

KAHS810011052017



**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 15<sup>th</sup> day of April, 2026**

**O.S. No.94/2017**

**Plaintiffs**

- : 1. Smt. Harinakshi W/o Somashekar,  
Aged about 49 years,  
R/at Eshwarahalli village,  
Belagodu Hobli,  
Sakaleshpura Taluk,  
Hassan District.
2. Smt. Meenakshi W/o Basavaraju  
Aged about 51 years,  
R/at Margodu village,  
Mallipattana Post,  
Arkalagodu Taluk,  
Hassan District.

**[Rep. by Sri. M.P.H., Advocate]**

**-V/s-**

**Defendants**

- : 1. Smt. Gowramma  
W/o Late B.N. Rajashekar,  
Aged about 76 years,
2. Sri. B.R. Premakumar  
S/o Late B.N. Rajashekar,  
**(Since Dead by LRs)**
- 2A. Smt. Mamatha U.M.  
W/o Late B.R. Premakumar,  
Aged about 37 years,
- 2B. Smt. Jeevitha Prem  
D/o B.R. Premakumar,  
Aged about 13 years,  
**(Since minor rep by mother natural guardian)**  
(Def No.1, 2A and 2B are  
R/at Bommanakere village,  
Hetturu Hobli,  
Sakaleshpura Taluk,  
Hassan District.
3. Smt. B.R. Drakshyani W/o Manjuntha,  
Aged about 47 years,  
R/at Mudigere Hand Post,  
Mudigere,  
Chikkamagaluru Taluk.
4. Smt. Renuka D/o Late Rajashekar,  
Aged about 45 years,



R/at Bommanakere village,  
Hetturu Hobli,  
Sakaleshpura Taluk,  
Hassan District.

5. Sri. Mallikarjuna S/o Late Kantharaju,  
Aged about 25 years,  
R/at Bommanakere village,  
Hetturu Hobli,  
Sakaleshpura Taluk,  
Hassan District.
6. The Chief Secretary,  
Government of Karnataka,  
Vidhana Soudha,  
Bengaluru.
7. The Secretary,  
Panchayath Raj Department,  
Vidhana Soudha,  
Bengaluru.
8. The Chief Executive Officer,  
Zilla Panchayath,  
Hassan.
9. The President,  
Valalahalli Grama Panchayathi,  
Hetturu Hobli,  
Sakaleshpura Taluk.



10. The Secretary,  
Valalahalli Grama Panchayathi,  
Hetturu Hobli,  
Sakaleshpura Taluk.

**[Def No.1, 3, 4 and 8 Exparte]**  
**[Def No.2 dead]**  
**[Def No.2(a) and (b) rep by Smt.**  
**H.D.P. Advocate]**  
**[Def No.9 and 10 rep by Sri. J.R.B.**  
**Advocate]**  
**[Def No.6 and 7 rep by Sri. A.G.P.]**  
**[Def No.5 rep by Sri. P.N. Advocate]**

Date of Institution of Suit	21.06.2017
Nature of the Suit	Partition and separate possession
Date of Commencement of Evidence	22.08.2025
Date of pronouncement of Judgment	15.04.2026
Total Duration	Years      Months      Days
	08              09              25

### **J U D G M E N T**

The plaintiffs have 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 plaintiffs, Defendant No.2, 3, 4 and Kantharaju are the children of propositus by name B.N.Rajahsekar and Gowramma(Defendant No.1). Defendant No.5 is the son of said Kantharaju. The suit schedule property is the ancestral property of the plaintiffs and defendant No.1 to 5 and there is no partition effected amongst them. When the plaintiffs approached defendant No.1 to 5 to effect partition, they did not oblige for the same. When they culled out the documents, they came to know that defendant No.1 to 4 and father of defendant No.5 by name Kantharaju had executed a registered Sale deed dated 10.10.2006 in favour of the Government represented by Defendant No.9 and 10. They have no absolute right to execute the sale deed in favour of defendant No.9 and 10, After the knowledge, the plaintiffs have also issued notice in favour of the defendants. Hence, the sale deed dated 10.10.2006 is not binding on the share of the plaintiffs. Hence, the plaintiffs constrained to file the present suit for partition and separate possession.



