

KAMS210004392015



**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE AND**  
**J.M.F.C., AT H.D.KOTE**

**:PRESENT:**

**SRI.SANTHOSHA KOTARI, B.A.L.L.B.,**  
Prl. Civil Judge & JMFC., H.D.Kote.

**Dated this the 09<sup>th</sup> day of April 2026**

**ORIGINAL SUIT NO.107/2015**

**PLAINTIFF**

- 1 Smt.Lolamma  
D/o. Late. Kappanaiah  
W/o. Puttamadhaiah  
Aged about 48 years,  
R/at Jiyara Colony Village,  
Antharasanthe Hobli,  
H.D.Kote Taluk, Mysuru District.
2. Smt.Rathnamma  
D/o. Late. Kappanaiah  
W/o. Puttagopalaih,  
Aged about 46 years  
R/at Badhanakuppe Village,  
Antharasanthe Hobli,  
H.D.Kote Taluk,  
Mysuru District.

**(By Sri. Roopeshkumar, Advocate)**

V/S

**DEFENDANTS**

- 1 Sri.Hejjuraiah  
S/o Late Kappanaiah S/o Javaraiah  
Since dead represented by his LRs
- 1(a) Smt.Siddamma  
W/o. Late.Hejjuraiah

- Aged about 60 years,
- 1(b) Smt.Shanthamma  
D/o. Late.Hejjuraiah  
Aged about 40 years,
- 1(c) Smt.Kempamma  
D/o. Late.Hejjuraiah  
Aged about 38 years,
- 1(d) Smt.Savitha  
D/o. Late.Hejjuraiah  
Aged about 36 years,
- 1(e) Smt.Rekha  
D/o. Late.Hejjuraiah  
Aged about 34 years,
- 1(f) Smt.Pallavi  
D/o. Late Hejjuraiah  
Aged about 32 years  
All are R/at Hunasekuppe Village,  
Kasaba Hobli, H.D.Kote Taluk  
Mysuru District.
- 2 Smt.Puttajamma  
D/o. Late.Kappanaiah S/o.Javaraiah  
W/o. Late.Shettaiah  
Aged about 58 years,  
R/at Beeramballi Village,  
Antharasanthe Hobli,  
H.D.Kote Taluk, Mysuru District.
3. Sri.Puttaraju  
S/o. Late.Kappanaiah S/o.Javaraiah  
Since dead represented by his LRs
- 3(a) Smt.Lolamma  
W/o. Late. Puttaraju  
Aged about 50 years,
- 3(b) Sri.Raju  
S/o. Late.Puttaraju  
Aged about 30 years,
- 3(c) Sri.Sundra  
S/o. Late.Puttaraju

- Aged about 28 years,
- 3(d) Sri.Suresh  
S/o. Late.Puttaraju  
Aged about 26 years,
- 3(e) Sri.Chandra  
S/o. Late.Puttaraju  
Aged about 24 years,
- 3(f) Smt.Susheela  
D/o. Late.Puttaraju  
Aged about 22 years,  
All are R/at Hunasekuppe Village,  
Kasaba Hobli, H.D.Kote Taluk  
Mysuru District
- 4 Smt.Rathnamma  
W/o. Late. Kalaswamy @ Anjaneya  
Aged about 45 years,
- 5 Smt.Yashodha  
W/o. Late.Kalaswamy @ Anjaneya  
Aged about 38 years,
- 6 Sri.Sannaiah  
S/o. Late. Kalaswamy @ Anjaneya  
Aged about 36 years,
- 7 Sri.Ganesha  
S/o. Late. Kalaswamy @ Anjaneya  
Aged about 34 years,
- 8 Sri.Lakshmana  
S/o. Late. Kalaswamy @ Anjaneya  
Aged about 32 years,  
Defendants No.3 to 8 are  
R/at Hunasekuppe Village,  
Kasaba Hobli, H.D.Kote Taluk  
Mysuru District
- 9 Smt.Ningajamma  
D/o. Late.Kappanaiah S/o.Javaraiah  
W/o. Late.Rajaiah  
Aged about 40 years,  
R/at Thumbasoge Village,

H.D.Kote Taluk, Mysuru District.

- 10 Sri.H.S.Sreenivas  
S/o. Late. Sannathimmegowda  
Aged about 52 years,
- 11 Smt.Nagamma  
D/o. Late. Sannathimmegowda  
Aged about 60 years,
- 12 Smt.Jayamma  
D/o. Late. Sannathimmegowda  
Aged about 58 years,
- 13 Sri.Dasegowda  
S/o. Late. Sannathimmegowda  
Aged about 56 years
- 14 Smt.Padma  
D/o. Late. Sannathimmegowda  
Aged about 54 years,
- 15 Smt.Yashodhamma  
W/o. H.S.Sreenivas  
Aged about 40 years,
- 16 Smt.Chaithra  
D/o. H.S.Sreenivas  
Aged about 22 years,
- 17 Smt.Suchithra  
D/o. H.S.Sreenivas  
Aged about 20 years,
- 18 Sri.Chethana  
S/o H.S.Sreenivas  
Aged about 19 years,
- 19 Sri.H.S.Krishnegowda  
S/o. Sannathimmegowda  
Aged about 50 years,  
Defendants No.10 to 19 are  
R/at Hosamala Village,  
Antharasanthe Hobli,  
H.D.Kote Taluk Mysuru District.
- 20 Dr.Mathew Samuel  
S/o. K.K.Samuel

Aged about 62 years,  
R/at Kalarikale Estate  
Puliyammala Post, Iduki District  
Kerala State.

