

TITLE SHEET FOR JUDGMENT IN SUITS

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

**IN THE COURT OF SENIOR CIVIL JUDGE AND J.M.F.C. AT
ARSIKERE**

:PRESENT:

Smt. Nirmala.K, B.A., M.L.,
Senior Civil Judge & JMFC,
Arsikere.

DATED THIS THE 1st DAY OF JULY 2019

ORIGINAL SUIT No.14/2014

- Plaintiffs :
- 1) B.M. Sadashivappa
S/o Late Sri. Mulappa B.M.,
Aged about 70 years,
R/o # 33, 4th Cross, 2nd Main,
B.K.Nagar, Yeswanthpur,
Bangalore – 560022.
 - 2) H.S. Suresh,
S/o Sri. B.M.Sadashivappa
Aged about 53 years,
R/o # 29, 1st Cross, 1st Main,
B.K.Nagar, Yeswanthpur,
Bangalore – 560022.
 - 3) H.S. Ramesh,
S/o Sri. B.M.Sadashivappa
Aged about 50 years,
R/o # 33, 4th Cross, 2nd Main,
B.K.Nagar, Yeswanthpur,
Bangalore – 560022.

- 4) H.S. Viswanatha,
S/o Sri. B.M.Sadashivappa
Aged about 48 years,
R/o Chunchunkuppe Post,
208, Near Bidadi, Tavarelere Hobli,
Mysore Road, Bangalore – 562130.
- 5) H.S. Shambu,
S/o Sri. B.M.Sadashivappa
Aged about 46 years,
R/o # 13/B, G.R Layout,
1st Main Road, Behind God School,
Keraguddahalli, Chikkabanavara,
Bangalore – 560090.
- 6) Smt. Lolakshi,
W/o Sri. Shantamallappa,
D/o Sri. B.M.Sadashivappa,
Aged about 39 years,
R/o # 913, 11th Cross,
AGB Layout, Geleyara Balaga,
Chikkabanavara, Hesaraghatta Main
Road, Bangalore-560069.
- 7) Smt. B.E.Sharada,
W/o Sri. N.B. Eerappa,
D/o Late Sri. N. Padadappa,
Aged about 65 years,
R/o # 1187, 12th 'B' Road,
HAL Second Stage, Indrianagar,
Bangalore-560008.
- 8) Smt. Annapoorna,
W/o Sri. Somalingappa Hakka Pakki,
D/o Late Sri. N. Padadappa,
Aged about 64 years,
R/o # 35/87, Gokul Road,
Nehru Nagar, Hubli – 580030.
Rep., by her G.P.A Sri. G.S. Pradeep
S/o Sri. G.R. Shivarudrappa,
R/o # 30, 8th Main,
Shankar Nagar,

Mahalakshmi Layout,
Bangalore – 560096.

- 9) Smt. G.S. Ratna Kumari
W/o Sri. G.R. Shivarudrappa,
D/o Late Sri. N. Padadappa,
Aged about 60 years,
R/o # 30, 8th Main,
Shankar Nagar,
Mahalakshmi Layout,
Bangalore – 560096.
- 10) Smt. R. Shantha,
W/o Sri. Raju,
D/o Late Sri. N. Padadappa,
Aged about 55 years,
R/o # 39/44,
Kalavaani Flats,
Arunachalam Street,
Chepauk, Chennai – 600005.
Rep., by her G.P.A Sri. G.S. Pradeep
S/o Sri. G.R. Shivarudrappa,
R/o # 30, 8th Main,
Shankar Nagar,
Mahalakshmi Layout,
Bangalore – 560096.

(By Sri P.V., Advocate)

-V/s-

- Defendants: 1) N.P. Vijaya Kumar,
S/o Late Sri. N. Padadappa,
Aged about 61 years,
R/o Channakeshava Nilaya,
Shanthi Marg,
Opp. Panchamukhi Ganapathi
Temple, Maruthi Nagar,
Arsikere – 573103.

