

KAMD200000572025



**IN THE COURT OF THE I ADDL. SENIOR CIVIL JUDGE
& JMFC., AT K.R.PETE**

Dated this 22nd day of January- 2026

Present : DEVARAJU H.R. BA., LLB.,
I Addl. Sr. CJ & J.M.F.C.,
K.R.Pete.

O.S.No.16/2025

PLAINTIFF/S:

Sri. Manjegowda
S/o Late Venkataramegowda
aged about 50 years,
R/o House No. 12/13,
Mahalakshmi Layout,
Mogarahalli,
T-Hosahalli post,
Belagola hobli,
Srirangapattana taluk,
Mandya district.

(By Sri.Y.G.M, Adv)

-V/s-

DEFENDANT/S:

1. Smt.Jayamma
W/o Late Venkataramegowda
aged about 65 years,

2. Sri.Shivaramu
S/o Late Venkataramegowda,
aged about 40 years,

Both are R/o
Buvanahalli village,
Kikkeri hobli,
K.R.Pete taluk,
Mandya district.

3. Smt.Mamtha
W/o Manajanna,
S/o Late Venkataramegowda,
aged about 45 years,
R/o Ankanahalli village,
Ikanahalli post,
Kikkeri hobli,
K.R.Pete taluk,
Mandya district.

(By Sri.M.N.S, Adv)

ORDERS

The present suit is filed by the plaintiffs seeking the relief of Partition and Separate Possession of his legitimate share in the suit schedule properties.

2. The Plaintiff submits that, the 1st defendant is his mother, defendant No.2 and 3 are his brother and sister and they are the children of deceased Sri.Venkataramegowda. He himself and defendants are the members of Hindu undivided joint family, the suit schedule item No.1 to 16 are standing in the name of his father Sri.Venkataramegowda, item No. 17 is the joint family property. However, 2nd defendant get the katha into his name illegally. There is no partition effected between the joint family members. Hence, plaintiff and defendants are entitled for their legitimate share in the

suit schedule properties. However, defendants fail to give income of the joint family to him and defendant No.1 and 2 are residing in suit schedule item No. 17 of the property. His father was died on 04.04.2023. Thereafter, he has requested defendants to allot his legitimate share in the suit schedule properties. But the defendants have refused to effect the partition. Hence, he has conveyed the panchyath in the presence of elders of his village. They are also requested them to give his legitimate share in the suit schedule properties. Now defendants are trying to get the katha into their names to alienate the suit schedule properties to deprive his rights over the suit schedule properties. Hence, he has issued notice on 28.09.2024 calling upon the defendants to allot his legitimate share in the suit schedule properties. But they have not reply to said notice. Hence, he has filed present suit.

3. Per Contra, defendants have filed written statement. The defendants in their written statement have admitted the allegation of facts made by the plaintiff that, katha of the suit schedule item No. 1 to 16 properties is standing in the name of Sri.Venkataramegowda and plaintiff is also entitled for his 1/4th share in the item No.1 to 16 of suit schedule properties.

4. The defendant No.1 to 3 have admitted the claim of the plaintiff with respect to item No. 1 to 16 and they have categorically stated that they have no objection to allot legitimate share to the plaintiff in above said properties. Further on perusal of the pleadings there is only dispute between the parties with respect to item No. 17 of the property. Therefore, both the counsels have submitted that preliminary decree may be passed with respect to item No. 1 to 16. Hence, the following points would arise for court's consideration:

1. Whether it would be appropriate to pass a preliminary decree with respect to item No. 1 to 16 on the basis of admission of facts made in the pleadings?

2. What Order?

5. My findings on the above points are as under:

Point No.1 : **In the Affirmative**

Point No.2 : **As per the final order,**
for the following;

REASONS

6. Point No.1:- It is the case of the plaintiff that the suit schedule properties are the ancestral and joint family properties. The defendant No. 1 to 3 in their written statement have categorically admitted that Item No. 1 to 16 properties are the joint family properties and they have no objection to allot share of the plaintiff over the above said properties.

7. As already stated above the defendants in their written statement have admitted and given consent to allot legitimate share of the plaintiff in item No. 1 to 16 of suit schedule properties.

