



Presented on : 26-10-2024  
Registered on : 26-10-2024  
Decided on : 04-04-2026  
Duration : 01 year 05 months 08 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 4<sup>th</sup> DAY OF APRIL-2026**

**ORIGINAL SUIT No.127/2024**

PLAINTIFF/S:

1. Shivanandamma D/o Basawaraj W/o Ramlu Boddu, Age: 39 years, Occ: Household & Agriculture, R/o Sindhanamadu, Tq: Sedam, Dist: Kalaburagi Now at Itlapur Mandal Damargidda, Tq: & Dist: Narayanpet (T.S.) (Aadhar Card No.6369 7350 8019)
2. Chandrakala D/o Basawaraj W/o Chandrashekar Walikar, Age: 35 years, Occ: Household, R/o Jawahar Nagar, Tq: Sedam, Dist: Kalaburagi (Aadhar Car No.2722 0888 8416)
3. Saraswati D/o Basawraj W/o Hanmantu Manigeri, Age: 37 years, Occ: Household, R/o Kakalwar, Tq: Gurumitkal, Dist: Yadgir (Aadhar Card No.9509 9907 4725)
4. Channabasamma D/o Basawaraj W/o Rajkumar, Age: 32 years, Occ: Household, R/o Sindhanamadu, Tq: Sedam, Dist: Kalaburagi.



5. Jayashree D/o Basawaraj W/o Hanamantu Bevingida, Age: 30 years, Occ: Household, R/o Bankalaga, Tq: Chittapur, Dist: Kalaburagi.

6. Rukmini D/o Basawaraj W/o Hanamanth Manigeri died through LRs (Aadhar Card No.4983 9240 1683)

6(a) Hanamanth S/o Buggappa Manigeri, Age: 44 years, Occ: Agriculture, R/o Kakalwar, Tq: Gurumitkal, Dist: Yadgir.

6(b) Praveenkumar S/o Hanamanth Manigeri, Age: 17 years (Minor) Occ: Student, R/o Kakalwar, Tq: Gurumitkal Dist: Yadgir, under guardian of his natural father Hanamanth S/o Buggappa Manigeri, R/o Kakalwar Tq: Gurumitkal, Dist: Yadgir.

6(c) Prabhakar S/o Hanamanth Manigeri, Age: 14 years (Minor) Occ: Student, R/o Kakalwar, Tq: Gurumitkal Dist: Yadgir, under guardian of his natural father Hanamanth S/o Buggappa Manigeri, R/o Kakalwar Tq: Gurumitkal, Dist: Yadgir.

(Advocate for plaintiffs by Sri.S.K.D.)

**( V E R S U S )**

DEFENDANT/S:

1. Sharanamma W/o Basawaraj Kotarki, Age: 64 years, Occ: Agriculture & Household, R/o Sindhanamadu, Tq: Sedam, Dist: Kalaburagi. (Aadhar Card No.3423 3674 0933)

2. Shravankumar S/o Basawaraj Kotarki, Age: 33



years, Occ: Agriculture, R/o Sindhanamadu, Tq: Sedam, Dist: Kalaburagi. (Aadhar Card No.7240 1097 5729)

3. Mounesh S/o Basawaraj Kotarki, Age: 26 years, Occ: Agriculture, R/o Sindhanamadu, Tq: Sedam, Dist: Kalaburagi. (Aadhar Card No.2666 6594 5835)

(Defendants placed Exparte)

Date of Institution of the Suit : 26-10-2024

Nature of the suit of : Partition and separate possession

Date of Commencement of recording of evidence : 14-08-2025

Date on which the Judgment was pronounced : 04-04-2026

Total Duration : Year/s Month/s Day/s  
01 05 08

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

The plaintiffs have filed this suit for the relief of partition and separate possession in the suit schedule properties by mets and bounds.

### **2. The brief facts of the plaintiffs' case are as under:**

The deceased Basavaraj is the father of plaintiffs and defendant No.2 and 3 and defendant No.1 is the legally wedded wife of the deceased Basavaraj. The said Basavaraj died on



07.12.2005. The plaintiff No.6 died on 12.06.2014 leaving behind her plaintiff No.8(a) to (c). The plaintiffs and defendants constitute Hindu undivided joint family. The suit properties are ancestral and joint family properties of plaintiffs and defendants. The defendant No.1 is trying to transfer the suit properties in the names of defendant No.2 and 3. When the plaintiffs requested the defendants to effect partition the defendants refused to effect partition. Hence, prays to decree the suit.

**3.** After service of suit summons, the defendants remained absent and hence they were placed *exparte*.

**4.** In order to prove their case, the plaintiffs have examined plaintiff No.1 as PW.1 and got marked 18 documents as Ex.P.1 to P.18. They have got examined one witness and PW.2.