- 2) Smt. Hemalatha,
W/o Sri. Prakash,
D/o Late Sri. N. Padadappa,
Aged about 53 years,
Residing with N.P. Vijaya Kumar,
Channakeshava Nilaya,
Shanthi Marg,
Opp. Panchamukhi Ganapathi
Temple, Maruthi Nagar,
Arsikere – 573103.
- 3) Smt. N.V. Vatsala,
W/o N.P. Vijaya Kumar,
Aged about 53 years,
R/o Channakeshava Nilaya,
Shanthi Marg,
Opp. Panchamukhi Ganapathi
Temple, Maruthi Nagar,
Arsikere – 573103.
- 4) N.V. PrabhuKumar,
S/o N.P. Vijaya Kumar,
Aged about 34 years,
R/o Channakeshava Nilaya,
Shanthi Marg,
Opp. Panchamukhi Ganapathi
Temple, Maruthi Nagar,
Arsikere – 573103.
- 5) Smt. N.V. Divya,
W/o Sri. Deepak,
D/o N.P. Vijaya Kumar,
Aged about 23 years,
R/o # 42/14, Ground Floor,
Venkateshwara Nilaya,
2nd Main Road, Mount Joy
Extension, Hanumanthanagar,
Bangalore – 560019.
- 6) N.V. Nischal,
S/o N.P. Vijaya Kumar,
Aged about 23 years,
R/o Channakeshava Nilaya,
Shanthi Marg,

Opp. Panchamukhi Ganapathi
Temple, Maruthi Nagar,
Arsikere – 573103.

- 7) Dr. B.S. Nagabushana Rao,
S/o Sri. B. Subbanna Rao,
Aged about 53 years,
Nagabhushan Hospital,
B.H. Road, Laxmipura Extension,
Arsikere – 573103.
- 8) Smt. Poornima Nagabushana Rao,
W/o Dr. B.S. Nagabushana Rao,
Aged about 43 years,
Nagabhushan Hospital,
B.H. Raod, Laxmipura Extension,
Arsikere – 573103.
- 9) G.S. Gurusiddappa,
S/o Late Sri. Siddappa,
Aged about 69 years,
R/o Geejihalli Village,
Kasaba Hobli,
Arsikere – 571103
Hassan Dist.
- 10) Smt. G.S. Saroja,
W/o G.S. Gurusiddappa,
Aged about 54 years,
R/o Geejihalli Village,
Kasaba Hobli,
Arsikere – 571103
Hassan Dist.
- 11) Subba Reddy,
S/o Sri. Sriramulu @ Rama Reddy,
Aged about 39 years,
R/o # 12, Muddapura,
Hospet – 583132,
Bellary Dist.

- 12) K. Rajasekhara Reddy,
S/o Sri. K. Swamy Reddy,
Aged about 44 years
R/o # 2, Muddapura,
Hospet – 583132,
Bellary Dist.
- 13) Mangilal Bansal,
S/o Late Sri. Shyamalal Bansal,
Maruthinagar,
Arsikere – 573103.

(D-1, 3, 4, 6 to 8 by Sri K.A.R, Advocate)
(D-2 by Sri H.S.K., Advocate)
(D-9, 10, & 14 by Sri B.N.R., Advocate)
(D-13, 15 by Sri K.V.H., Advocate)
(D-16 by Sri O.A.S., Advocate)
(D-5, 11, & 12 - Exparte)

Date of institution of suit	:	23.04.2014
Nature of suit	:	For d partition and separate possession
Date of commencement of recording evidence	:	29.01.2018
Date on which the Judgment pronounced	:	01.07.2019
Total Duration	:	Year/s Month/s Day/s 05 02 09

J U D G E M E N T

This is a suit filed by the plaintiffs for partition and separate possession and for mesne profits.