21 Sri.Manoj Verma  
S/o. Aron Verma  
Aged about 43 years  
R/at Avalahalli Estate  
Yalahanka, Bengaluru

**D-10 to 19 by Smt.Shantha, advocate  
and D-21 by Smt.Saraswathi.H.V and  
(D1(a) to (f), D2, D3(a) to (c), D4 to 9  
are Exparte.**

Date of Institution	25.03.2015
Nature of the Suit	DECLARATION, PARTITION AND SEPARATE POSSESSION
Date of Commencement of recording of Evidence	27.06.2024
Date of Pronouncement of Judgment	09.04.2026
<b>Total Duration</b>	Year/s    Month/s    Day/s 11            00            15

**(SANTHOSHA KOTARI)**  
Prl.Civil Judge & J.M.F.C.,  
H.D.Kote.

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

This suit is filed by the plaintiffs against the defendants for the relief of declaration that they are entitled for legitimate share in the suit schedule properties, partition and separate possession of their legitimate shares in the suit schedule properties and declaration to declare

that the registered sale deeds dated 30.04.1975, 21.12.2011 and 17.11.2014 are not valid and null and void and other allied reliefs.

2. The description of the suit schedule properties involved in the above suit is as follows:-

**SUIT SCHEDULE PROPERTIES**

1. All that piece and parcel of land bearing Sy.No.19, measuring 3 acres 23 guntas, situated at Honnurukuppe Village, Antharasanthe Hobli, H.D.Kote Taluk and same is bounded on:

East By : Block No.1  
 West By : Law No.1  
 North By : Block No.1  
 South By : Law No.20

2. All that piece and parcel of land bearing Sy.No.19, measuring 0.29 guntas, situated at Honnurukuppe Village, Antharasanthe Hobli, H.D.Kote Taluk and same is bounded on:

East By : Machar Village boarder/Gadi  
 West By : Road  
 North By : Sy No.19/1  
 South By : Sy.No.20

**3. The brief facts of the plaintiff's case are as under:**

According to plaintiffs, themselves and defendant No.1 to 9 are joint family members and suit schedule properties are their ancestral/undivided joint family properties. The defendant No. 1 and 3 are their brother,

defendant No.2 and 9 are their sisters, defendant No.4 to 8 are legal heirs of their another brother deceased Kalaswamy @ Anjaneya. It is further averred that out of the wedlock of their father deceased Kappanaiah @ Javaraih and deceased Smt.Kempamma, the plaintiffs and defendant No.1 to 3, defendant No.9 and husband of the defendant No.4 and father of the defendants No.5 to 8 by name deceased Kalasamy @ Anjaneya were born. The suit schedule properties originally belonged to their father Kappanaiah @ Javaraiah. However, their brother Hejjuraiah had sold the suit schedule properties to one Smt.Lingajamma W/o. Sannathimmaiah under the registered sale deed dated 30.04.1975 representing and signing himself only the Javaraiah and he sold the same without the consent of their father Kappanaiah. After her death, the Katha of the suit schedule properties got changed in the name of her legal heirs and they are the defendant No.10 to 19 in the present suit. Thereafter the defendant No.11 to 19 have sold the suit schedule properties to defendant No.20 under the registered sale deed dated 21.12.2011. Thereafter the defendant No.20 in turn had sold suit schedule properties to the defendant No.21 under the registered sale deed dated 17.11.2014. It is further averred that at the time of selling the suit schedule properties the plaintiffs were minors and they were not allotted with their share in the suit schedule properties and they were even not given with the share in

the sale consideration amount. Thus, the sale deed executed by Kappanaiah and Hejjuraiah is not valid. Hence, they constrained to file this suit.

4. After registering the suit, suit summons was issued to the defendants and the defendant No.10 to 19 and 21 have appeared through their Counsel. Further, the defendant No.10 has filed his written statement and the defendant No.11 to 19 have filed memo adopting the written statement filed by the defendant No.10. Further, the defendant No.21 has also filed his independent detailed written statement denying the averments made in the plaint. Further, despite of service of summons, the original defendant No.1 and his legal heirs i.e., defendant No.1(a) to (f), defendant No.2, the original defendant No.3 and his legal heirs i.e., defendant No.3(a) to (f), defendant No.4 to 9 and 20 remained absent and accordingly, they placed exparte.

