



Presented on : 17-04-2023
Registered on : 17-04-2023
Decided on : 09-09-2024
Duration : 1 year 4 months 22 days

IN THE COURT OF THE SENIOR CIVIL JUDGE & J.M.F.C. AT
SEDAM

PRESENT: SRI.SAGAR GURUGOUDA PATIL
B.A., LL.B(Spl).

Senior Civil Judge & JMFC Sedam.

DATED : THIS 9th DAY OF SEPTEMBER-2024.

ORIGINAL SUIT No.33/2023.

PLAINTIFF:

Manjula W/o Ramulu, Age: 38 years, Occ:
Household, R/o Hayyal, Tq: Sedam, Dist:
Kalaburagi.

(Advocate for plaintiff by Sri.B.N.S.)

(V E R S U S)

DEFENDANTS:

- 1) Narasimalu S/o late Devappa, Age: 52 yeares, Occ:
Agriculture, R/o Hayyal, Tq: Sedam, Dist: Kalaburagi.
- 2) Harikrishna S/o Late Devappa, Age: 50 years, Occ:
Agriculture, R/o Hayyal, Tq: Sedam, Dist: Kalaburagi.
- 3) Ramulu S/o Late Devappa, Age: 55 years, Occ:
Agriculture, R/o Hayyal, Tq: Sedam, Dist: Kalaburagi.
- 4) Laxmibai W/o Siddukumar, Age: 40 years, Occ:
Household, R/o H.No.29-94, Gandhi Nagar, I.D.P.L.
Qutubullapur, Land Mark Nishant High School,
Hyderabad-500045 (T.S.)

(Defendants placed Exparte)



Date of Institution of the Suit : 17-04-2023.

Nature of the suit of : Partition & separate possession

Date of Commencement of recording of evidence : 12-01-2024.

Date on which the Judgment was pronounced : 09-09-2024.

Total Duration : Year/s Month/s Day/s
01 03 22

J U D G M E N T

The plaintiff has filed this suit for the relief of partition and separate possession in the suit properties by metes and bounds.

2. Case of the plaintiff in brief is as under:

The defendants 1 to 3 are brothers of plaintiff and defendant No.4 is sister of the plaintiff. The suit land was originally owned and possessed by father of parties to the suit and their father died about 15 years back. After the death of father of parties to the suit, the defendant No.1 got mutated suit land to the extent of 4 acres out of 8 acres behind the back of plaintiff. The plaintiff requested the defendant No.1 to partition the suit property and to give her 1/5th share in the suit property but the defendant No.1 refused to effect partition. Hence prays to decree the suit.

4. After service of suit summons, the defendants did not appear before the court and hence they were placed exparte.



5. In order to prove her case, the plaintiff has examined herself as PW.1 and got marked 4 documents as Ex.P.1 to P.4.

6. Heard the arguments of the learned counsel for the plaintiff. Perused the materials available on record.

7. On the basis of the plaint averments and on hearing the Learned Counsel for the plaintiff, the following points arise for my consideration:

1. Whether the plaintiff proves that the suit schedule property was belonged to her father and he died leaving behind him the plaintiff and the defendants?

2. Whether the plaintiff is entitled for the reliefs prayed for?

3. What Order or Decree?

8. My findings on above points are as under :

Point No:1: In the Affirmative.

Point No.2 : As per the observation

Point No.3: As per final order for the following

REASONS

9. **Point No.1:-** The plaintiff in order to prove her case has examined herself as PW.1 and she has filed evidence on affidavit U/O 18 rule 4 of CPC containing her examination-in-chief by



reiterating the plaint averments and got marked 4 documents as Ex.P.1 to P.4. The certified copy of the registered sale deed dated 30.11.1992 is at Ex.P.4, wherein father of the plaintiff and defendants by name Devappa purchased the suit property from one Yallareddy. The RTC extracts at Ex.P.1 and 2 show that the suit property as standing in the name of the said Devappa. The above documents go to show that the father of the plaintiff and defendants purchased the suit property through registered sale deed and therefore the suit property was his self acquired property. The RTC extract at Ex.P.3 shows that the presently the suit property is standing in the name of defendant No.1. The plaintiff has stated on oath that after the death of her father the defendant No.1 got mutated the suit property in his name behind the back of the plaintiff. It is settled law that the revenue records do not create or extinguish title. Therefore, it has to be inferred that after the death of the deceased Devappa his children i.e., plaintiff and defendants succeeded the suit property U/s.8 of Hindu Succession Act. Hence, I answer point No.1 in the Affirmative.

10. Point No.2: This court has already held that after the death of Devappa the plaintiff and defendants succeeded the suit property U/s.8 of Hindu Succession Act. Therefore, the plaintiff and defendants are entitled for 1/5th share each in the suit property. Hence, I answer point No.2 in the Affirmative.

11. Point No.3: For the foregoing reasons, I proceed to pass the following:

**ORDER**

The suit of the plaintiff is hereby decreed.

The plaintiff and defendants are entitled for 1/5th share each in the suit schedule property by way of partition and separate possession by metes and bounds.

In the facts and circumstances of the case no order as to cost.

Office is hereby directed to draw preliminary decree accordingly.

(Dictated to the Stenographer directly and typed by him on computer, corrected, signed and then pronounced by me, in the open Court on this the 9th day of September - 2024)

(SAGAR GURUGOUDA PATIL)
Senior Civil Judge & JMFC,
Sedam.

ANNEXURE**LIST OF WITNESSES EXAMINED ON BEHALF OF PLAINTIFF.**

PW.1 : Manjula W/o Ramulu.

LIST OF WITNESSES EXAMINED ON BEHALF OF DEFENDANTS.

--Nil--



LIST OF EXHIBITS MARKED ON BEHALF OF PLAINTIFF

Ex.P.1 to 3 : RTC Extracts.

Ex.P.4. : Registered Sale Deed dated 30.11.1992.

LIST OF EXHIBITS MARKED ON BEHALF OF DEFENDANTS.

-Nil-

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