2. In brief, it is the case of plaintiffs' that:

N. Padadappa and his wife Neelamma had children, that is, Rajappa, Parvatamma, plaintiffs 7 to 10 and defendants 1 and 2. N. Padadappa died on 8.11.1973 and Neelamma died on 13.3.1986. 1st plaintiff is the husband of Parvatamma, who is no more. One of the son of Padadappa, Rachappa is also dead. Plaintiffs 2 to 6 are the children of 1st plaintiff and Parvatamma. Defendants 4, 5 and 6 are the children of 1st defendant. The said genealogy is clearly indicated by plaintiffs and the necessary documents is also produced. 8th and 10th plaintiffs have executed GPA in favour of son of 9th plaintiff.

Plaintiffs submit that when Padadappa was leading businessman in Arsikere. He and his wife died leaving without any Will. Hence, plaintiffs and defendants 1 to 6 are the legal heirs of deceased Padadappa. He had lent money to his friend, which was not repaid by him and in turn towards the repayment of the loan amount, he had offered to sell his properties in Gangavathi, Koppala District and he also purchased certain properties in Arsikere town. Though plaintiffs have succeeded to the estate of the deceased soon after his death notwithstanding the said fact, 1st taking advantage of the fact that he is the eldest son of deceased Padadappa, went on dealing with the ancestral properties in his own way as if they were all his self-acquired properties ignoring the undivided right and interest of the other members of Hindu undivided family. Out of the properties in Gangavathi, 1st defendant has unauthorizedly alienated 2 sites in favour of 11th defendant and another 2 sites in favour of 12th defendant. Similarly, 1st defendant, his wife and children had alienated properties in Arsikere to defendants 7 to 10 and defendant No.13. Having regard to the provisions of Hindu Succession Act 1956 all the family members have their undivided right, title and interest

over the schedule properties as there was no partition till date. Plaintiffs made their best efforts to resolve the dispute to avoid any litigation. In this regard, plaintiffs have sent legal notice to the 1st defendant on 26.9.2013, which was served upon the 1st defendant and he replied on 15.10.2013. Whatever the 4 sale deeds executed by 1st defendant in favour of defendants 11 and 12 and 3 sale deeds executed in favour of defendants 7 to 10 and 13 are made without the consent of the other members of the joint family and hence, it is not binding upon the shares of plaintiffs. But it is not necessary for plaintiffs to seek any relief of declaration. Stating that the valuation of suit properties is made in accordance with law and there is proper cause of action for the suit, prays for decreeing the suit.

3. On the other hand, defendants 1 to 4, 6 to 10 and 13 have appeared before the Court through their respective counsels and defendants 1, 2, 13 and 15 have filed their separate written statements. After issuance of suit summons, defendants 5, 11 and 12 have failed to appear before the Court and hence, they were placed *exparte*.

4. On the other hand, 1st defendant appearance through his Advocate and filed his written statement admitting the relationship between the defendants 1 to 6 and plaintiff. He submit that some years prior to death of his father, he was doing his Engineering in Mysore. The 1st daughter of Padadappa was given in marriage to 1st plaintiff. 1st plaintiff involved himself in the said business and intentionally caused loss to his father. By that time, the partnership business was running in loss and there was dues of sales tax, income tax and other commercial taxes. There was several loan in SBM, Syndicate Bank and other private financiers. Among them one B.P.Nanjappa and B.M.Ramegowda, Dada and

Company and Ganesh Finance had initiated proceedings against his father for recovery of loan amount and accordingly, the family properties were attached. Some of the private companies both in Bengaluru and Arsikere and Banks had sued his father. During that situation his father had died. At that time, out of 6 sisters only 4 were married and 1st defendant had to take the responsibility of performing the marriage of his sisters and to improve the business. The family conditions was very well within the knowledge of plaintiffs and in order to clear the debts and to perform the marriage of his sisters, 1st defendant sold some of the properties situated at Arsikere. Likewise he had also cleared the tax obligations. Therefore, this defendant has not alienate the property for any illegal purposes. He had sold plot No.10 to 12 and 15. Item No.1 was sold in favour of 13th defendant and item No.2 in favour of defendants 7 and 8 and item No.1 in favour of defendant Nos.4 and 10 and item No.4 in favour of Gopala Krishna during the year 1986. Therefore, in order to preserve the family respect to clear of the family debts and to perform the marriage of the daughters and to manage the family, both properties were sold. Contending that the suit is barred by limitation, prays for dismissal of the said suit against the defendants.

