



Presented on	28-04-2025
Registered on	28-04-2025
Decided on	07-03-2026
Duration	10 Months, 09 Days.

IN THE COURT OF THE SENIOR CIVIL JUDGE AND J.M.F.C.,
AFZALPUR

Present: Shri. Vinayak Mayannavar,
B.A.,LL.B.
Senior Civil Judge & J.M.F.C., Afzalpur.

Dated this the 7th Day of March - 2026

Original Suit No-57/2025.

Plaintiff : Revanasiddappa S/o Late Shamaraya Paryan
Age : 41 years, Occ : Agriculture,
R/o : Chincholi village,
Tq : Afzalpur, Dist : Kalaburagi.

[By Shri M.S.P. Advocate]



V/s

Defendants :

- 1] Danamma W/o Late Chandappa Paryan,
Age : 48 years, Occ : Household/Agri work,
R/o : Chincholi village,
Tq : Afzalpur, Dist : Kalaburagi.

- 2] Shankar S/o Shamaraya Paryan,
Age : 45 years, Occ : Agriculture,
R/o : Chincholi village,
Tq : Afzalpur, Dist : Kalaburagi.

- 3] Surekha W/o Shankar Paryan,
Age : 36 years, Occ : Household work,
R/o : Chincholi village,
Tq : Afzalpur, Dist : Kalaburagi.

[D-1 By Shri M.M.K. Advocate]

[D-2 & 3 By Shri S.T.R. Advocate]



J U D G M E N T

The plaintiff has filed the present suit for the relief of partition and separate possession against the defendants.

2. *The brief facts of the plaintiff's case are as under :*

The deceased Shamaraya is the father of the plaintiff. The deceased Bhagamma is the mother of the plaintiff. The Shamaraya has got 3 sons by name Chandappa, Shankar and Revanasiddappa. The plaintiff is the Revanasiddappa. The brother of the plaintiff i.e Shankar is the defendant No-2. The defendant No-3 is the wife of the defendant No-2 i.e., Shankar. The brother of the plaintiff i.e. Chandappa is no more. The defendant No-1 i.e., Danamma is the wife of the deceased Chandappa. The plaintiff and the defendants are the Hindu joint family members.



3. It is further case of the plaintiff that, the suit properties bearing survey number 17/1 measuring 2 acre of land and survey number 17/4 measuring 1 acre of land are situated at Chincholi village. The suit properties are the ancestral and joint family properties of the plaintiff and the defendants. The defendant No-2 has taken the suit item No-2 property bearing survey number 17/4 measuring 1 acre of land by way of his share in the suit properties. The defendant No-2 has transferred the said land in the name his wife i.e., the defendant No-3. The plaintiff and the defendant No-1 have got 1/2 share each in the suit item No-1 property bearing survey number 17/1 measuring 2 acre of land. The defendant No-1 has illegally mutated her name to the suit item No-1 property. The plaintiff has got share in the suit item No-1 property. On the said material grounds the plaintiff has prayed for passing a decree in her favour.



4. In pursuance of the suit summons the defendants have appeared through their respective counsels.

5. The defendant No-1 has filed her written statement by denying the case of the plaintiff. The defendant No-2 and 3 have filed their written statement by admitting the case of the plaintiff.

6. The defendant No-1 has denied the case of the plaintiff but she has not come up with any specific case in her written statement.

7. On the basis of contentions of the parties following issues were framed by this court : -

ISSUES



- 1] Whether the plaintiff proves that, the plaintiff and the defendants are the Hindu joint family member ?
- 2] Whether the plaintiff proves that, the suit properties are the ancestral and joint family properties of the plaintiff and the defendants ?
- 3] Whether the plaintiff proves that, he has got share in the suit properties ? If so to what extent ?
- 4] Whether the plaintiff is entitled for the reliefs claimed by him in the plaint ?
- 5] What order or decree ?