5. The defendant No.10 has denied the averments made in the plaint and denied the very plaintiffs right, title and interest over the suit schedule properties. It is submitted that the mother of the defendant No.10 by name Smt.Lingajamma D/o. Annegowda had purchased the suit schedule properties from Javaraiah S/o. Hanumanthaiah under the registered sale deed dated 30.04.1975 and after she purchasing the suit schedule properties the Katha of the suit schedule properties got changed in her name. After her death, Katha of the suit

schedule properties got changed in joint names of her legal heirs i.e. defendant No.10 to 19. Thereafter they have sold the suit schedule properties to one Mathew Samuel i.e. defendant No.20 under the registered sale deed dated 21.12.2011. It is further submitted that since the defendant No.10 to 19 have already sold the suit schedule properties to Mathew Samuel, they have no manner of right, title or interest over the suit schedule properties, as such, they are not proper and necessary parties to the suit. However, the plaintiffs have unnecessarily arrayed them in the present suit.

6. Further, the defendant No.21 has filed detailed written statement denying the averments made in the plaint. In the written statement, the defendant No.21 has stated that the suit filed by the plaintiffs is neither maintainable under law nor on facts, as such, same is liable to be dismissed. Further, he denied that the plaintiffs and defendants No.1 to 9 are joint family members and suit schedule properties are their ancestral/joint family properties. It is submitted that the suit schedule properties were not belonged to Kappanaiah S/o. Javaraiah and he has no manner of right title or interest, whatsoever over the suit schedule properties and the plaintiffs are also have no manner of right, title or interest over the suit schedule properties. The suit schedule properties were originally belonged to one Javaraiah S/o. Hanumanthaiah, as he acquired the same through

registered sale deed 23.10.1944 from Kodigowda S/o. Hethegowda, as such, the suit schedule properties were his self acquired properties. Thereafter the Katha in respect of the suit schedule properties got changed in the name of said Javaraiah S/o. Hanumanthaiah. Thereafter the said Javaraiah in order to meet his legal necessities had sold the suit schedule properties to Smt.Lingajamma D/o. Annegowda under the registered sale deed dated 30.04.1975. Thus, the legal heirs of Javaraiah have no manner of right, title or interest over the suit schedule properties. After the death of said Lingajamma, her legal heir H.S.Sreenivas S/o. Sannathimmegowda had succeeded the suit schedule properties and accordingly, Katha of the suit schedule properties got changed in his name vide MR.04/2000-01. Thereafter the said H.S.Sreenivas S/o. Sannathimmegowda and his legal heirs had sold the suit schedule properties to one Mathew Samuel i.e. the defendant No.20 under the registered sale deed dated 21.12.2011. Thereafter the defendant No.21 had purchased the said suit schedule properties from said Mathew Samuel under the registered sale deeds dated 17.11.2014. Thus, by virtue of the registered sale deeds dated 17.11.2014 the defendant No.21 become the absolute owner in possession and enjoyment of the suit schedule properties. The plaintiffs have no manner of right, title or interest over the suit schedule properties. Further, the suit filed by the plaintiffs after lapse of nearly

40 years of sale deed executed by the Javaraiah is also barred by law of limitation. For all these reasons, he prayed to dismiss the suit with cost.

7. On the basis of the pleadings of the parties, this court has framed the following:-

### **ISSUES**

1. *Whether the plaintiffs proves that suit schedule properties are their joint and ancestral properties?*
2. *Whether the plaintiffs are entitled to the relief of declaration as sought for?*
3. *Whether the plaintiffs prove that the Sale deed executed by Kappanayya and Hejjurayya are invalid and not binding on them?*
4. *Whether the plaintiffs prove that the Sale Deeds mentioned in Para No.9 of the plaint are not valid and binding on them?*
5. *Whether the plaintiffs are entitled to any share in the suit schedule properties, if yes, to what extent?*
6. *Whether the plaintiffs are entitled to the reliefs sought for?*
7. *Whether the defendant No.12 proves that the suit is barred by limitation?*
8. *What order or decree?*

### **Additional Issues dated 12.06.2024**

- 1) *Whether the Suit is barred by Law of Limitation?*
- 2) *Whether the Defendant No.21 proves that he is the bonafide purchaser of the suit schedule properties?*

8. In order to prove their case, the plaintiff No.1 examined herself as PW-1 and produced as many as 13 documents and they are marked as Ex.P1 to Ex.P13. Further, the plaintiffs in support of their case have also examined one more witness by name Nanjundamurthy as PW-2. On the other hand the GPA holder of defendant No.21 has examined as DW-1 and produced as many as 60 documents and they are marked as Ex.D1 to Ex.D60.

9. Heard the arguments from counsel for plaintiffs and defendant No.21. Further, the counsel for plaintiffs and defendant No.21 have also filed their written submissions/ written argument. Further, despite of giving sufficient opportunities the defendant 10 to 19 have not canvassed their arguments on merits. Perused entire materials on record.

10. My findings to the above Issues are as under:

Issue No.1: In the Negative  
Issue No.2: In the Negative  
Issue No.3: In the Negative  
Issue No.4: In the Negative  
Issue No.5: In the Negative  
Issue No.6: In the Negative  
Issue No.7: In the Affirmative  
Additional Issue No.1: In the Affirmative  
Additional Issue No.2: In the Affirmative  
Issue No.8: As per the final order  
for the following;

### **REASONS**

**11. Issue No.1, 3 and 4:** These three issues are taken together for consideration as they are interlinked

with each other and based on same evidence to avoid the repetition of facts and reasoning.