5. On the other hand, purchaser 13th and 15th defendants have also contested the suit admitting the relationship between the parties and deny the entire plaint averments. They submit that since late Padadappa had sustained loss in the Mandi business and was indebted in various banks and private individuals and to perform the marriage of some of the daughters, 1st defendant had sold item No.3 in favour of 13th defendant under the registered sale deed dated 8.9.2003 and 13th defendant in turn had sold the said property in favour of 15th defendant on 1.6.2012.

As per the Amendment Act which came into force on 20.12.2013 female daughters are not having any right over the ancestral properties. Therefore, they cannot seek partition in respect of self-acquired properties of 13th and 15th defendants.

6. Further, defendants 9, 10 and 14 filed their written statement denying the plaint averments and contend that they are bonafide purchasers for value who have purchased the properties from the 1st defendant after due verification that the properties were sold by the 1st defendant for the family necessities and for the benefit of the estate. Therefore, no partition can be sought in respect of the purchased properties. Stating that there is no cause of action for the said suit, prays for dismissal of the said suit against them.

ISSUES

7. On the basis of pleadings and documents averred by the parties, the following issues were framed by my predecessor:

- 1) Whether the plaintiffs prove that suit schedule properties are all joint family properties?
- 2) Whether the 1st defendant proves that he sold item no 1, 2, 3, 4 situated at Arsikere and other properties situated at Gangavathi town are sold to discharge debt?
- 3) Whether the plaintiffs are entitled for share as sort for?
- 4) Whether the plaintiff is entitled for mesne properties?
- 5) Whether the suit of plaintiffs is barred by law of limitation?
- 6) What order or decree?

8. Plaintiffs in order to prove their case, got examined the GPA holder of 8th plaintiff as PW.1 and got marked documents as per Ex.P.1 to P.13. On the other hand, 3 witnesses were examined on behalf of defendants as DWs.1 to 3 and they got marked documents as per Ex.D.1 to D.37.

9. I have heard the arguments on both sides.

10. I have perused the pleadings, evidence and documents placed on record.

11. In the light of the above, my findings on the above issues are as follows:

Issue No.1 :	Answered accordingly
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:

REASONS

12. **Issue Nos.1 and 2:** Since these issues are interlinked with each other hence, they are taken up together for common discussions in order to avoid the repetition of facts.

At the out set it is necessary to note the relationship between the parties interse. Plaintiffs contend that one N. Padadappa and his wife Neelamma had children, that is, Rajappa, Parvatamma, plaintiffs 7 to 10 and defendants 1 and 2. N. Padadappa died on 8.11.1973 and Neelamma died on 13.3.1986. 1st plaintiff is the husband of Parvatamma, who is no more. One of the son of Padadappa, Rachappa is also dead. Plaintiffs 2 to 6 are the

children of 1st plaintiff and Parvatamma. Defendants 4, 5 and 6 are the children of 1st defendant. The said genealogy is clearly indicated by plaintiffs. It is noticed that 1st defendant being the eldest son of Padadappa has admitted the relationship between the parties. Some of the purchasers who have contested the suit i.e., defendant 9, 10, 13, 14 and 15 have not specifically denied the relationship between the parties. The other defendants have not contested the suit. This indicates that there is no dispute between the parties regarding the relationship interse between them. Under these circumstances, the genealogy produced by the plaintiffs as per Ex.P.3 is admitted.