3. Upon the service of summons, defendant No.2, 5, 6, 7, 9 and 10 have appeared before the court through their respective counsel. Whereas inspite of sufficient opportunity, they have not chosen to file written statement. Inspite of service of summons, defendant No.1, 3, 4 and 8 have remained absent. Hence, they are placed exparte. During the pendency of the suit, Defendant No.2 died. Hence, his Legal representatives were brought on record.

4. In order to prove the case, plaintiff No.1 got examined herself as PW.1 by filing affidavit in lieu of examination in chief and got marked documents at Ex. P1 to 16. On the other hand, the defendants have neither adduced any evidence nor produced any documents.

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



1. Whether the plaintiffs prove that the suit schedule property is ancestral and joint property of the plaintiffs and defendant No.1 to 5 and they are 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 plaintiffs that the suit schedule property is the ancestral and joint family property and there is no partition effected till this day. In order to substantiate their contention, PW.1 has produced RTC extract at Ex.P.1, Certified copy of mutation extract at Ex.P2, Certified copy Sale deed dated 10.10.2006 at Ex.P.3, Legal notice, postal receipt and returned RPAD covers at Ex.P.4 to 15, the endorsement letter Ex.P16. On perusal of the RTC extract and



mutation extract at Ex.P1 and 2, it appears the names of defendant No.9 and 10. Further it appears that defendant 9 and 10 have purchased the suit schedule property from defendant No.2 to 4, propositus B.N. Rajashekar and father of defendant No.5 by name Kantharaju. On perusal of the Sale deed, it is recited that the suit schedule property is the ancestral property and father of the plaintiffs acquired the same under the registered partition deed dated 01.06.1960. Hence, it is clear that the suit schedule property remained the status of ancestral joint family as against the plaintiffs.

8. As already stated, though defendant No.9 and 10 have appeared before the court, they have neither filed any written statement nor contested the suit so as to disprove or contradict the claim made by the plaintiffs regarding the status of suit schedule property and their share. Further, it can be seen that the plaintiffs have also issued legal notice in favour of the defendants at Ex.P4. Upon the receipt of notice, Defendant No.7 has also written a letter to defendant No.8 to submit the report.



Inspite of the same, they have remained absent not contested the suit. So the evidence let in by the plaintiffs has remained unchallenged. There is no reason for this court either to disbelieve the oral testimony of the plaintiffs or to doubt the genuineness of the documents produced by them. Hence, this court of the opinion that the suit schedule property is the ancestral joint property of plaintiffs and defendant No.1 to 5.

9. The plaintiffs have sought for the partition and separate possession of their respective shares in the suit schedule property. Hence, plaintiff is entitled to 1/7<sup>th</sup> share each in the suit schedule property. It can be seen from the sale deed that defendant No.1 to 4 and father of defendant No.5 Kantharaju being the head of the family have already sold their share of property in favour of defendant No.9 and 10. Hence, they are not entitled to any 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 plaintiffs is hereby decreed.

The Plaintiffs are entitled to 1/7<sup>th</sup> share each in the suit schedule property.

As defendant No.1 to 5 have already sold the property in favour of defendant No.9 and 10, their share is to be allotted in favour Defendant No.9 and 10.

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 19.06.2026. 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 15<sup>th</sup> 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. Harinakshi

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

Ex.P1 : RTC extract

Ex.P.2 : Certified copy of the mutation extract

Ex.P.3 : Certified copy Sale deed

Ex.P.4 to 15 : Postal receipts, Acknowledgments  
and returned RPAD Cover



Ex.P16 : Endorsement Letter of Defendant  
No.7

**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.