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**IN THE COURT OF THE HONOURABLE I ADDITIONAL CIVIL
JUDGE & JMFC, AT KRISHNARAJANAGAR.**

PRESENT: SMT.ASRINA.,B.A, LLB.
I ADDL. CIVIL JUDGE AND JMFC, KRISHNARAJANAGAR.

DATED THIS 2ND DAY OF JUNE, 2026.

O.S.No.140/2025

BETWEEN

PLAINTIFF	Smt.Kavitha W/o Kantharaju S.C Aged:37 years R/at: Kullegowda Beedi, Saligrama Town & Taluk, Mysuru District. (By Shri.M.C.S. Advocate)
DEFENDANTS	1. Shri.Rajegowda S/o Late.Thimmegowda Aged:60 years. 2. Smt.Nagarathna W/o Rajegowda Aged:53 years. 3. Smt.Saroja W/o Rajegowda Aged:50 years 4. Shri.Karthik S/o Rajegowda Aged:27 years. Defendants No.1 to 4 are R/at: Munduru village, Saligrama Hobli & Taluk, Mysuru District.

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	5. Smt.Savitha W/o Punith S.M Aged 33 years R/at: Patel Rajanna Beedi, Saligrama Town & Taluk, Mysuru District. (Defendants are placed Exparte)
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Date of Institution of suit	12/03/2025
Nature of suit	Suit for Partition and Separate possession.
Date of recording of evidence	10/10/2025
Date of Judgment	02/06/2026.
Total duration	Years/s Month/s Day/s -01- -02- -20-

(SMT.ASRINA)
I ADDL. CIVIL JUDGE & JMFC.,
KRISHNARAJANAGAR.

J U D G M E N T

Plaintiff has filed the present suit as against the defendants for the relief of partition and separate possession of her 1/4th share in the suit properties, for costs of the suit and for such other reliefs.

2. The brief facts of plaintiff's case is as under:

It is the case of the plaintiff that the defendants No.1 is her father and the defendant No.2 is her mother. It is the case of the plaintiff

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that the defendant No.5 is her sister and she is a daughter of defendant No.1 born to him through the defendant No.2. It is the case of the plaintiff that the defendant No.2 is first wife and defendant No.3 is 2nd wife of the defendant No.1. It is the case of the plaintiff that the defendant No.4 is a son of the defendant No.1 born to him through defendant No.3. It is the case of the plaintiff that all the suit properties were the ancestral and joint family properties of father of the defendant No.1 as well as the grand father of the plaintiff namely Mr.Thimmegowda S/o Govindegowda. Therefore it is the case of the plaintiff that the suit properties are the ancestral and joint family properties of herself and the defendants. Therefore, the plaintiff has claimed herself and the defendants are the co-owners in joint possession of the suit properties. It is the case of the plaintiff that herself and the defendants being the co-owners of the suit properties, they are in joint possession and enjoyment of the suit properties. It is the case of the plaintiff that the revenue records of the suit properties stands in the name of the defendant No.1 herein. It is the case of the plaintiff that the suit properties are not yet divided in between herself and the defendants. It is the case of the plaintiff that with an intention to defeat the legitimate rights of the plaintiff over the suit properties the defendants No.2 and 5 have executed the registered release deed dated 06/02/2025 in favour of the defendant No.1. It is the case of the plaintiff that on 20/02/2025 she approached the defendants and requested them to partition

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the suit properties and to give her legitimate 1/4th share in the suit properties. But the defendants did not agree to partition the suit properties and the defendants have refused to give legitimate share of the plaintiff in the suit properties. It is the case of the plaintiff that with an intention to deprive the legitimate undivided share of the plaintiff in the suit properties, the defendants are denying the share of the plaintiff in the suit properties. The plaintiff has contended that she being the co-owner of the suit properties, she has her undivided 1/4th share in the suit properties. But the defendants are avoiding to give the legitimate share to the plaintiff in the suit properties. Therefore, having no other efficacious remedy, the plaintiff has filed the present suit to partition the suit properties and to allot her 1/4th share in the suit properties with metes and bounds. According to the plaintiff the cause of action to file the above suit arose on 20/02/2025, the date on when the defendants have refused to partition the suit properties and to give the legitimate undivided share to the plaintiff in the suit properties. Hence with the above plea the plaintiff has prayed to decree the suit.

3. In spite of service of summons on them, the defendants did not appear before this court. Hence the defendants were placed ex-parte. In spite of having received the summons, the defendants have not appeared before this court and the defendants have not denied the case and claim of the plaintiff.

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4. On the basis above pleadings and evidence placed on record, following points arises for my consideration:

1. Whether the plaintiff proves that the suit properties are her joint family and ancestral properties?
2. Whether the plaintiff is entitled to the reliefs as sought for?
3. What order or decree?

5. In order to establish her case, the plaintiff has stepped into the witness box and examined herself as Pw.1 and got marked Exhibit P-1 to Ex.P-11 documents. Though the summons of this case was duly served on the defendants, none of them have appeared before this court and none of the defendants have cross examined the Pw.1 so as to test the veracity of the evidence adduced by the plaintiff or to discredit the testimony of Pw.1. Hence the case was posted for arguments on merits.

6. Heard arguments from counsel for plaintiff.

7. On perusal of the pleadings, oral and documentary evidence placed before the court, my findings to the above points are as hereunder:

Point No.1: In the Partly Affirmative.

Point No.2: In the Partly Affirmative.

Point No.3: As per the final orders for the following:

KAMS410005362025**REASONS**

8. POINT NO.1: The plaintiff has filed the present suit as against the defendants for the relief of partition and separate possession of her undivided 1/4th share in the suit properties by contending that the suit properties are the ancestral and joint family properties of the plaintiff and the defendants and that the plaintiff and the defendants are the co-owners of the suit properties. Since it is the plaintiff who has asserted that she is a co-owner of the suit properties along with the defendants, Point No.1 was raised for consideration casting burden on the plaintiff to prove the same.