12. It is contended and argued on behalf of the plaintiffs that themselves and defendant No.1 to 9 are joint family members and suit schedule properties are their ancestral/undivided joint family properties. The suit schedule properties originally belonged to their father Kappanaiah @ Javaraiah. However, their brother Hejjuraiah had sold the suit schedule property to one Smt.Lingajamma W/o. Sannathimmaiah under the registered sale deed dated 30.04.1975 representing and signing himself only the Javaraiah and he sold the same without the consent of their father Kappanaiah. After the death of said Smt.Lingajamma, the Katha of the suit schedule properties got changed in the name of her legal heirs and they are the defendant No.10 to 19 in the present suit. Thereafter the defendant No.11 to 19 have sold the suit schedule properties to defendant No.20 under the registered sale deed dated 21.12.2011. Thereafter the defendant No.20 in turn has sold the suit schedule properties to the defendant No.21 under the registered sale deed dated 17.11.2014. It is further contended and argued that at the time of selling the suit schedule properties, the plaintiffs were minors and they were not allotted with their share in the suit schedule properties and they were even not given with the share in the sale consideration amount. Thus, the sale deed executed by Kappanaiah and

Hejjuraiah is not valid and same is not binding on their shares in the suit schedule properties.

13. In order prove their case, the plaintiff No.1 examined herself as PW-1 and she filed affidavit in lieu of her examination in chief by reiterating the plaint averments, hence, repetition is not necessary. In support of her oral evidence the PW-1 has also produced as many as 13 documents and they got marked as Ex.P1 to 13. Ex.P1 is certified copy of registered sale deed dated 30.04.1975, Ex.P2 is certified copy of index of land, Ex.P3 is certified copy of mutation register extract, Ex.P4 is certified copy of Kethwar, Ex.P5 to 7 are computerized RTC extracts, Ex.P8 is certified copy of registered sale deed dated 21.12.2011, Ex.P9 and 10 are certified copies of registered sale deeds dated 17.11.2014, Ex.P11 to 13 are mutation register extracts. Further, the plaintiffs in support of their case also examined one witness by name Cha. Nanjunda Murthy as PW-2 and he filed affidavit in lieu of his examination in chief wherein he deposed in unison of PW-1. By these oral and documentary evidence the plaintiffs have tried to prove their case.

14. On the other hand, the defendant No.21 has denied the contention taken by the plaintiffs and denied the very plaintiffs right, title or interest over the suit schedule properties. Further, he denied that the plaintiffs and defendants are joint family members and suit schedule properties are their ancestral/ joint family

properties. It is contended and argued on behalf of the defendant No.21 that the suit schedule properties are not belonged to Kappanaiah S/o. Javaraiah and he has no manner of right title or interest, whatsoever over the suit schedule properties and the plaintiffs are also have no manner of right, title or interest over the suit schedule properties. The suit schedule properties were originally belonged to one Javaraiah S/o. Hanumanthaiah, as he acquired the same through registered sale deed 23.10.1944 from Kodigowda S/o. Hethegowda, as such, the suit schedule properties were his self acquired properties. Thereafter the Katha in respect of the suit schedule properties got changed in the name of said Javaraiah S/o. Hanumanthaiah. Thereafter the said Javaraiah in order to meet his legal necessities had sold the suit schedule properties to Smt.Lingajamma D/o. Annegowda under the registered sale deed dated 30.04.1975. Thus, the legal heirs of Javaraiah have no manner of right, title or interest over the suit schedule properties. After the death of said Lingajamma, her legal heir H.S.Sreenivas S/o Sannathimmegowda had succeeded the suit schedule properties and accordingly, Katha of the suit schedule properties got changed in his name vide MR.04/2000-01. Thereafter the said H.S.Sreenivas S/o. Sannathimmegowda and his legal heirs had sold the suit schedule properties to one Mathew Samuel i.e. defendant No.20 under the registered sale deed

dated 21.12.2011. Thereafter the defendant No.21 had purchased the said suit schedule properties from said Mathew Samuel under the registered sale deeds dated 17.11.2014. Thus, by virtue of the the registered sale deeds dated 17.11.2014 the defendant No.21 become the absolute owner in possession and enjoyment of the suit schedule properties. The plaintiffs have no manner of right, title or interest over the suit schedule properties.

