

KAMD300006042025



**IN THE COURT OF THE I-ADDITIONAL SENIOR CIVIL
JUDGE AND JMFC, MADDUR**

Present: **MOHANAKUMARI N.B., L.L.M.**
I-Additional Senior Civil Judge and JMFC,
Maddur, Mandya District

Dated: This, the 17th day of July 2026

OS No.132/2025

1	Milan. G. K, S/o Gangadhara.K.L Aged about 5 years Minor, Represented by her natural Guardian Mother Prabhamani.K.S. W/o Gangadhara.K.L. Aged about 38 years R/o Konasale Village, Koppa Hobli, Maddur Taluk, Mandya District.
	PLAINTIFF
	(Represented by Sri. BLG., Advocate)

V/s.

1	Gangadhara.K.L S/o late Lingegowda @ Kasiyappa Lingegowda Aged about 54 years.
2	Kemparaju.K.L (Dead by Lr's) S/o Late Lingegowda @ Kasiyappa Lingegowda
2(A)	Harini W/o Late Kemparaju K.L Aged about 54 years.
2(B)	Sridhara.K.K S/o Late Kemparaju.K.L Aged about 38 years.
2(C)	Krishna.K.K S/o Late Kemparaju Aged about 35 years.
	All are R/o Konasale Village, Koppa Hobli, Maddur Taluk, Mandya District.
2(D)	Pallavi.K.K W/o Sharath babu D/o Late Kemparaju Aged about 32 years R/o Eachagere village Keragodu Hobli, Mandya Taluk, and District.

3	Jayamma W/o late Chinnappa, D/o late Lingegowda @ Kasiyappa Lingegowda Aged about 70 years R/o Valagerehalli Village, Kasaba Hobli, Maddur Taluk, Mandya District.
4	Nagamma, W/o late Suresha D/o late Lingegowda @ Kasiyappa Lingegowda Aged about 58 years R/o Konasale Village, Koppa Hobli, Maddur Taluk, Mandya District.
5	Yashodamma W/o late Gooligowda D/o late Lingegowda @ Kasiyappa Lingegowda Aged about 65 years R/o Marasinganahalli Village Koppa Hobli, Maddur Taluk, Mandya District.
6	Lakshmamma W/o T. Madesha, D/o late Lingegowda @ Kasiyappa Lingegowda Aged about 60 years R/o Eachagere village Keragodu Hobli, Mandya Taluk, and District.
	DEFENDANTS

	(Defendant No.1 is represented by Sri. HR., Adv.,) (Defendants No.2(A to D) and 3 to 6 are represented by Sri. BAG., Adv.)
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Date of institution of the suit	19.07.2025
Nature of the suit (suit on pronote, suit for declaration and possession suit for injunction, etc.)	Partition and Separate Possession
Date of the commencement of recording of the Evidence	24.02.2026
Date on which Judgment was pronounced	17.07.2026
Total Duration	<u>Year/s</u> <u>Month/s</u> <u>Day/s</u> 00 11 29

J U D G M E N T

This is a suit for partition and separate possession.

2. The case of the plaintiffs in brief is as follows ;

The defendant No.1 to 6 are the children of Lingegowda @ Kassiyappana Lingegowda. The suit schedule properties are ancestral and joint family properties. The plaintiff and defendants are Co-parceners of joint Hindu joint family. No partition is taken place between the plaintiff and defendants. The defendant No.2 was managing the joint

family affairs during his lifetime. After his death, the defendant No.2(A) to (C), who are LR's of defendant No.2, are managing the joint family affairs. The plaintiff is the adopted son of the defendant No.1. The defendant No.1 adopted the plaintiff through adoption deed dated 15.01.2021. The said adoption deed is duly registered in the office of Sub Registrar Mandya. Some of the suit schedule properties are standing in the name of the defendant No.2. Some of the suit schedule properties are standing in the name of defendant No.2 (A) to (C). They by taking advantage of properties standing in their name made attempts to alienate and create encumbrance over the suit schedule properties. The other defendants made attempts to change khatha into their names and to alienate suit schedule properties. The plaintiff is minor. His adopted mother, who is his natural guardian, demanded for partition of legitimate share of the plaintiff. The defendants deliberately evaded to divide the joint family properties. Therefore the plaintiff filed the present suit through his

natural guardian for partition and separate possession of his 1/6th share.

3. The defendants appeared through their respective counsels. But they failed to contest the suit by filing their written statement within the statutory period prescribed for filing written statement. Therefore the suit remains uncontested.

4. Based on pleadings of the plaintiff, the points that arises for consideration are as follows:

POINTS

1. Whether the plaintiff proves that suit schedule properties are ancestral and joint family properties of himself and the defendants?
2. Whether the plaintiff proves that he is entitled to 1/6th share in the suit schedule properties
3. What order or decree?

5. The plaintiffs, in order to prove his case, got examined his next friend as PW.1 and got marked 43 documents as Ex.P1 to 43.