8. The plaintiff in order to prove his case got examined himself as PW-1. The plaintiff got marked in all 34 documents as per Ex.P-1 to P-34.

9. The defendant No-1 in order to prove her case got examined herself as DW-1. The defendant No-1 has not marked any documents on her behalf.

10. The defendant No-2 and 3 in order to prove their case got examined the defendant 2 as DW-2. The defendant No-2 and 3 have not marked any documents on their behalf.

11. Heard the arguments.

12. On consideration of the materials placed before me on record, my findings to the above issues are as under: -



- Issue No-1 :- In the affirmative.
- Issue No-2 :- In the affirmative.
- Issue No-3 :- In the affirmative.
- Issue No-4 :- In the affirmative.
- Issue No-5 :- As per the final order, for the following.

REASONS

13. Issue No: -1 to 4 : These issues are interlinked together and required to be answered on the basis of same materials. Hence in order to avoid repetition, these issues are taken together for consideration.

14. The plaintiff has come up with a case that, the plaintiff and the defendants are the Hindu joint family members. The



defendant No-2 and 3 have admitted the relationship pleaded by the plaintiff. The defendant No-1 has denied the case of the plaintiff. The defendant No-1 has not come up with any specific case. On perusal of the evidence of the PW-1 and DW-2 it appears that, their evidence is in support of the case of the plaintiff.

15. The DW-1/defendant No-1 has deposed that, the plaintiff is the brother of her husband i.e., Chandappa. The defendant No-2 is also a brother of her husband. Hence, considering the materials on record it appears that, the plaintiff and the defendants are the Hindu joint family members. The parties have not produced any materials to show the legal division between the parties. Hence, I am of the opinion that, the plaintiff and the defendants are the Hindu joint family members. Hence, I answered issue No-1 in the affirmative.



16. The DW-1 in her cross examination has deposed that, the suit properties were come from the ancestors. The defendant No-2 has already taken his share. The suit properties were come from her father-in-law by name Shamaraya.

17. The DW-1 and DW-2 have deposed that, the suit properties are the ancestral and joint family properties of the plaintiff and the defendants. The plaintiff in the documentary evidence has produced the revenue records in the form of the Ex.P-1 to P-34 in support of his case.

18. The Ex.P-1 and 2 are the Khasara Pahani of the survey number 17/2/A measuring 12 acre 22 gunta of land. From the said documents it appears that, the suit properties in the year 1956 to 1959 were standing in the name of the grandfather of the plaintiff by name Shantappa.



19. The Ex.P-3 to P-27 are the RTC from the year 1963 to 2019. From the said documents it appears that, the 3 acre of suit land in survey number 17 was earlier standing in the name of the grandfather of the plaintiff by name Shantappa. The name of the father of the plaintiff i.e., Shamaraya S/o Shantappa was mutated in the year 1978 to 1983 RTC. From the year 1983 to 2019 the name of the father of the plaintiff is appearing for the 3 acre of suit land.

20. The Ex.P-28 to P-32 are the RTC of suit item No-1 property bearing survey number 17/1 measuring 2 acre of land standing in the name of the defendant No-1 i.e., Danamma W/o Chandappa from the year 2019 to 2024. The name of the defendant No-1 is appearing to the suit item No-1 property by showing the division in the year 2019-2020.

21. The Ex.P-33 and P-34 are the RTC and mutation extract of suit item No-2 property bearing survey number



17/4 measuring 1 acre of land. From the said documents it appears that, the defendant No-1 has mutated 1 acre of land in the name of the defendant No-3 i.e., wife of the defendant No-2 by showing partition in the year 2019-2020. On perusal of the materials on record it appears that, the plaintiff has produced the materials to believe that the suit properties are the ancestral and joint family properties of the plaintiff and the defendants. Hence, I answered issue No-2 in the affirmative.