15. Further, in order to defend the suit, the GPA holder of the defendant No.21 has examined as DW-1 and he filed affidavit in lieu of his examination-in-chief, wherein, he reiterated the averments made in the written statement. Hence, repetition is not necessary. Further in support of his oral evidence, the DW-1 has also produced as many as 60 documents and they are marked as Ex.D1 to 60. Ex.D1 is certified copy of registered Sale Deed dated 23.10.1944, Ex.D2 is certified copy of registered Sale Deed dated 30.04.1975, Ex.D3 is the on-line/digital copy of registered Sale Deed dated 21.12.2011, Ex.D4 and 5 are on-line/digital copy of registered Sale Deeds dated 17.11.2014. Ex.D6 to 8 are mutation register extracts, Ex.D9 to 12 are the certified copies of Handwritten RTC extracts, Ex.D13 to 59 are computerized RTC extracts and Ex.D60 is Notarized Copy of GPA dated 11.11.2024 executed by the defendant No.21 infavour of his attorney Bhaskara S/o. Late. C.P.Appu Iyer. By these oral and

documentary evidence defendant No.21 has tried to defend the suit.

16. It is pertinent to mention here that the plaintiffs are claiming their legitimate share in the suit schedule properties contending that suit schedule properties are their ancestral/undivided joint family properties and they have legitimate shares in the suit schedule properties. Hence, it is burden on the plaintiffs to prove that the suit schedule properties are their ancestral properties. It is contention of the plaintiffs that the suit schedule properties originally belonged to their father Kappanaiah @ Javaraiah and their brother Hejjuraiah had illegally sold the suit schedule property to one Smt.Lingajamma W/o. Sannathimmaiah under the registered sale deed dated 30.04.1975 representing and signing himself only the Javaraiah and he sold the same without the consent of their father Kappanaiah and out of the sale consideration they were not been paid any amount towards their share in the suit schedule properties. However, on careful perusal of records, it reveals that the plaintiffs have not produced any documents to show that originally suit schedule properties belonged to their father Kappanaiah S/o.Javaraiah. It is pertinent to mention here that the documents produced by the contesting defendant No.21 in his evidence, particularly certified copy of registered sale deeds dated 23.10.1944 and 30.04.1975 at Ex.D1 and 2 it reveals that originally land bearing Survey No.Sy.No.19,

totally measuring 09 acres 27 guntas, situated at Honnurukuppe Village, Antharasanthe Hobli, H.D.Kote Taluk belonged to one Sri.Kodigowda S/o. Hethegowda. One Javaraiah S/o. Hanumanthaiah had purchased said entire land measuring 9 acres 27 guntas including the suit schedule properties from its erstwhile owner Sri.Kodigowda S/o. Hethegowda under the registered sale deed dated 23.10.1944 at Ex.D1. Further, on careful perusal of certified copy of registered sale deed dated 30.04.1975 produced by the defendant No.21 at Ex.D2, which is also produced by the plaintiffs and marked at Ex.P1 it reveals that the said Javaraiah S/o. Hanumanthaiah after purchasing the entire land measuring 09 acres 27 guntas including the suit schedule properties, the Katha of the said properties got changed in his name and he was in possession and enjoyment of the entire land till 29.04.1975. Thereafter the said Javaraiah and his son Hejjuraiah have jointly sold 04 acres 33 guntas of land out of said entire 9 acres 27 guntas to one Smt.Lingajamma under the registered sale deed dated 30.04.1975. The documents produced by the defendant No.21, it further reveals that till her lifetime she along with her family members was in possession and enjoyment of the suit schedule properties and after her death, the Katha of the suit schedule properties got changed in the name of her husband Sannathimmegowda and after his death the Katha in respect of 04 acres 32 guntas including

the suit schedule property got changed in the name of his son H.S.Sreenivasa i.e. the defendant No.10 herein vide MR No.4/2000-01. Thereafter the defendant No.10 to 19 have jointly sold the suit schedule properties to defendant No.20 under the registered sale deed dated 21.12.2011 at Ex.D3 and accordingly, Katha of the suit schedule properties got changed in the name of the defendant No.20 vide MR.No.H41/2011-12 as per Ex.D6 and he was in possession and enjoyment of the suit schedule properties. Thereafter, the defendant No.20 had sold the suit schedule properties to defendant No.21 under the registered sale deeds dated 17.11.2014 at Ex.D4 and 5 respectively and accordingly, Katha of the suit schedule properties got changed in the name of the defendant No.21 vide MR.No.H 4 and H5/2015-16 as per Ex.D7 and 8 and he has been in possession and enjoyment of the suit schedule properties.

17. Further, on careful perusal of certified copy of registered sale deed at Ex.P1 which also marked as Ex.D2 through the defendant No.21 it reveals that under the said sale deed the original owner of the suit schedule properties i.e. Javaraiah S/o Hanumanthaiah and his son Hejjuraiah have jointly sold 04 acres 33 guntas land out of total extent of 9 acres 27 guntas of land in Sy.No.19 to Smt.Lingajamma and they put their thumb impression to the said sale deed which is clearly mentioned in the last page of the said sale deed at Ex.D2. Further the certified copy of hand written RTC extracts produced by the

