

KAKL600000042024



**IN THE COURT OF PCJ AND JMFC, SRINIVASPUR**

**PRESIDED BY – KARN SINGH R U**

**DATED – 6<sup>TH</sup> DAY OF JULY, 2026**

**ORIGINAL SUIT No.3 OF 2024**

**PLAINTIFF(S)**

....

Ramappa,  
S/o Venkatappa,  
Aged about 73 years,  
R/at: Kambalapalli Village,  
Rayalpad Hobli, Srinivaspur Taluk.

(Represented by Venkatesh B,  
Advocate)

**v/s**

**DEFENDANT(S)**

....

1. Venkashami,  
S/o Late Venkatappa ,  
Aged about 80 years,
2. K V Govindappa,  
s/o Late Venkatappa,  
Aged about 75 years,
3. Suresh,  
S/o Late Munishami,  
Aged about 42 years,

4. Narayanswamy,  
S/o Late Munishami,  
Aged about 42 years,
5. Manjunatha,  
S/o Late Munishami,  
Aged about 40 years,
6. Bayamma,  
W/o Nanjappa,  
D/o Late Venkatappa,  
Aged about 70 years,
7. Venkataravana,  
S/o Venkatalakshmi,  
Aged about 59 years,
8. Srinivasa,  
S/o Venkatasami,  
Aged about 52 years,
9. Ramesha,  
S/o Venkatasami,  
Aged about 49 years,

Defendants No.1 to 9 are  
R/at: Kambalapalli Village,  
Rayalpad Hobli, Srinivasapur Taluk.

10. Neelamma,  
W/o Narayanswamy,  
D/o Munishami,  
Aged about 48 years,  
R/at: Kotapalli Village,  
Ronur Hobli, Srinivasapur.
11. Mangamma,  
W/o Gavanolu Ramappa,  
D/o Venkatappa,  
Aged about 68 years,  
R/at: Kurupalli Village,

Yalakapalli Post, Madanapalli Taluk,  
Annamayya District, AP.

12. R Redappa,  
S/o Ramappa,  
Aged about 46 years,  
R/at: Gentanagaripalli Village,  
Rayalapad Hobli, Srinivasapur.

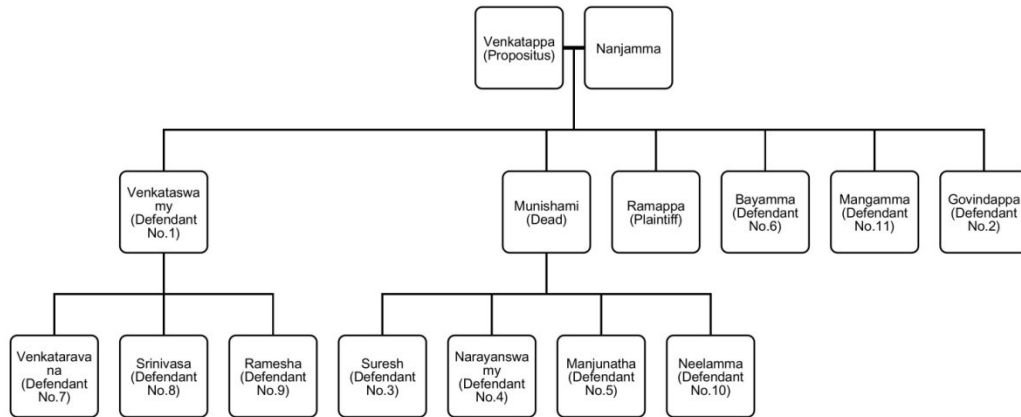
(All Defendants remained absent.  
Hence placed ex-parte)

|                                                   |            |          |        |
|---------------------------------------------------|------------|----------|--------|
| Date of Institution of Suit                       | 02.01.2024 |          |        |
| Nature of Suit                                    | Partition  |          |        |
| Court fee paid                                    | 200/-      |          |        |
| Date of commencement of recording of the evidence | 03.02.2026 |          |        |
| Date on which judgment is pronounced              | 06.07.2026 |          |        |
| Total Duration                                    | Year(s)    | Month(s) | Day(s) |
|                                                   | 2          | 6        | 4      |

### **JUDGMENT**

#### **Plaintiffs' case**

1. Plaintiff states that he along with Defendants No.1 to 11, form a Hindu Joint Family and that suit properties are joint family properties. The genealogy is explained as below:



2. Plaintiff claims he along with Defendants No.1 to 11, are in joint possession of suit properties. He states that Defendant No.1 has illegally sold Item No.9 property to Defendant No.12 under a sale deed Dated:02.03.2020 and that sale deed is not binding on his share. He states that his demand for partition of family properties was refused and therefore he has filed this suit.