22. The deceased Shamaraya has got 3 sons by name Chandappa, Shankar and Revanasiddappa. The plaintiff has proved that, the plaintiff and defendants are the Hindu joint family members. The plaintiff has proved that, the suit properties are the ancestral and joint family properties of the plaintiff and the defendants. The plaintiff has failed to prove the legal division and partition between the plaintiff and



defendants. Hence, the plaintiff i.e., Revanasiddappa is entitled for 1/3rd share in the suit properties. The brother of the plaintiff by name Chandappa is entitled for 1/3rd share in the suit properties. Hence, the wife of the deceased Chandappa i.e., the defendant No-1 is entitled for the 1/3rd share of Chandappa. The defendant No-2 i.e., Shankar is entitled for 1/3rd share in the suit properties. The defendant No-3 being the wife of the defendant No-2 is not entitled for any share in the suit properties. Hence, the plaintiff and the defendant No-1 and 2 are entitled for 1/3rd share each in the suit properties. Hence, I answered issue No-3 in the affirmative.

23. The plaintiff has proved his rights in the suit properties. The defendant No-1 has merely denied the case of the plaintiff. The defendant No-1 as DW-1 has deposed that, she is not ready to give the share to the plaintiff. In view of



plaintiff proving his rights in the suit properties the plaintiff is entitled for the relief of partition in the suit properties. Hence, I answered issue No-4 in the affirmative.

24. Issue No- 5 : - In view of my findings to the above issues and discussions. I proceed to pass the following: -

ORDER

The suit of the plaintiff is hereby decreed.

The plaintiff is entitled for 1/3rd share in the suit properties.

The defendant No-1 is entitled for 1/3rd share in the suit properties.

The defendant No-2 is entitled for 1/3rd share in the suit properties.



The defendant No-3 is not entitled for any share in the suit properties.

In the facts and circumstances of the case there is no any order as to costs.

Office is hereby directed to draw preliminary decree accordingly.

Office is hereby directed to register the final decree proceedings on drawing the preliminary decree in the present case and put up the final decree proceedings case with the certified copy of preliminary decree and order sheet in FDP case on **02-04-2026**.

The parties are hereby directed to appear before this court on **02-04-2026** for proceeding



further in the final decree proceedings without expectation of any process in the said case.

On failure to appear any of the parties the final decree case will be proceeded further in their absence.

Senior Civil Judge and JMFC.,
Afzalpur.

ANNEXURE

LIST OF WITNESSES EXAMINED ON BEHALF OF PLAINTIFF.

PW-1 : Revanasiddappa S/o Late Shamaraya Paryan

LIST OF DOCUMENTS EXHIBITED FOR PLAINTIFF.

Ex.P-1 & 2 : C.C of Khasara Pahanis.

Ex.P-3 to 9 : C.C of RTCs.

Ex.P-10 to 33 : RTCs.

Ex.P-34 : Mutation extract.



LIST OF WITNESSES EXAMINED ON BEHALF OF DEFENDANTS

DW-1 : Danamma S/o Late Chandappa Paryan.

DW-2 : Shankar S/o Late Shamaraya Paryan.

LIST OF DOCUMENTS EXHIBITED FOR DEFENDANTS

-Nil-

Senior Civil Judge and JMFC.,
Afzalpur.



(Judgment pronounced in the open court vide separate sheets)

ORDER

The suit of the plaintiff is hereby decreed.

The plaintiff is entitled for 1/3rd share in the suit properties.

The defendant No-1 is entitled for 1/3rd share in the suit properties.

The defendant No-2 is entitled for 1/3rd share in the suit properties.

The defendant No-3 is not entitled for any share in the suit properties.

In the facts and circumstances of the case there is no any order as to costs.



Office is hereby directed to draw preliminary decree accordingly.

Office is hereby directed to register the final decree proceedings on drawing the preliminary decree in the present case and put up the final decree proceedings case with the certified copy of preliminary decree and order sheet in FDP case on **02-04-2026**.

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Senior Civil Judge and JMFC.,
Afzalpur.