defendant No.21 at Ex.D10 to 13 clearly corroborates the covenants made in the said register sale deeds at Ex.D1 and D2. Thus, the documents produced by defendant No.21 at ExD1 and D2 clearly reveals that originally suit schedule properties belonged to one Javaraiah S/o. Hanumanthaiah and not the plaintiffs father Kappanaiah as contended by the plaintiffs. The document/registered sale deed dated 23.10.1944 produced by the defendant No.21 at Ex.D1 clearly reveals that the land bearing Sy.No.19, totally measuring 09 acres 27 guntas including the suit schedule properties was purchased by the Javaraiah S/o.Hanumanthaiah and not Kappanaiah who is the father of the plaintiffs. As per the said registered sale deed at Ex.D1 the Javaraiah S/o. Hanumanthaiah was the absolute owner of entire 09 acres 27 guntas including the suit schedule properties and not the plaintiffs father Kappanaiah. Further, as per the registered sale deed at Ex.D2 the said Javaraiah and his son Hejjuraiah have sold 04 acres 33 guntas of land out of total extent of 9 acres 27 guntas of land in Sy.No.19 infavour of Smt.Lingajamma for valuable sale consideration. Since the land bearing Sy.No.19, measuring 09 acres 27 guntas which includes the suit schedule properties was the self acquired absolute property of the deceased Javaraiah S/o. Hanumanthaiah, he had every right to sell the portion of it to Smt.Lingajamma as per Ex.D2 and she acquired absolute title over 04 acres 33

guntas of land in Sy.No.19 which includes the suit schedule properties. 18. Further, as discussed supra the plaintiffs have not produced any documents to show that the suit schedule properties were absolute properties of their father Kappanaiah. Further they even have not produced any documents to show that the original owner Javairaiyah S/o.Hanumantaiah belonged to their family. Further, the registered sale deed produced by the plaintiffs at Ex.P1, which is also marked as Ex.D2 discloses that original owner Sri.Javaraiah and his son Hejjuraiah have sold the suit schedule properties to Smt.Lingajamma and not the plaintiffs brother Hejjuraiah i.e. the defendant No.1 as stated by the plaintiffs. Thus, on careful perusal of materials on record it clearly reveals that originally the suit schedule properties belonged to one Javaraiah S/o. Hanumanthaiyah and not belonged to the plaintiffs father Kappanaiah and said Javaraiah had absolute transferable right in the suit schedule properties to sell the same to Smt.Lingajamma under Ex.P1 which is also marked as Ex.D2. Further, the legal heirs of Smt.Lingajamma have sold the suit schedule properties to defendant No.20 under registered sale deed at Ex.D3 and thereafter the defendant No.21 has purchased the entire suit schedule properties from defendant No.20 under registered sale deeds at Ex.D4 and 5, which were also produced by the plaintiffs as per Ex.P9 and 10. Thus the documents produced by the defendant No.21 clearly establishes that the suit schedule

properties were originally belonged to one deceased Javaraiah S/o. Hanumanthaiah and not belonged to Kappanaiah i.e. father of the plaintiffs as alleged by them.

18. On careful perusal of record it further reveals that though the plaintiff No.1 examined as PW-1 and produced as many as 13 at Ex.P1 to 13, thereafter when the GPA holder of defendant No.21 examined as DW-1 and produced as many as 60 documents at Ex.D1 to 60, despite of giving sufficient opportunities, the plaintiffs have not cross examined the DW-1 and denied the evidence led by the defendant No.21/DW-1 and documents produced by him in his evidence at Ex.D1 to D60. Hence, the evidence of the defendant No.21 remained unchallenged and un-controverted. Thus on perusal of record it reveals that since the original owner of the suit schedule properties Javaraiah and his son Hejjuraiah have sold the suit schedule properties to one Smt.Lingajamma under Ex.D2 and under the said sale deed he conveyed/transferred his absolute title over the suit schedule properties and thereafter, the legal heirs of Smt.Lingajamma i.e. defendants No.10 to 19 have sold the suit scheduled properties to the defendant No.20 under registered sale deed at Ex.D3 and he in turn has sold the suit schedule properties to the defendant No.21 under registered sale deeds at ExD4 and 5. It is pertinent to mention here that since the original owner Javaraiah S/o. Hanumanthaiah had absolute transferable rights in the

suit schedule properties to transfer the same to third person, the sale deed executed by the said Javaraiah at Ex.D2 which is produced by the plaintiffs at Ex.P1 and all the subsequent sale deeds at Ex.D3 to 5 which are produced by the plaintiffs at Ex.P8 to 10 are valid and under the said registered sale deeds the title in respect of the suit schedule properties were transferred/conveyed to the subsequent purchasers i.e. Smt.Lingajamma and the defendant No.20 and 21 and all the sale deeds are valid under law. Thus for all the aforementioned reasons the plaintiffs have utterly failed to prove that the suit schedule properties are their ancestral properties. Further, they have also failed to prove that the registered sale deeds dated 30.04.21975, 21.12.2011 and 17.11.2014 at Ex.P1 and P8 to 10 are invalid. All the sale deeds are valid and they were executed by the respective vendors having transferable title over the suit schedule properties. **Hence, for the aforementioned reasons, Issue No.1, 3 and 4 are answered in the 'Negative.'**

