



**IN THE COURT OF THE CIVIL JUDGE & JMFC AFZALPUR  
AT: AFZALPUR**

**\*\*\* PRESENT \*\*\***

**Sri. ANIL AMATE**  
B.A., LL.B.(Hon's.)

Civil Judge & JMFC,  
Afzalpur.

**This 7<sup>th</sup> day of March-2026**

**OS.No.30/2024**

**PLAINTIFF:**

Smt. Bharati D/o Sharanappa  
Basalgaon, (W/o. Chandrakant  
Bashetty), Age: 40 years,  
Occ: Household, R/o Revoor (B)  
village, Tq: Afzalpur,  
Dist: Kalaburagi, at present:  
Shivshakti Nagar, Kalaburagi.

**:: Versus ::**

**DEFENDANTS: 1.**

Satalingappa S/o Sharanappa  
Basalgaon, Age:50 years,  
Occ: Agrculture, R/o Ankalagi  
village, Tq: Afzalpur,  
Dist: Kalaburagi.

2.

Mallikarjun S/o Sharanappa  
Basalgaon, Age:45 years,  
Occ: Agriculture,  
R/o Ankalagi village, Tq: Afzalpur,



Dist: Kalaburagi, at present:  
Shivshakti Nagar, Kalaburagi.

=====

01	Case Number	OS No.30/2024
02	Date of Institution of suit	05.08.2024
03	Nature of suit / case	Partition & Separate Possession & Injunction
04	Opinion of Judge	Suit is Dismissed
05	Plaintiff/s Represented by	Sri. S.G.H. Advocate
06	Defendant/s Represented by	Sri. M.J.P. Advocate
07	Date of Judgment	07 <sup>th</sup> day of March-2026
08	Total duration	01 Year 07 months 02 days

**- | J U D G M E N T | -**

1. This is a suit of plaintiff against the defendants for partition & separate possession seeking 1/3rd share in the suit schedule properties, Suit property A) lands bearing Sy No.95/5 measuring 05 acre 19 guntas, and Sy.No.95/13 measuring 01 acre 15 guntas totally measuring 06 acres 34 guntas, with boundaries East: Land of Kamalabai Shivaputa, West: Land of Basanna, North: Land of Gurupad, South: Land of Shivaputra, suit



property B) House bearing No. 3-48 with boundaries East: House of Hanamamth, West: 8 feet lane, thereafter house of Basanna Basalgaon, North: Public way, South: House of Bhinasha Khedakar situated at village Ankalagi Tq: Afzalpur taluka by metes and bounds and put her in separate possession of her share.

2. The sum and substance of the case made out by the plaintiff in a nutshell is, the plaintiff is sister of the defendants and suit properties are ancestral and joint family properties of them, the suit properties are earlier standing in the name of the father Sharanappa S/o Malakanna Basalgaon, after the death of him, suit properties are mutated in the defendants behind the back of the plaintiff, the plaintiff requested to the defendants to divide the parties as per the 1/3rd shares, the defendants are postponing to give her share by saying one and other reasons, on 10.06.2024 the once again



requested to the defendants to give 1/3 rd share in the suit properties but the defendants refused the request of the plaintiff, hence cause of action arose the the plaintiff to file the present suit, hence filed suit for partition and separate possession of their 1/3rd the share in suit properties. Therefore the plaintiff instituted the present suit.

3. After institution of the suit, the suit summons was being issued to the defendant. The defendants have appeared before the court but not filed their written statement and contested the matter.

4. Heard advocate for plaintiff.

5. The following points that are arisen for my determination:

**-/POINTS/-**

1. Whether the plaintiff proves that the relationship with the defendants ?



2. Whether the plaintiff proves that, the suit schedule properties are the ancestral and joint family properties of the plaintiff and defendants as contended?
  3. Whether the plaintiff is entitled for the relief as sought for?
  4. What order or decree?
6. My findings on the above points are as under: -

Point No.1: In the **Negative**  
Point No.2: In the **Negative**  
Point No.3: In the **Negative**  
Point No.4: As per the final order,for the following

**-| REASONS |-**

**7. POINTS NO.1 TO 3:** Since the points No.1 to 3 are inter alia, the same together taken for common discussion. This is the suit of plaintiff for partition and separate possession seeking her 1/3rd share in the suit



schedule properties. It is the specific contention of the plaintiff that, the defendants are the brothers of the sister and the suit properties are ancestral and joint family properties of them.