13. Further, plaintiffs contend that N. Padadappa was coconut merchant and businessman in Arsikere town. He had purchased the properties in Gangavathi in Koppal district and some of the properties in Arsikere town. The properties situated at Gangavathi town is shown as item Nos.1 to 6 and properties in Arsikere town item Nos.1 to 4 are separately shown in the schedule annexed to the plaint. As far as the existence and identity of the suit properties is concerned, it is not in dispute. Further, there is no specific denial from the contesting defendants that the properties are purchased by Padadappa during his lifetime. Hence, it is an admitted fact that all the suit schedule properties belonged to N. Padadappa. This is the reason that plaintiffs have not produced any Revenue documents pertaining to existence of schedule properties.

14. Further, it is admitted fact that there was family debts during the lifetime of N. Padadappa. Plaintiffs specifically alleges that though all the children of Padadappa were having right, title and interest and specific share over the schedule properties, 1st defendant without the consent of plaintiffs ignoring the undivided

right of the family members started to alienate the properties, wherein 2 Gangavathi sites were sold in Gangavathi town and other 2 sites in Arsikere town was sold in favour of 12th defendant. 1st defendant along with his wife and children have alienated the properties in Arsikere in favour of defendants 7 to 10 and 13. Such alienation made by one of the family member of the joint family without the consent of other family members is not binding upon other members. Hence, there was no necessity under law to seek specific relief of declaration that the sale deeds executed by the 1st defendant in favour of defendants 7 to 12 are null and void and not binding upon plaintiffs.

15. Per contra, 1st defendant and other purchasers contend that there was huge debt subsisting at the time of death of Padadappa who had availed loan from various Banks and financial institutions and from private individuals who had initiated recovery proceedings. There was huge arrears of sales tax, income tax and other commercial taxes. Out of 6 daughters, marriage of 4 daughters were performed by Padadappa and remaining two sisters were yet to be married. At that time, 1st defendant was studying in Mysore and due to the death of Padadappa, he left Mysore and came and took charge of the family responsibility of the family affairs. He did not had any other option, but to sell some of the properties in order to clear off the above family necessities. Therefore, defendants contend that sale made by the 1st defendant was for the family necessity and not for any other immoral purposes. Under such circumstances, the purchasers who are the bonafied purchasers for value have acquired good title from the 1st defendant as the sale was for the family necessity and hence, no partition can be claimed in respect of those properties. Further, defendants also challenged the maintainability of the suit

on the ground that plaintiffs have not sought any relief for declaration and the suit is hopelessly barred by limitation.

16. As said earlier, on perusal of the records, admittedly the existence of the family debts is not in dispute. Similarly, it is also not in dispute that 1st defendant has sold some of the family properties. In this regard, plaintiffs have produced certified copy of the certain sale deeds as per Ex.P.6 to P.13. Similarly, defendants also produced certain sale deeds as per Ex.D.4 to D.36. The only point that arises for consideration is, whether the alienation made by the 1st defendant was for the benefit of the family or for any illegal purposes. Considering the pleadings of both the parties, burden is upon the plaintiffs in order to establish that the sale was made by the 1st defendant for illegal purposes. Similarly, defendants will have to establish that the sale is for the family necessity. In this regard, records clearly reveal that plaintiffs have not placed any materials to show that the sale was made by the 1st defendant towards illegal purposes. The recital of those sale deeds reveals that in order to clear the family debts and for family necessity properties were purchased. Those sale deeds are not been challenged by the plaintiffs till date.

