiff No.1 to 8 are not entitled for the relief of declaration as sought. Only plaintiff no.9 is entitled for heir-ship certificate of deceased Ramanna in her favor. Hence, it is necessary to direct the defendants to issue heir-ship certificate of deceased Ramanna @ Ramappa @ Ramachandra in favor of plaintiff No.9. Hence, plaintiff No.9 is only entitled for all reliefs sought in the suit. Accordingly, **Issue No.4** is answered in the **Affirmative**.

18. **Issue No.5:-** On the basis of above mentioned findings and reasons, proceeded to pass the following;

: ORDER :

The suit of the plaintiffs is hereby decreed in part.

It is hereby declared that plaintiff No.9 is the only legal heir of deceased Ramappa @ Ramappa @ Ramachandrappa

***S/o.Tippanna Hombal, who died issua-less
on 28-05-2005 at Naragund Town.***

***As defendants are government
officials, hence, no order as to cost.***

Draw decree accordingly.

*(Dictated to the steno, transcript revised, corrected, print-out signed and then
pronounced by me in the open Court on this 1st day of August, 2026)*

***(JINNAPPA CHOUGALA)
Civil Judge & J.M.F.C., Nargund.***

-:: ANNEXURE ::-

1. List of witnesses examined for plaintiff-

PW-1 : Prashant S/o.Prahalad Hombal.

2. List of documents marked for plaintiff-

Ex.P-1 : Endorsement
Ex.P-2 : Death certificate of Kalamma
Ex.P-3 : Death certificate of Ramanna
Ex.P-4 : Death certificate of Renavva
Ex.P-5 : Death certificate of Prahalad
Ex.P-6 : Death certificate of Indrabai
Ex.P-7 & 8: Property cards
Ex.P-9 : Paper publication
Ex.P-10 : Death certificate of Jayalaxmi
Ex.P-11 : Death certificate of Panduranga.

3. List of witnesses examined for Defendants: -

-Nil-

4. List of documents marked for Defendants: -

-Nil-

sd/-

***(JINNAPPA CHOUGALA)
Civil Judge & J.M.F.C.,Nargund***