8. The plain reading of the pleadings of the parties, it is clear and unambiguous that the defendants have admitted the claim of the plaintiff with respect to item No. 1 to 16 of the properties. The defendants have admitted the claim of the plaintiffs with respect to Item No. 1 to 16 of the properties. This itself shows the intention of the defendants towards division of the item No. 1 to 16 of the properties. Therefore, I am of the opinion that without waiting for determination of any other question between the parties it is just and necessary to pass a preliminary decree with respect to item No. 1 to 16 on admission made by the defendants.

9. It is pertinent to note that it is bound on duty of the court to consider the nature of the property involved in the suit. The plaintiff has furnished RTC extracts of the Item No.1 of the property bearing Sy. No. 6/1 measuring 05 gunta of Vaddarahalli village, Kikkeri hobli, K.R.Pete taluk which is standing in the name of deceased Sri.Venkataramegowda S/o Huchegowda.

10. The plaintiff has furnished RTC extracts of the Item No.2 of the property bearing Sy. No. 6/5 measuring 13 guntas of Vaddarahalli village, Kikkeri hobli, K.R.Pete taluk, for the year 2023-24, which is standing in the

name of deceased Sri.Venkataramegowda S/o Huchegowda.

11. The plaintiff has furnished RTC extracts of the Item No.3 of the property bearing Sy. No. 6/6 measuring 11.04 guntas of Vaddarahalli village, Kikkeri hobli, K.R.Pete taluk, for the year 2023-24, which is standing in the name of deceased Sri.Venkataramegowda S/o Huchegowda.

12. The plaintiff has furnished RTC extracts of the Item No.4 of the property bearing Sy. No. 6/7 measuring 1.08 guntas of Vaddarahalli village, Kikkeri hobli, K.R.Pete taluk, for the year 2023-24, which is standing in the name of deceased Sri.Venkataramegowda S/o Huchegowda.

13. The plaintiff has furnished RTC extracts of the Item No.5 of the property bearing Sy. No. 11/6 measuring 03 guntas of Vaddarahalli village, Kikkeri hobli, K.R.Pete taluk, for the year 2023-24, which is standing in the name of deceased Sri.Venkataramegowda S/o Huchegowda.

14. The plaintiff has furnished RTC extracts of the Item No.6 of the property bearing Sy. No. 9/12 measuring 18 guntas of Vaddarahalli village, Kikkeri hobli, K.R.Pete taluk, for the year 2023-24, which is standing in the

name of deceased Sri.Venkataramegowda S/o Huchegowda.

15. The plaintiff has furnished RTC extracts of the Item No.7 of the property bearing Sy. No. 9/13 measuring 11 guntas of Vaddarahalli village, Kikkeri hobli, K.R.Pete taluk, for the year 2023-24, which is standing in the name of deceased Sri.Venkataramegowda S/o Huchegowda.

16. The plaintiff has furnished RTC extracts of the Item No.8 of the property bearing Sy. No. 9/14 measuring 11 guntas of Vaddarahalli village, Kikkeri hobli, K.R.Pete taluk, for the year 2023-24, which is standing in the name of deceased Sri.Venkataramegowda S/o Huchegowda.

17. The plaintiff has furnished RTC extracts of the Item No.9 of the property bearing Sy. No. 9/15 measuring 5 guntas of Vaddarahalli village, Kikkeri hobli, K.R.Pete taluk, for the year 2023-24, which is standing in the name of deceased Sri.Venkataramegowda S/o Huchegowda.

18. The plaintiff has furnished RTC extracts of the Item No.10 of the property bearing Sy. No. 9/16 measuring 5 guntas of Vaddarahalli village, Kikkeri hobli, K.R.Pete taluk, for the year 2023-24, which is standing in the name of deceased Sri.Venkataramegowda S/o Huchegowda.

19. The plaintiff has furnished RTC extracts of the Item No.11 of the property bearing Sy. No.9/17 measuring 5 guntas of Vaddarahalli village, Kikkeri hobli, K.R.Pete taluk, for the year 2023-24, which is standing in the name of deceased Sri.Venkataramegowda S/o Huchegowda.