**19. Additional Issue No.2.** It is contention of the defendant No.21 that he is absolute owner in possession and enjoyment of the suit schedule properties as he acquired the same through registered sale deed dated 17.11.2014 from defendant No.20 for valuable sale consideration and before purchasing the suit schedule properties he verified all the relevant documents in respect of the suit schedule properties and he is bonfide

purchaser for value of the suit schedule properties. It is pertinent to mention here that as we discussed supra under Issue No.1, 3 and 4 that originally suit schedule properties with other property totally measuring 9 acres 27 guntas belonged to one Javaraiah S/o Hanumanthaiah as he acquired the same under registered sale deed dated 23.10.1944 from its erstwhile owner Kodigowda at Ex.D1 and after he purchasing the suit schedule properties and other property, Katha of the said property got changed in his name. Thereafter, the said Javaraiah and his son Hejjuraiah have jointly sold 04 acres 33 guntas of land out of said entire 9 acres 27 guntas to one Smt.Lingajamma under the registered sale deed dated 30.04.1975. After her death, the Katha of the suit schedule properties got changed in the name of her husband Sannathimmegowda and after his death the Katha in respect of 04 acres 32 guntas including the suit schedule properties got changed in the name of his son H.S.Sreenivasa i.e. the defendant No.10 herein vide MR No.4/2000-01. Thereafter the defendant No.10 to 19 have jointly sold the suit schedule properties to defendant No.20 under the registered sale deed dated 21.12.2011 at Ex.D3 and accordingly, Katha of the suit schedule properties got changed in the name of the defendant No.20 vide MR.NO.H41/2011-12 as per Ex.D6 and he was in possession and enjoyment of the suit schedule properties. Thereafter, the defendant No.20 has sold the suit schedule properties to defendant No.21 under

the registered sale deeds dated 17.11.2014 at Ex.D4 and 5 respectively and accordingly, Katha of the suit schedule properties got changed in the name of the defendant No.21 vide MR.NO.H 4 and H5/2015-16 as per Ex.D7 and 8 and he has been in possession and enjoyment of the suit schedule properties. Since the defendant No.21 had acquired the suit schedule properties under valid registered sale deed from its absolute owner and since original owner deceased Javaraiah had absolute transferable right in the suit schedule properties to transfer the same to Smt.Lingajamma under the registered sale deed at Ex.P1 which is also marked as Ex.D2, all the subsequent sale deeds at Ex.D3 to D5 which are also marked as Ex.P8 to 10 are also valid and under the said sale deeds, the subsequent purchasers have acquired the valid absolute title over the suit schedule properties. Further, though the plaintiff No.1 examined as himself as PW-1 and produced as many as 13 documents at ExP1 to P13, despite of giving sufficient opportunities, the plaintiffs have not cross examined the DW-1 and denied the evidence led by the defendant No.21/DW-1 and documents produced by him in his evidence at Ex.D1 to D60. Thus the evidence of the defendant No.21 remained unchallenged and un-controverted. It is pertinent to mention here that by virtue of the registered sale deeds at Ex.D4 and 5 which are also marked as Ex.P9 and 10, the defendant No.21 become the absolute owner in possession

of the suit schedule properties and he is the bonafide purchaser for value of the suit schedule properties. **Hence, without discussing much on this, Additional Issue No.2 is answered in the 'Affirmative.'**

**20. Issue No.7, Additional Issue No.1.** These two issues are taken together for consideration as they are interlinked with each other and based on same evidence to avoid the repetition of facts and reasoning.

21. It is the contention of the contesting defendants that the plaintiffs have no manner of right, title or interest over the suit schedule properties. Further, the suit filed by the plaintiffs after lapse of nearly 39 years of sale deed executed by the Javaraiah is barred by law of limitation. It is pertinent mention here that on perusal of record, it reveals that original sale deed at Ex.P1 which was also marked as Ex.D2 was executed in favour of Smt.Lingajamma on 30.04.1975. The plaintiffs have filed the above suit against the defendants for the relief of declaration that they are entitled for legitimate share in the suit schedule properties, partition and separate possession of their legitimate shares in the suit schedule properties and for the declaration to declare that the registered sale deeds dated 30.04.1975 and all the subsequent sale deeds dated 21.12.2011 and 17.11.2014 executed in pursuance of the said sale deed are not valid and null and void. It is pertinent to mention here that the plaintiffs have challenged the initial registered sale deed

dated 30.04.1975 alleged to be executed by their brother Hejjuraiah infavour of Smt.Lingajamma i.e. family member of the defendants No.10 to 19 and plaintiffs have filed the above suit in the year 2015 i.e., after lapse of nearly 39 years. It is contention of the plaintiffs that the suit schedule properties are originally belonged to their father Kappanaiah @ Javaraiah, however, their brother Hejjuraiah had sold the suit schedule properties to one Smt.Lingajamma W/o. Sannathimmaiah under the registered sale deed dated 30.04.1975 representing and sighing himself only the Javaraiah and he sold the same without the consent of their father Kappanaiah. At the time of selling the suit schedule properties, the they were minors and they were not allotted with their share in the suit schedule properties and they were even not given with the share in the sale consideration amount, as such, the sale deed executed by Kappanaiah and Hejjuraiah is not valid and same is not binding on their shares in the suit schedule properties. It is pertinent to mention here that at the time of filing the above suit, the plaintiffs are aged about 48 years and 46 years respectively. However, on careful perusal of entire pleadings there is no whisper as to when they first came to know the fact of execution of registered sale deed dated 30.04.1975 by their alleged brother Hejjuraiah. Further, they even have not stated anything as to why they have not filed the suit challenging the initial registered sale deed dated 30.04.1975,