**5.** Heard the arguments of plaintiffs side. Perused the materials available on record.

**6.** On the basis of the above pleadings, the following points arise for consideration.

1. Whether the plaintiffs prove that the suit properties are ancestral and joint family properties of the plaintiffs and defendants?
2. Whether the plaintiffs are entitled for the reliefs sought for?
3. What order or decree?



7. My findings on above points are as under :

Point No:1: In the Affirmative.

Point No.2: In the Affirmative.

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

### **REASONS**

8. **Point No.1:-** It is the case of the plaintiffs that one Basavaraj died leaving behind him the plaintiffs and defendants. The plaintiffs and defendants are joint family members and the suit properties are their ancestral and joint family properties. The plaintiffs are having share in the suit properties.

9. The plaintiffs in order to their case have examined plaintiff NO.2 as PW.1 and PW.1 has filed affidavit U/O 18 Rule 4 of CPC containing her examination-in-chief by reiterating the plaint averments and got marked 18 documents as Ex.P.1 to P.18. The G-tree is at Ex.P.14 and the same shows that the deceased Basavaraj is husband of defendant No.1 and father of plaintiffs and defendants. The RTC extract at Ex.P.1 to 7 show that the suit items No.1 to 3 and 5 and 6 are standing in the name of defendant No.1. In the column No.10 the mode of possession is shown as partition. The PW.2 in his examination in chief has deposed that father of plaintiffs-Basavaraj and he himself are brothers and they got divided the properties. In the said partition suit properties fell to the share of father of the plaintiffs. The suit properties are ancestral properties.



**10.** The defendants have failed to appear and deny the case of the plaintiffs. Therefore, the evidence of PW.1 and 2 has remained unchallenged. Therefore, there is no reason to disbelieve the case of the plaintiffs. By considering the oral and documentary evidence on record it becomes clear that the suit properties are ancestral properties and in the partition between the deceased Basavaraj and his brothers the suit properties fell to the share of the deceased Basavaraj and after his death the suit properties were mutated in the name of his wife defendant No.1. Hence, I answer point No.1 in the Affirmative.

**11. Point No.2:-** In view of the findings on point No.1 the plaintiffs are entitled for the relief of partition and separate possession in the suit properties. It is on record that the deceased Basavaraj died leaving behind him his wife-defendant No.1 and daughters and sons i.e., plaintiffs and defendant No.2 and 3. Therefore, in this case the plaintiffs and defendants No.2 and 3 being co-parceners are entitled for equal share in the suit properties. On the other hand the defendant No.1 who is wife and is entitled for share in the undivided share of Late Basavaraj. Therefore, in order to carve out share of defendant No.1 notional partition has to be effected. In the notional partition Late Basavaraj and his six daughters and two sons would be entitled for 1/9th share each in the suit properties. In the 1/9th share of Basavaraj his children i.e., six daughters and two sons and wife being Class-I heirs are entitled for 1/81th share each. The plaintiff



No.6 died leaving behind her plaintiff No.6(a) to (c). Therefore, plaintiff No.6(a) to (c) together are entitled for share of the deceased plaintiff No.6. Accordingly, six daughters and two sons of Basavaraj are entitled for  $1/9$ th share +  $1/81$ th share which comes to  $10/81$ th each in the suit properties. Hence, I answer point No.2 accordingly.

**12. Point No.3:-** For the foregoing reasons, I proceed to pass the following:

**ORDER**

The suit of the plaintiffs is hereby decreed with costs.

The plaintiffs No.1 to 5 and defendants No.2 and 3 each and plaintiff No.6(a) to (c) together are entitled for  $10/81$ th share and defendant No.1 is entitled for  $1/81$ th share in the suit properties by way of partition and separate possession by metes and bounds.

Office to draw preliminary decree accordingly.

(Dictated to the Stenographer directly on computer, corrected, signed and then pronounced by me, in the open Court on this the **4<sup>th</sup> day of April-2026**)

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



**ANNEXURE**

**LIST OF WITNESSES EXAMINED ON BEHALF OF PLAINTIFFS.**

PW.1 : Shivanandamma D/o Basavaraj W/o Ramulu Boddu  
PW.2 : Sarvagnya S/o Channabasappa

**LIST OF WITNESSES EXAMINED ON BEHALF OF DEFENDANTS.**

--Nil--

**LIST OF EXHIBITS MARKED ON BEHALF OF PLAINTIFFS.**

Ex.P.1 to 7 : Computerized RORs  
Ex.P.8 : Lavani Patrike  
Ex.P.9 to 11 : Sketch maps  
Ex.P.12 : Receipt  
Ex.P.13 : Proposed sketch  
Ex.P.14 : Family pedigree  
Ex.P.15 : Endorsement  
Ex.P.16 to 18 : Sketch maps

**LIST OF EXHIBITS MARKED ON BEHALF OF DEFENDANTS.**

-Nil-

Senior Civil Judge & JMFC,  
Sedam.