

KAMS410000632026



IN THE COURT OF PRINCIPAL CIVIL JUDGE & JMFC.,
KRISHNARAJANAGARA

PRESENT

Sri. Chandan S., B.Com., LL.B

Principal Civil Judge & JMFC, Krishnarajanagara.

Dated 01st day of July 2026

O.S. No.21/2016

PLAINTIFFS : Swamy @ Swamygowda
S/o Late.Mudlegowda,
Aged about 48 years,
R/at Kurubahalli Village, Mirle Hobli,
Saligrama Taluk, Mysuru District.

[By: Sri. M.C.S., Advocate]

-V/s-

DEFENDANTS : 1. Sannamma W/o Late.Kalegowda,
Aged about 70 years,
2. Basavegowda S/o Late.Kalegowda,
Aged about 54 years,
3. Ramegowda S/o Late.Kalegowda,
Aged about 50 years,
R/at Kurubahalli Village,
Mirle Hobli, Saligrama Taluk,
Mysuru District.

[Ex-parte]

Date of Institution of the suit	12.01.2026
Nature of the suit	Partition and Separate Possession
Date of the commencement of recording of the evidence	07.04.2026
Date on which the judgment was pronounced	01.07.2026
Total duration	Years Months Days
	00 05 20

(Chandan S)
Prl. Civil Judge & JMFC.,
K.R.Nagar.

JUDGMENT

This suit is filed by the plaintiff against the defendants seeking the relief of partition and separate possession in respect of the suit schedule properties.

2. The brief case of the plaintiff's are as under:-

The brief facts of the case of the plaintiff are that, the plaintiff and defendants are members of a Hindu Undivided Joint Family. According to the plaintiff, one late.Marigowda and his wife Chikkamma were the common ancestors of the family. They had two sons, namely Moodlegowda and Kalegowda. The plaintiff claims to be the legal representative and successor of deceased Moodlegowda, whereas defendant Nos.1 is the wife and defendant No.2 and 3 are the children of late.Kalegowda and they are the legal representatives of deceased Kalegowda.

3. It is the specific case of the plaintiff that, the suit schedule properties are ancestral and joint family properties inherited from the common ancestor Marigowda. After the demise of the common ancestor and other predecessors, the plaintiff and defendants succeeded to the properties and continued to remain in joint possession, enjoyment and cultivation thereof.

4. The plaintiff further contends that, he and the defendants are entitled to equal shares in the suit schedule properties. However, taking advantage of the revenue records, the defendants got the khatha and mutation entries effected in their names and thereby attempted to deny the rights of the plaintiff over the suit schedule properties.

5. According to the plaintiff, several requests were made to the defendants for partition and allotment of his legitimate share. Village elders and respectable persons also intervened and conducted panchayaths to amicably settle the dispute. In spite of such efforts, the defendants failed to effect partition and openly denied the rights of the plaintiff. Hence, the plaintiff was constrained to institute the present suit seeking partition and separate possession of his lawful share in the suit schedule properties.

6. After institution of the suit, summons was ordered to the defendants. The records disclose that, summons was duly

served upon the defendants. Despite service of summons and sufficient opportunities granted by the Court, the defendants failed to appear and contest the matter. Consequently, defendant Nos.1 to 3 were placed ex-parte. Plaintiff examined himself as PW-1 and produced 6 documents by getting them marked as Ex.P1 to 6 respectively. As defendants were placed ex-parte.

7. This court heard the arguments of the learned counsel for plaintiff. As defendants are ex-parte, no defendants side arguments.

8. The following points arise for this court consideration:

1. Whether the plaintiff proves that the suit schedule properties are joint family and ancestral properties of the plaintiff and defendants?

2. Whether the plaintiff proves that he is entitled for partition and separate possession of his lawful share in the suit schedule properties?

3. What order or decree?

9. This court proceeds to answer the above points for consideration 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

10. POINT NO.1 TO 2:

For the facts and circumstance of the suit are concern these points are interlinked and to avoid the repetition of facts these points are taken together for common discussion.

11. In order to establish his case, the plaintiff examined himself as PW.1 and filed his affidavit evidence in lieu of examination-in-chief. In his evidence, PW.1 reiterated and reaffirmed all the averments made in the plaint. PW.1 deposed that, late.Marigowda and his wife Chikkamma had two sons, namely Moodlegowda and Kalegowda. He further deposed that the plaintiff belongs to the branch of Moodlegowda and defendant Nos.1 to 3 belong to the branch of deceased Kalegowda.

12. According to him, the suit schedule properties are ancestral and joint family properties and no partition has taken place among the family members. He further stated that despite repeated requests and intervention of elders, the defendants failed to effect partition and attempted to deny his lawful rights.