### **Trial**

3. Upon filing of suit, summons was issued to defendants. Defendants did not appear. Thus suit was heard ex-parte.
4. Plaintiff was examined as PW1. In all, twenty five (25) exhibits were marked for plaintiff. After hearing the plaintiff, matter was reserved for judgment.

5. The following points for consideration arise for my consideration,

**POINTS FOR CONSIDERATION**

|           |                                                                                       |
|-----------|---------------------------------------------------------------------------------------|
| Point I   | Whether the plaintiff proves that he along with defendants form a Hindu Joint Family? |
| Point II  | Whether the plaintiff proves that suit properties are joint family properties?        |
| Point III | Whether the plaintiff proves that plaintiff is entitled to share in suit properties?  |

**FINDINGS**

|           |                                                           |
|-----------|-----------------------------------------------------------|
| Point I   | In affirmative                                            |
| Point II  | In affirmative only for Item No.4, 7, 8 and 11 properties |
| Point III | In affirmative only for Item No.4, 7, 8 and 11 properties |

**REASONING**

**Overview of evidence tendered**

6. Plaintiff/PW1 has reiterated the plaint averments. Genealogy (Ex.P1) is furnished. RTCs (Ex.P2 to P12) of suit properties are furnished. Mutation Register Extracts (P13 to P19) are furnished. Ex.P20 is death certificate of Nanjamma. Ex.P21 is the copy of sale deed executed in favour of Defendant No.12 by Defendant No.1, 7 to 9. Ex.P22 is the RTC. Ex.P23 and P24 are mutation extracts. Ex.P25 is the copy of sale deed executed in favour of Defendant No.2 by one Ajappa.

### Evaluation

7. Defendants despite summons did not appear. Therefore relationship is not in dispute. It is also possible that plaintiff and defendants are in joint family. **Hence, Point I can be answered in affirmative.**

8. As per RTCs furnished, suit properties stand in names described as below:

| Suit Item No. | Survey No.   | Standing in name of   | Extent             | Relevant RTC exhibit | Nature of acquisition as per RTC |
|---------------|--------------|-----------------------|--------------------|----------------------|----------------------------------|
| 1             | 2/7          | Defendant No.2        | 29 guntas          | Ex.P2                | Sale transaction                 |
| 2             | 2/8          | Defendant No.2        | 25 ½ guntas        | Ex.P3                | Sale transaction                 |
| 3             | 6/1          | Defendant No.1        | 1 Acre 38 ½ Guntas | Ex.P4                | Phodi (not forthcoming)          |
| <b>4</b>      | <b>35</b>    | <b>-do-</b>           | <b>4 Guntas</b>    | <b>Ex.P5</b>         | <b>Inheritance</b>               |
| 5             | 50/2         | -do-                  | 17 Guntas          | Ex.P6                | -do-                             |
| 6             | 52/2         | -do-                  | 1 ¾ Gunta          | Ex.P7                | Sale                             |
| <b>7</b>      | <b>52/4</b>  | <b>-do-</b>           | <b>16 Guntas</b>   | <b>Ex.P8</b>         | <b>Inheritance</b>               |
| <b>8</b>      | <b>52/8</b>  | <b>-do-</b>           | <b>11 Guntas</b>   | <b>Ex.P9</b>         | <b>-do-</b>                      |
| 9             | 73/2         | Defendant No.12       | 25 ½ Guntas        | Ex.P10               | Sale                             |
| 10            | 105/1        | Defendant No.2        | 1 Acre 20 Guntas   | Ex.P11               | Sale                             |
| <b>11</b>     | <b>105/2</b> | <b>Defendant No.1</b> | <b>2 Acres</b>     | <b>Ex.P12</b>        | <b>Inheritance</b>               |

9. The fact that all parties are in joint family can be presumed but the nature of properties need not be always 'joint'. In the decision rendered by Hon'ble Apex

Court in **Angadi Chandranna v/s Shankar and Others**<sup>1</sup>, it was held that there is no automatic presumption that a property belongs to a joint family. It was also held that failure to produce strict proof or records showing that any joint family funds or income-yielding nucleus to buy the properties, would rather lead to inference that they were separate properties.