8. In order to substantiate the claim of plaintiff, the plaintiff got examined herself as PW-1 and got marked Ex.P1 to 7 documents. The PW-1 has reiterated the averments of the plaint in her examination-in-chief. The documents at Ex.P1 to 7, which are as per Ex.P 1 is ROR of suit property, Ex.P 2 is Mutation, Ex.P 3 and 4 are ROR of the suit property, Ex.P 5 to 7 are Form No.12.

9. In the light of the above materials, the learned counsel for plaintiffs has argued that, the suit properties are ancestral and joint family property of the plaintiff and of the defendants. The plaintiff has got legitimate 1/3 rd share in the suit schedule properties. Further argued



that, the PW-1 has deposed in her examination-in-chief in respect of relations between the parties and the nature of the property. The plaintiffs have produced the documents at Ex.P1 to 7, upon which the nature of the property can be ascertained. Since the suit properties are earlier standing in the name of the late father of plaintiff and of the defendants, now standing in the name of the defendants. The plaintiff have got legal right of share in the same. On the other hand the defendants remained absent. Therefore the oral and documentary testimonies of the plaintiff remained unchallenged and therefore he prays to decree the suit.

10. In the light of the above oral and documentary testimonies placed on record and on the basis of the arguments advanced by the learned counsel for the plaintiff, let me examine the oral and documentary testimonies of the plaintiff.



11. Basically this is the suit of plaintiff for partition and separate possession. The very requirement of the plaintiff is to prove the relations between the plaintiff and that of the defendants. In this regard, PW-1 has deposed in her examination-in-chief about the relations between herself and that of the defendants but not produced any documents in this regard and in the plaint also not shown the Genealogy. Therefore the plaint of the plaintiff suffering from fundamental lacuna which is required in the partition suit, that is the genealogy or family tree of the Plaintiff and of the Defendants. The genealogy or family tree is crucial and often required in a Partition suit to establish the relationship among Coparceners of suit properties and to prove their legal claim in the suit properties, under which, it is crystal clear that, plaintiff failed prove the relationship between the parties to suit.



Therefore, this court is of the opinion that, the plaintiff has failed established her relation with the defendants.

12. Further on keen and careful perusal of Ex.P1 to 07, it reveals that, suit properties are standing in the name of the defendants and which were standing in the name of the defendants and their father. Where the plaintiff herself failed prove the relationship with the defendants, the suit properties can not be considered as ancestral and joint family properties of the parties to the suit.

Where the plaintiff not shown the genealogy or family tree of the family, failed to prove the relationship, it is difficult and unsafe to to make proper partition in the joint family property.

13. Under the circumstances of the case, this court is of the opinion that the Plaintiff not disclosed the their family tree or genealogy in the plaint and also the Plaintiff failed to establish the relationship between the



Plaintiff and of the Defendants, and only on basis of Ex.P1 to 7, it is difficult to hold that the suit schedule properties are ancestral and joint family properties of the plaintiff and of the defendants. Therefore, the plaintiff is not entitled for the any claim as she prayed. Hence, Point No. 1 to 3 are answered in the negative.

14. **POINT NO.4:** for the forgoing reasons on points no.1, this court proceed to pass the following order.

**-|| ORDER ||-**

The suit of the plaintiff is hereby **dismissed**.

No order as to cost.

Draw decree accordingly.

*( Corrected and revised and then pronounced in the open court on this 07<sup>th</sup> day of March-2026)*

**(ANIL AMATE)**  
**Civil Judge & J.M.F.C.**  
**Afzalpur.**

**: ANNEXURES :**

**I. LIST OF WITNESSES EXAMINED BY THE PLAINTIFF:**

PW-1 : Bharti D/o Sharanappa Basalagaon



**II. LIST OF DOCUMENTS EXHIBITED FOR PLAINTIFF:**

Ex.P1 : R.T.C. extract  
Ex.P2 : Mutation  
Ex.P3 & 4 : RTC extracts  
Ex.P5 to 7: Form No.12

**III. LIST OF WITNESSES EXAMINED BY THE DEFENDANTS**

Nil

**IV. LIST OF DOCUMENTS EXHIBITED FOR DEFENDANTS:**

Nil

**(ANIL AMATE)  
Civil Judge & J.M.F.C.  
Afzalpur.**

Visit [ecourts.gov.in](https://ecourts.gov.in) for updates or download mobile app "eCourts Services" from Android or iOS