

KAHS810001092025



**IN THE COURT OF C/C I ADDL CIVIL JUDGE AND
JMFC., SAKALESH PURA**

:Present:

SRI LAKSHMI NARASIMHA R.V., B.A.L., L.L.B.,

C/c I Addl. Civil Judge & JMFC., Sakaleshpura.

Dated this the 4th day of April, 2026

O.S. No.12/2025

Plaintiff : Smt. Savithramma W/o Late Devaraju,
Aged about 50 years,
R/at Thoralli village,
Palya Hobli,
Alur Taluk,
Hassan District.

[Rep. by Smt. S.K., Advocate]

-V/s-

Defendants : 1. Smt. Gowramma
W/o Giddegowda,
Aged about 80 years,
2. Sri. Venkategowda
S/o Late Giddegowda
Aged about 65 years,
3. Smt. Radha
W/o Late Krishnegowda,
Aged about 40 years,



4. Shobha D/o Late Krishnegowda,
Aged about 18 years,
All are R/at Chikkanayakanahalli
village,
Belagodu Hobli,
Sakaleshpura Taluk.

[Def No.1 to 4 Exparte]

Date of Institution of Suit	15.01.2025
Nature of the Suit	Partition and Separate Possession
Date of Commencement of Evidence	06.11.2025
Date of pronouncement of Judgment	04.04.2026
Total Duration	Years Months Days
	01 02 20

JUDGMENT

The plaintiff has filed the present suit for the relief of partition and separate possession in respect of suit schedule property.

2. Facts of the case of plaintiff are as follows:-

The plaintiff, defendant No.2 and one Krishnegowda are the children of defendant No.1 and Giddegowda. Plaintiff No.3 and 4 are the wife and daughter of the said Krishnegowda. The



suit schedule property was originally granted in the name of her father Giddegowda. After his demise the revenue records got mutated in the name of defendant No.1. Hence, the suit schedule property is the joint family property of the plaintiff and defendants and no partition has been effected till this day. Thereafter when the plaintiff requested the defendants to effect the partition the suit schedule property, they did not oblige for the same. Hence, the plaintiff constrained to file the present suit seeking for partition and separate possession.

3. In spite of service of summons, the defendants have not chosen to appear before the court. Hence, they are placed *exparte*.

4. In order to prove the case, the plaintiff got examined herself as PW.1 by filing affidavit in lieu of examination in chief and got marked documents at Ex. P1 to 6.

5. On considering the plaint averments, evidence on record and arguments, the following points would arise for the consideration.



1. Whether the plaintiff proves that the suit schedule property is joint property of the plaintiff and defendants and she is entitled to the share in the suit schedule property?

2. What order or decree?

6. My answer to the aforesaid points is as under :-

Point No.1: In the *Affirmative*

Point No.2: As per the final order for the following:

::REASONS::

7. **Point No.1::** It is specific case of the plaintiff that herself and defendants are the joint family members and the suit schedule property is the joint family and no partition of effected till this day. In order to substantiate her contention, PW.1 has produced RTC extract at Ex.P.1, certified copies of mutation extract at Ex.P2 and 3, Certified copy Official Memorandum of grant at Ex.P.4, certified copy of RTC at Ex.P.5 and Certified copy of records of rights at Ex.P.6. On perusal of the certified copy of the official memorandum at



Ex.P.4, it appears that the suit schedule property was originally granted in the name of propositus of Giddegowda. After his demise, it was got mutated in the name of defendant No.1 and her son Krishnegowda and later in the joint names of the defendants at Ex.P.3.

8. As already stated, inspite of service of notice, the defendants have not chosen to appear before the court so as to disprove or contradict the claim made by the plaintiff regarding the status of suit schedule property and her share. So the evidence let in by the plaintiff has remained unchallenged. There is no reason for this court either to disbelieve the oral testimony of the plaintiff or to doubt the genuineness of the documents produced by her. Hence, this court of the opinion that the suit schedule property is the joint property of plaintiff and defendants.

9. The plaintiff has sought for the partition and separate possession of her share in the suit schedule property. Hence, plaintiff, defendant No.1 and defendant No.2 are entitled to 1/4th



share each. Defendant No.3 and 4 are jointly entitled to 1/4th share in the suit schedule property. Accordingly, point No.1 is answered in the *Affirmative*.

10. On considering the facts and circumstances of the instant suit and on perusal of the order sheet it appears that, the parties to the suit being family members have not resorted for any unscrupulous act of protracting the proceedings, this court is of the opinion that, the parties to the suit shall bear their own costs.

11. **Point No.2::** In view of discussions made for Point No.1, this Court proceeds to pass the following;

::ORDER::

The suit of the plaintiff is hereby decreed.

The Plaintiff is entitled to 1/4th share each in the suit schedule property.

The Defendant No.1 and 2 are entitled to 1/4th share each in the suit schedule property.



The Defendant No.3 and 4 are jointly entitled to 1/4th share in the suit schedule property.

No order as to costs.

Draw preliminary decree accordingly.

After drawing the preliminary decree, the office is directed to register the final decree proceedings in terms of the preliminary decree and put up before the court on 04.06.2026. The records of the present suit shall also be kept along with final decree proceedings.

[Dictated to the stenographer directly on computer and then corrected by me and thereafter pronounced in the open court on this the 04th day of April, 2026]

[Lakshmi Narasimha R.V.]
C/c I Addl. Civil Judge and JMFC,
Sakaleshpura.

::ANNEXURE::

List of witnesses examined for the plaintiff:

PW.1 : Smt. Savithramma

**List of documents exhibited for the plaintiff:**

- Ex.P1 : RTC extract
- Ex.P.2 and 3 : Certified copies of the mutation extracts
- Ex.P.4 : Certified copy Official Memorandum of Grant
- Ex.P.5 : Certified copy of RTC
- Ex.P.6 : Certified copy of records of rights

List of witnesses examined by the Defendants:

- NIL -

List of documents exhibited by the Defendants:

- NIL -

[Lakshmi Narasimha R.V.]
C/c I Addl. Civil Judge and JMFC,
Sakaleshpura.