The son of 9th plaintiff has also got examined himself as PW.1, wherein it is elicited during his cross-examination that:

ಪಡದಪ್ಪ ತೀರಿಕೊಂಡಾಗ 1ನೇ ಪ್ರತಿವಾದಿ ಅವರ ಅ ವಿದ್ಯಾಭ್ಯಾಸವನ್ನು ಅರ್ಥಕ್ಕೆ ನಿಲ್ಲಿಸಿ ಅರಸೀಕೆರೆಗೆ ಬಂದರು ಎಂದರೆ ಸರಿ. ಬಂದ ನಂತರ ಪಡದಪ್ಪ ಅಂಡ್ ಸಂಸ್ಥೆಯನ್ನು ನಿಲ್ಲಿಸಿದರು. ಹೀಗಾಗಿ ಕುಟುಂಬದ ಸಂಪೂರ್ಣ ಜವಾಬ್ದಾರಿಯನ್ನು 1ನೇ ಪ್ರತಿವಾದಿ ತೆಗೆದುಕೊಂಡರು. ಕುಟುಂಬಕ್ಕೆ ಬಂದ ನಂತರ ಉಳಿದ ಹೆಣ್ಣು ಮಕ್ಕಳ ಮದುವೆ ನಡೆಯಿತು. ಕುಟುಂಬಕ್ಕೆ ವಾಪಸ್ಸು ಬಂದ ನಂತರ ಕುಟುಂಬದ ಹಣಕಾಸಿನ ಪರಿಸ್ಥಿತಿ ಹೇಗಿತ್ತು ಎಂಬುದರ ಬಗ್ಗೆ ನನಗೆ ಆಗ ಮಾಹಿತಿ ಇರಲಿಲ್ಲ. 1973 ರಿಂದ 80 ರವರೆಗೆ ಕುಟುಂಬದ ಸ್ಥಿತಿ ಹೇಗಿತ್ತು ಎಂದು ಯಾವಾಗ

ತಿಳಿದು ಬಂದಿತು ಎಂದರೆ ಪ್ರತಿ ವರ್ಷ ಎಲ್ಲಾ ಪ್ರತಿವಾದಿಗಳು ಕುಟುಂಬದಲ್ಲಿ ಸೇರುತ್ತೇವೆ ಆ ಸಮಯದಲ್ಲಿ ಮಾತನಾಡುತ್ತಿದ್ದೆವು.

The above evidence clearly indicate that plaintiffs are very well aware of the family situation at the time when the property was sold by the 1st defendant. No rebuttal evidence is adduced by the plaintiffs in order to disprove the above evidence. Since the existence of the family debt was admitted and the alienation was admitted, I am of the opinion that sufficient materials are available on record to believe that 1st defendant has alienated the properties towards the discharge of the family debt and for legal necessity. Hence, plaintiffs have utterly failed to prove that the alienations are tainted with immoral purposes.

17. At this stage, it is relevant to note here that the relationship between the parties and nature of schedule properties are admitted. As on the death of Padadappa, there was several antecedent debts. After his death, the 'Doctrine of Pious obligation' comes into picture. So, 1st defendant being the eldest male member of the family was under Pious obligation to discharge the father's debts. In pursuance of this, he has sold some of the schedule properties. Moreover, as discussed earlier, plaintiffs have failed to prove that the sale is made for illegal purposes. Defendants have produced Ex.D.1 to D.29 the receipts which they state that they are Kundalies. But plaintiffs state that they are pronote. However, those documents goes to establish that there was family debts. So, to clear those family debts, 1st defendant as kartha of the joint family has sold the properties. Under such circumstances, the alienation made by the 1st defendant is valid in the eye of law.

18. Thus, from the above discussion, it is clear that plaintiffs have proved that the suit schedule properties belonged to N. Padadappa and the 1st defendant had sold some of the items of the schedule properties in order to discharge the family debts. On the other hand, plaintiffs have utterly failed to prove that the alienations made by the 1st defendant is illegal. **Hence, issue No.1 is answered accordingly and issue No.2 is answered in the affirmative.**