immediately after they attaining the age of majority. When the plaintiffs seek declaration as to the validity of the registered sale deed of the year 1975 and subsequent sale deeds, claiming their right in properties transferred under such sale deeds, it is mandate on the part of the plaintiffs to narrate all such material particulars of their actual knowledge as to the execution of such sale deeds in their pleadings. Without such material particulars in their pleading, it cannot be held that the suit filed by the plaintiffs after laps of more than 39 years of execution of the registered sale deed dated 30.04.1975, is within the prescribed period of limitation. Further, as we discussed under issue No.1, 3 and 4 and Additional Issue No.2 supra, the suit schedule properties originally belonged to one Javaraiah S/o. Hanumanthaiah and he had transferable rights in the suit schedule properties and he sold the same through registered sale deed dated 30.04.1975 and the subsequent purchasers including the defendant No.21 have acquired the title over the suit schedule properties under respective registered sale deeds executed in their favour. Thus, the plaintiffs after lapse of more than 39 years, now cannot file a suit claiming their right in the suit schedule properties by seeking a declaration to declare such sale deeds are invalid, null and void. Hence, for all the aforementioned reasons, it can be safely held that suit filed by the plaintiffs is bared by law of limitation. **Hence, without discussing much on this,**

**Issue No.7 and Additional Issue No.1 are answered in the 'Affirmative.'**

22. **Issue No.2, 5 and 6.** These three issues are taken together for consideration as they are interlinked with each other and based on same evidence to avoid the repetition of facts and reasoning.

23. The plaintiffs have filed the above suit against the defendants for the relief of declaration that they are entitled for legitimate share in the suit schedule properties, partition and separate possession of their legitimate shares in the suit schedule properties and declaration to declare that the registered sale deeds dated 30.04.1975, 21.12.2011 and 17.11.2014 are not valid and null and void. It is pertinent to mention here that as we discussed under Issue No.1, 3, 4 and Additional Issue No.2 supra that the plaintiffs have utterly failed to prove that the suit schedule properties are their ancestral properties and they have legitimate shares in the suit schedule properties and the registered sale deeds dated 30.04.1975, 21.12.2011 and 17.11.2014 are not valid. Hence, they are not entitled for any reliefs of declaration, partition and separate possession of their legitimate shares in the suit schedule properties. **Hence, Issue No.2, 5 and 6 are answered in the 'Negative.'**

24. **Issue No.8:** In view of the discussions made under Issues no.1 to 7 and and Additional Issues No.1

and 2 and the reasons stated therein, I proceed to pass the following:

**ORDER**

The suit of the plaintiffs is hereby dismissed with cost.

Draw decree accordingly.

(Dictated to the Stenographer directly on computer, corrected by me, signed and then pronounced in the open Court on this the 09<sup>th</sup> Day of April 2026)

**(SANTHOSHA KOTARI)**  
Prl.Civil Judge & J.M.F.C.,  
H.D.Kote.

**:ANNEXURE:**

**List of witnesses examined for plaintiffs:**

PW-1 : Smt.Lolamma

PW-2 : Nanjundamurthy

**List of witnesses examined for defendants:**

DW-1 : Sri.Bhaskar

**List of documents exhibited for plaintiffs:**

Ex.P1 : Certified copy of registered sale deed dated 30.04.1975,

Ex.P2 : Certified copy of index of land,

Ex.P3 : Certified copy of mutation register extract,

Ex.P4 : Certified copy of Kethwar,

Ex.P5 to 7 : Computerized RTC extracts,

Ex.P8 : Certified copy of registered sale deed dated 21.12.2011,

Ex.P9 and 10 : Certified copies of registered sale deeds

dated 17.11.2014,  
Ex.P11 to 13 Mutation register extracts

**List of documents exhibited for the defendants:**

Ex.D1 Certified copy of registered Sale Deed dated 23.10.1944,  
Ex.D2 Certified copy of registered Sale Deed dated 30.04.1975,  
Ex.D3 On-line/digital copy of registered Sale Deed dated 21.12.2011,  
Ex.D4 and 5 On-line/digital copy of registered Sale Deeds dated 17.11.2014,  
Ex.D6 to 8 Mutation register extracts,  
Ex.D9 to 12 Certified copies of Handwritten RTC extracts,  
Ex.D13 to 59 Computerized RTC extracts,  
Ex.D60 Notarized Copy of GPA dated 11.11.2024 executed by the defendant No.21 infavour of his attorney Bhaskara S/o. Late. C.P.Appu Iyer.

**(SANTHOSHA KOTARI)**  
Prl.Civil Judge & J.M.F.C.,  
H.D.Kote