13. In support of his oral testimony, the plaintiff has produced documents marked as Ex.P1 to Ex.P6. Ex.P1 is the notarized genealogy tree. It discloses that late.Marigowda and Chikkamma had two sons, namely Moodlegowda and Kalegowda. It further

reveals that, the plaintiff belongs to the branch of Moodlegowda and defendant Nos.1 to 3 belong to the branch of Kalegowda. Ex.P2 is the revenue record pertaining to Survey No.68/12 measuring 12.08 guntas. The said property stands in the name of deceased Kalegowda and his legal representatives. Ex.P3 is the revenue record pertaining to Survey No.68/12 measuring 8.08 guntas. The entries therein disclose the names of deceased Kalegowda and his legal representatives. Ex.P4 is the revenue extract pertaining to Survey No.68/13 measuring 4 guntas standing in the name of Kalegowda, son of Marigowda. Ex.P5 pertains to land bearing Survey No.14/3 measuring 19 guntas wherein the names of Kalegowda and the plaintiff's branch are jointly reflected. Ex.P6 pertains to Survey No.68/4 measuring 27 guntas wherein the names of deceased Kalegowda and the plaintiff are reflected in the revenue records.

14. The plaintiff has relied upon Ex.P1, the genealogy tree, which clearly establishes that, late.Marigowda and Chikkamma were the common ancestors of the parties. The genealogy further discloses that they had two sons, namely Moodlegowda and Kalegowda. The plaintiff belongs to the branch of Moodlegowda, whereas defendant Nos.1 to 3 belong to the branch of Kalegowda.

15. The evidence of P.W.1 coupled with Ex.P1 satisfactorily establishes the relationship between the parties. There is no

material available on record to disbelieve or discard the said genealogy. Ex.P2 to Ex.P6 are the revenue records pertaining to the suit schedule properties. Though revenue entries are not documents of title, they are relevant pieces of evidence for the purpose of showing succession, possession and enjoyment. The entries found in these documents disclose the names of Kalegowda, his legal representatives and also the plaintiff's branch in respect of certain items of the suit schedule properties.

16. The cumulative effect of Ex.P2 to Ex.P6 probabilizes the case of the plaintiff that the suit schedule properties have descended from the common ancestor and continued to remain family properties. Further, PW.1 has categorically deposed that, no partition has taken place among the members of the family. There is absolutely no evidence on record to show any prior partition, family arrangement, relinquishment or alienation extinguishing the rights of the plaintiff.

17. In the absence of any evidence showing severance of status or disruption of joint family ownership, the presumption of jointness continues to operate. The plaintiff has also deposed that, repeated requests were made for partition and that village elders attempted to settle the dispute through panchayaths. However, the defendants failed to accede to the request and

denied the rights of the plaintiff. This evidence has also remained unrebutted.

18. The materials available on record clearly establish that, the suit schedule properties are ancestral and joint family properties belonging to the branches of Moodlegowda and Kalegowda. The genealogy reveals that there are only two branches descending from the common ancestor Marigowda, namely, Branch of Moodlegowda represented by the plaintiff. Branch of Kalegowda represented by defendant Nos.1 to 3.

19. In the absence of any prior partition, each branch is entitled to an equal share in the suit schedule properties. Therefore, the plaintiff representing the branch of Moodlegowda is entitled to one-half (1/2) share and defendant Nos.1 to 3 representing the branch of Kalegowda are together entitled to the remaining one-half (1/2) share. Accordingly, the plaintiff has successfully established that, the suit schedule properties are joint family and ancestral properties and that he is entitled for partition and separate possession of his lawful share therein. Hence, this court proceeds to answer point No.1 and 2 in the **affirmative.**

20. POINT NO.3:

In view of the above discussion and reasons mentioned therein, this court proceeds to pass the following:

ORDER

The suit of the plaintiff is hereby decreed with cost.

It is declared that, the plaintiff is entitled to 1/2 share in all the suit schedule properties.

A preliminary decree for partition may be passed declaring that, the plaintiff is entitled to 1/2 share in the suit schedule properties.

Defendant Nos.1 to 3 together are entitled to the remaining 1/2 share in the suit schedule properties.

Office is hereby directed to put up and register the file for drawing of final decree proceedings after lapse of appeal period arraying the plaintiff as petitioner and defendants as respondents.

Office to draw preliminary decree
Accordingly.

[Dictated to the Steno directly on computer, Corrected and then pronounced by me in the Open Court on this the 01st day of July 2026]

(Chandan.S)
Prl. Civil Judge & JMFC.,
K.R.Nagar.

A N N E X U R E**1. List of witnesses examined for plaintiff:-**

PW.1 Swamy

2. List of documents marked for plaintiff :-

Ex.P-1 Genealogical tree
Ex.P-2 to 6 Computerized RTC extracts

3. List of witnesses examined for Defendants:- NIL

4. List of documents marked for Defendants:- NIL

**(Chandan.S)
Prl. Civil Judge & JMFC.,
K.R.Nagar.**