19. **Issues Nos.3 and 5:** As discussed earlier, from the records it is an admitted fact that the plaintiffs and defendants 1 to 6 are the family members and the suit schedule properties were purchased by N. Padadappa. Under such circumstances, as rightly pointed by learned Advocate for the plaintiffs, Sec.8 of Hindu Succession Act comes into picture. Soon after the death of Padadappa succession opens. Now to consider whether the plaintiffs are entitled for shares or not, it is necessary that the suit schedule properties must be available for partition as on the date of the order. But, in the instant case, admittedly, suit schedule item Nos.1 to 4 of Gangavathi town and item Nos.1 to 3 of Arsikere town properties are already alienated. No specific relief is sought by the plaintiffs for declaration that the sale deeds are not binding upon the plaintiffs. Those sale transactions are not challenged by the plaintiffs. When the suit properties are not in existence as on the date of the filing of the suit, no relief can be granted in favour of plaintiffs. With regard to item Nos.5 and 6 properties are concerned, no documents are made available to show whether those properties belonged to their family or not. As admitted by PW.1 suit item No.4 of Arsikere town, no relief is claimed. Under these circumstances, I am of the opinion that plaintiffs are not entitled for the relief of partition over any of the suit properties.

20. Admittedly, the alienations have taken place during the year 2003 and during 2012. Plaintiffs are having knowledge of those alienations during that year itself. When such being the case, they ought to have challenged those alienations within 3 years. Soon after the sale, possession of the properties was given to the purchasers and hence, the question of plaintiffs being in joint possession of those properties do not arise at all. Hence, the suit filed by the plaintiffs is barred by limitation. **Accordingly, issue No.3 is answered in the negative and issue No.5 is answered in the affirmative.**

21. **Issue No.4:** From the available oral and documentary evidence on record, there are no sufficient materials to assess the mesne profits. Moreover, the parties were parted with the possession of the properties soon after sale made in favour of purchasers. Under such circumstances, assessing mesne profits now do not arise. Hence, plaintiffs are not entitled for any relief under this head. **Accordingly, this issue is answered in the negative.**

22. **Issue No.6:** In view of my above discussion and findings on issue Nos.1 to 5, I proceed to pass the following:

ORDER

The suit filed by the plaintiffs is hereby dismissed.

No order as to costs.

Draw decree accordingly.

(Dictated to the Stenographer, transcribed and typed by him,
revised by me and then pronounced by me in the open Court on
this the 1st day of July 2019)

(Smt.Nirmala. K)
Senior Civil Judge & JMFC,
Arasikere.

:ANNEXURE:

List of witnesses examined on behalf of plaintiff:

PW.1 : G.S. Pradeep

List of documents produced on behalf of plaintiff:

Ex.P.1 : GPA dated 13/12/2013
Ex.P.2 : GPA dated 3/11/2013
Ex.P.3 : Genealogical tree
Ex.P.4 : Legal notice
Ex.P.5 : Replay notice
Ex.P.6 : Certified copy of sale deed
Ex.P.7 : Certified copy of sale deed
Ex.P.8 : Certified copy of sale deed
Ex.P.9 : Certified copy of sale deed
Ex.P.10 : Certified copy of sale deed dated
20/10/2003
Ex.P.11 : Encumbrance certificate
Ex.P.12 : Certified copy of sale deed dated
8/09/2003
Ex.P.13 : Certified copy of sale deed dated
06/02/2006

List of witnesses examined on behalf of defendants:

DW.1 : N.P. Vijayakumar
DW.2 : Mangilal
DW.3 : Nirmala

List of documents produced on behalf of defendants:

Ex.D.1 to 29 : Receipts (29)
Ex.D.30 : Bank Interest paid Receipts
Ex.D.31 : Tax Paid Receipt
Ex.D.32 : Tax Paid Receipt

Ex.D.33 : Assessment register extracts
Ex.D.34 : Original sale deed
Ex.D.35 : Sale deed
Ex.D.36 : Copy of sale deed
Ex.D.37 : Assessment extracts

**Senior Civil Judge & JMFC,
Arasikere.**