### **Property wise analysis**

10. In the present case, only in respect of Item No.4, 7, 8 and 11 properties, the RTC standing in name of Defendant No.1 is under inheritance. Therefore these properties could be treated as joint family properties acquired under inheritance by Defendant No.1 i.e., from his father Venkatappa.
11. But insofar as other properties are concerned, there is no evidence to believe that these properties are joint family properties.
12. Item No.1, 2 and 10 properties are in name of Defendant No.2, and RTCs reveal that they were purchased by him. Therefore, it must be presumed that these properties are separate properties of Defendant No.2.
13. Item No.3 though stands in name of Defendant No.1, yet plaintiff has not furnished any document to assess the nature of acquisition of this property. Therefore, on mere pleading of plaintiff, it cannot be believed that this property is joint family property.
14. Item No.5 though stands in name of Defendant No.1, yet the other joint Khata Holders as per RTC are not made as parties. Ramareddy and Subbireddy are

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<sup>1</sup> 2025 INSC 532

joint holders. Plaintiff has not furnished any explanation about Khata standing jointly in names of three persons. Without these two persons presence, this court cannot decide about Item No.5 property. Therefore, even in respect of Item No.5 property there is no sufficient evidence to believe that it is family property.

15. Item No.6 stands in name of Defendant No.1, but acquired under a sale transaction in the year 1992-93. Therefore, without explaining the sale transaction or proving that property was purchased by joint family, the claim of plaintiff cannot be accepted.

16. Item No.9 property stands in name of Defendant No.12. It was sold to him by Defendant No.1, 7 to 9. Previous to this sale, by what authority did Defendant No.1 held this property, is not explained by plaintiff. Plaintiff must have proved that either Defendant No.1 acquired this property for joint family or inherited from propositus. Even if previous RTCs are searched in BHOOMI website, it appears that Defendant No.1 had purchased this property from one Redamma under sale deed Dated: 06.01.2009. Plaintiff has not submitted relevant documents deliberately. Whether the sale deed under which Defendant No.1 purchased this property recite that it was out of joint family funds? Without copy of the sale deed it cannot be said so. Then how does Defendant No.12 come to conclusion that it was a joint family property. Plaintiff must submit all documents for perusal of this court, to be sure that what plaintiff is claiming is true. Just because Defendants did not appear or file W/s, plaintiff cannot as a matter of right claim decree. It has become rampant where after a property is sold, another family member claims the sold property to be a joint family property and the seller keeps quiet as he has already obtained sale



consideration. The purchaser suffers the litigation with knowledge within the family to undergo a trial to prove that purchased property is self-acquired property.

17. Plaintiff cannot take advantage of the silence of defendants. He must prove his case on his own. **Plaintiff has failed to prove his case in respect of Item No.1 to 3, 5, 6, 9 and 10 properties. Hence, Points II and III are answered in affirmative only in respect of Item No.4, 7, 8 and 11 properties.**

18. Plaintiff is entitled to 1/6 share in Item No.4, 7, 8 and 11 properties. Similarly Defendants No.1, 2, 6 and 11 are entitled to 1/6<sup>th</sup> share. Defendants No.3, 4, 5 and 10 would inherit remaining 1/6 share of Munishami jointly.

19. Concluding the findings, the following order is made,

### **ORDER**

**Suit is decreed in following terms:**

- a. Plaintiff is entitled to 1/6<sup>th</sup> share; Defendants No.1, 2, 6 and 11 are also entitled to 1/6<sup>th</sup> share each; and Defendants No.3, 4, 5 and 10 are jointly entitled to 1/6<sup>th</sup> share, in Item No.4, 7, 8 and 11 properties.**
- b. In respect of other properties, suit is dismissed.**
- c. Parties to bear their own costs.**

**d. Office to draw preliminary decree as per this judgment.**

**e. Parties to appear for final decree proceedings on  
06.10.2026, without notice.**

(Pronounced in the open court on 6<sup>th</sup> day of July 2026)

**KARN SINGH R U  
PCJ & JMFC, SRINIVASPUR**

### **LIST OF WITNESSES EXAMINED**

#### **A. Plaintiff's:**

| <b>Rank</b> | <b>Name</b> |
|-------------|-------------|
| PW1         | Ramappa     |

#### **B. Defendant's: Nil**

#### **C. Court Witnesses: Nil**

### **LIST OF DOCUMENTS EXHIBITED**

#### **A. Plaintiff's:**

| <b>Sl. No.</b> | <b>Exhibit Numbers</b> | <b>Description</b>            |
|----------------|------------------------|-------------------------------|
| 1              | P1                     | Genealogy                     |
| 2              | P2 to P12              | RTCs of suit properties       |
| 3              | P13 to P19             | Mutation Register Extracts    |
| 4              | P20                    | Death Certificate of Nanjamma |
| 5              | P21                    | Copy of Sale deed             |
| 6              | P22                    | Old RTCs of suit properties   |
| 7              | P23 and P24            | Mutation Register Extracts    |
| 8              | P25                    | Copy of Sale deed             |

#### **B. Defendant's: Nil**

#### **C. Court Exhibits: Nil**

**KARN SINGH R U  
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