20. The plaintiff has furnished RTC extracts of the Item No.12 of the property bearing Sy. No. 9/20 measuring 22 guntas of Vaddarahalli village, Kikkeri hobli, K.R.Pete taluk, for the year 2023-24, which is standing in the name of deceased Sri.Venkataramegowda S/o Huchegowda.

21. The plaintiff has furnished RTC extracts of the Item No.13 of the property bearing Sy. No. 9/21 measuring 17 guntas of Vaddarahalli village, Kikkeri hobli, K.R.Pete taluk, for the year 2023-24, which is standing in the name of deceased Sri.Venkataramegowda S/o Huchegowda.

22. The plaintiff has furnished RTC extracts of the Item No.14 of the property bearing Sy. No. 9/24 measuring 2 guntas of Vaddarahalli village, Kikkeri hobli, K.R.Pete taluk, for the year 2023-24, which is standing in the name of deceased Sri.Venkataramegowda S/o Huchegowda.

23. The plaintiff has furnished RTC extracts of the Item No.15 of the property bearing Sy. No. 9/25 measuring 5 guntas of Vaddarahalli village, Kikkeri hobli, K.R.Pete taluk, for the year 2023-24, which is standing in the name of deceased Sri.Venkataramegowda S/o Huchegowda.

24. The plaintiff has furnished RTC extracts of the Item No.16 of the property bearing Sy. No. 9/42 measuring 04.12 guntas of Vaddarahalli village, Kikkeri hobli, K.R.Pete taluk, for the year 2023-24, which is standing in the name of deceased Sri.Venkataramegowda S/o Huchegowda.

25. On perusal of the aforementioned documents makes it clear that suit schedule properties item No. 1 to 16 are standing in the name of father of the plaintiff and defendant No.2 and 3 namely Sri.Venkataramegowda S/o Huchegowda. Admittedly, these properties are ancestral and joint family properties of plaintiff and defendants. Hence, plaintiff and defendants are equally entitled for their legitimate share in the above said properties. The plaintiff and defendant No. 2 and 3 being children of deceased Sri.Venkataramegowda and defendant No.1 being wife of deceased Sri.Venkataramegowda are entitled for their legitimate 1/4th share each in the suit schedule item No. 1 to 16 properties.

26. Once again I repeat that admission made by the defendants are clear and unambiguous. Therefore, it is fit case to draw preliminary decree with respect to item No. 1 to 16 properties without waiting for determination of other questions arising between the parties with respect to item No. 1 to 16. Hence, I am of the opinion that it would be appropriate to pass a preliminary decree on the basis of admission of facts made in pleadings with respect to item No. 1 to 16. Further it is made it clear that claim of the plaintiff is kept open with respect to item No. 17 of suit schedule property. Accordingly, I hold point No.1 in the **Affirmative**.

27. Point No.2:- In view of the above discussions and reasoning, court proceeds to pass the following;-

ORDER

It is made it clear that, the plaintiff is entitled for partition and separate possession of his legitimate 1/4th share in the suit schedule No. 1 to 16 of the properties.

Further the defendants are also entitled for partition and separate possession of their legitimate 1/4th share each in the suit schedule item No. 1 to 16 of the properties.

Plaintiff and defendants are hereby permitted to proceed with the suit with respect to remaining suit schedule item No. 17 of the property in order to ascertain their rights by adducing cogent evidence.

Draw preliminary decree accordingly with respect to suit schedule item No. 1 to 16 of the properties.

Office is hereby directed to register suo-moto FDP proceedings against Defendants as per the directions issued by the Hon'ble Supreme Court of India in a decision reported in 2022 SCC online S.C. 737 (between Kattukandi Edathil Krishnan v. Kattukandi Edathil Valsan) with respect to item No. 1 to 16 of the properties.

(Dictated to the Stenographer directly on the computer, typed by her, corrected and then pronounced by me in open court, this the **22nd day of January-2026**)

(DEVARJU H.R.)
I Addl.Sr.CJ & J.M.F.C.
K.R.Pete.

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