6. Heard arguments and perused the materials placed on record.

7. Based on the oral and documentary evidence, I answered the above said points as under:

Point No.1: Partly in the Affirmative,

Point No.2: Partly in the Affirmative,

Point No.3: As per final order,

for the following ;

REASONS

8. Point No.1 It is the case of the plaintiff that he and the defendants are members of Hindu joint family and they are co-partners. It is also his case that suit schedule properties are ancestral and joint family properties of himself and defendants. In order to prove the same, next friend of the plaintiff is examined as PW1. She during her examination-in-chief reiterated the averments of the plaint about the nature of the suit schedule properties. She has

relied upon Exhibit P1 to Exhibit P43 documents in order to prove that suit schedule properties are ancestral properties. Exhibit P1 is old RTC of Suit Schedule Item No.5 property. Exhibit P7 is old RTC of Suit Schedule Item No.7 property. Exhibit P3 is old RTC of Suit Schedule Item No.10 property. Exhibit P4 is old RTC of Suit Schedule Item No.9 property. Exhibit P5 is old RTC of Suit Schedule Item No.16property. Exhibit P6 is old RTC of suit schedule Item No.15property. Exhibit P7 is old RTC of suit schedule Item No.13 property. Exhibit P8 is old RTC of suit schedule Item No.8 property. Exhibit P9 is old RTC of suit schedule Item No.18property. Exhibit P10 is old RTC of suit schedule Item No.10 property. Exhibit P11 is old RTC of suit schedule Item No.12 property. Exhibit P13 is old RTC of suit schedule Item No.1 and 2 properties. Exhibit P12 is old RTC of Survey No.100/4A2. Exhibit P14 is mutation register extract of MR No.237/ 1989 and 1990. Exhibit P15 is mutation register extract of MR No.78 of 1998-1999. Exhibit P16 to Exhibit P37 are RTCs of the suit schedule Item No.1 to 22 properties respectively of the suit year. Exhibit P38 document is registered Adoption

deed dated 15.01.2021. Exhibit P39 is Ration card of the father and mother of the plaintiff. Exhibit P40 is Adhaar card of the plaintiff. Exhibit P41 and 42 are Form No.9 and 11A in respect of suit schedule Item No.23 property. Exhibit P43 is assessment register extract of Suit Schedule Item No.23 property.

9. On perusal of Exhibit P1 to Exhibit P37 documents, it is forthcoming that suit schedule properties were originally belonged to the father of the defendant No.2. After his death, the name of defendant No.2 is mutated in revenue records of suit Schedule Item No.1 to 22 properties. On perusal of Exhibit P38 document. it is forthcoming that the defendant No.1 adopted the plaintiff through registered adoption deed dated 15.01.2021 from his biological parents. On perusal of Exhibit P39 and 40 documents it is forthcoming that defendant No.1 is the father of the plaintiff.

10. On perusal of Exhibit P41 to 43 documents, it is forthcoming that suit item No.23 property was standing in the name of the defendant No.2. Thereafter, it is presently

standing in the name of defendant No.2(A). The plaintiff has not produced documents to show that the suit schedule Item No.23 property was originally belonged to his grandfather. Therefore, it is held that the plaintiff has failed to prove that suit Schedule Item No.23 property is ancestral and joint family property. However, it is held that the plaintiff has proved that the suit schedule item No.1 to 22 properties are ancestral and joint family properties of himself and defendants. **Accordingly Point No.1 is answered partly in the Affirmative.**

11. Point No.2: It is the case of the plaintiff that he is entitled to one sixth share in the suit schedule properties. As per the plaint genealogy, the propositus Lingegowda @ Kasiyappana Lingegowda had 6 children, who are the defendant No.1 to 6. Therefore, the defendant No.1 to 6 are entitled to 1/6th share each. The plaintiff being son of the defendant No.1 is entitled to half share in the 1/6th share of the defendant No.1. In other words, the plaintiff and defendant No.1 are entitled to 1/12th share each in the suit schedule item No.1 to 22 properties. The defendant No. 2 to

6 are entitled to 2/12th share each in the suit schedule item No.1 to 22 properties The **Accordingly point No.2 is answered partly in the affirmative.**

12. **Point No.3:** In view of my findings on the Points No.1 to 3, I proceed to pass the following :

ORDER

The suit of the plaintiff is hereby decreed in part.

No order as to costs as the parties belong to joint family.

The plaintiff and defendant No.1 are entitled to 1/12th share each in the suit schedule item No.1 to 22 properties.

The defendant No.2 to 6 are entitled to 2/12th share each in the suit schedule item No.1 to 22 properties.

The suit of the plaintiff in respect of suit schedule item No.23 property is dismissed.

Draw preliminary decree accordingly.

(Dictated partly through AI Adalath. Dictated partly to the Stenographer directly on computer. The transcript corrected by me and then pronounced in the open Court on this the 17th day of July, 2026)

**(MOHANAKUMARI N.B.)
I Addl. Senior Civil Judge and
JMFC, Maddur.**

ANNEXURE

List of witnesses examined on behalf of plaintiffs:

PW.1 : Prabhamani.K.S.

List of documents exhibited on behalf of plaintiffs:

Ex.P1 to 37 : RTCs
Ex.P38 : Gift Deed dated 15.01.2021
Ex.P39 : Certified copy of Ration Card
Ex.P40 : Certified copy of Aadhar Card
Ex.P41 : Certified copy of Form No.9
Ex.P42 : Certified copy of Form No.11 (a)
Ex.P41 : Certified copy of Tax Assessment
extract

List of witnesses examined on behalf of Defendants:

- NIL -

List of documents exhibited on behalf of Defendants:

- NIL -

**(MOHANAKUMARI N.B.)
I-Addl. Senior Civil Judge and
JMFC, Maddur.**