9. In support of her case, plaintiff has examined herself as Pw.1 and the plaintiff have relied on the Ex.P-1 to Ex.P-11 documents.

10. Ex.P-1 is a family genealogy of parties to this suit submitted by the plaintiff. Ex.P-1 is a undisputed document and the same proves and establishes the relationship between the parties to this suit.

11. Ex.P-11 is a study certificate of the plaintiff and the same is a undisputed document. Ex.P-11 being a undisputed document, the same projects the name of the defendant No.1 as a father and the name of defendant No.2 as a mother of the plaintiff.

12. Ex.P-10 is a original Aadhar card of the plaintiff and the same is a undisputed document. Ex.P-10 being a undisputed document,

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the same projects the name of the defendant No.1 as a father of the plaintiff.

13. In spite of service of summons on them and in spite of having knowledge regarding the claim made by the plaintiff in this suit, the defendants have not denied or disputed their relationship with the plaintiff. Nor have the defendants denied or disputed the Ex.P-1, Ex.P-10 and Ex.P-11 documents. Hence the relationship between the parties to this suit is established.

14. Ex.P-7 is a certified copy of the registered release deed dated 06/02/2025 registered as a document No.MIR-1-04241/2024-25. Ex.P-7 release deed is entered into in between the defendants No.1, 2 and defendant No.5 in respect of the item No.2 to 6 of the suit properties. Ex.P-7 being a registered as well as undisputed document, the para No.3 and 4 of Ex.P-7 document reads as under:

ಆದಾಗಿ ಕ್ರಮವೇನೆಂದರೆ ನಮ್ಮ ಅವಿಭಕ್ತ ಕುಟುಂಬಕ್ಕೆ ಸೇರಿದ ಪಿತ್ರಾರ್ಜಿತವಾದ ಸ್ವತ್ತುಗಳು ಹಾಲಿ ನಿಮ್ಮ ಹೆಸರಿಗೆ ಷೆಡ್ಯೂಲ್‌ನಲ್ಲಿ ಉದ್‌ಹರಿಸಿರುವಂತೆ ರೆವಿನ್ಯೂ ದಾಖಲಾತಿ ಇರುವುದು ಸರಿಯಷ್ಟೆ ಈ ರೀತಿ ಇರುವ ಷೆಡ್ಯೂಲ್ ಸ್ಥಿರ ಸ್ವತ್ತುಗಳಿಗೆ ನಾವೇ ಅನುಭವದಾರರು, ಹಕ್ಕುದಾರರು, ಮಾಲೀಕರು ಆಗಿ ಸ್ವತ್ತುಗಳ ಕಂದಾಯವನ್ನು ಈವರೆಗೆ ಪಾವತಿಸಿಕೊಂಡು ಈ ಸ್ವತ್ತುಗಳನ್ನು ತಹಲ್ ವರೆವಿಗೂ ಸಹ ಯಾವುದೇ ಭಾದಕವಿಲ್ಲದೇ ಅನುಭವಿಸಿಕೊಂಡು ಬಂದಿರುತ್ತೇವೆ. ಈ ಸ್ಥಿರ ಸ್ವತ್ತುಗಳ ಮೇಲೆ ನಾವೂ ಸಹ ಹಕ್ಕುಳ್ಳವರಾಗಿರುತ್ತೇವೆ.

ಈ ರೀತಿ ಇರುವ ಸ್ವತ್ತುಗಳು ಮೇಲೆ ಕಾನೂನು ಪ್ರಕಾರ ನಾವುಗಳು

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ಹಕ್ಕುಳ್ಳವರಾಗಿರುವುದರಿಂದ ಈ ದಸ್ತಾವೇಜಿನಲ್ಲಿ ಉದಹರಿಸಿರುವ ಈ ನಮ್ಮ ಅವಿಭಕ್ತ ಕುಟುಂಬದ ಸ್ಥಿರಾಸ್ಥಿಯನ್ನು ಇನ್ನು ಮುಂದೆ ಜಂಟಿಹಕ್ಕಿನಲ್ಲಿ ಅನುಭವಿಸಲು ನಮಗೆ ಇಷ್ಟ ಇರುವುದಿಲ್ಲ. ಆದಕಾರಣ ನಾವುಗಳು ಈ ದಿವಸ ನಮ್ಮ ಗ್ರಾಮದ ಗ್ರಾಮಸ್ಥರು, ಹಿತ್ತೈಷಿಗಳು, ಬಂಧುಗಳ ಸಮಕ್ಷಮ ಅವಿಭಕ್ತ ಕುಟುಂಬದ ವಾರಸುದಾರರಾದ ನಾವುಗಳು, ಷೆಡ್ಯೂಲ್ ಸ್ವತ್ತುಗಳನ್ನು ಹಂಚಿಕೊಂಡು ಅನುಭವಿಸಲು ಇಷ್ಟವಿಲ್ಲದೇ ಇರುವುದರಿಂದ ಈ ಕೆಳಗಣ ಉದಹರಿಸುವ ಷೆಡ್ಯೂಲ್ ಸ್ವತ್ತುಗಳನ್ನು ನಮ್ಮಗಳ ಸ್ವಯಿಚ್ಛೆಯಿಂದ ಈ ಕೆಳಗಣ ಸಾಕ್ಷಿದಾರರ ಸಮಕ್ಷಮ ಸಂಪೂರ್ಣವಾಗಿ ನಿಮಗೆ ವಹಿಸಿ ನಿಮ್ಮ ಸ್ವಾದೀನಕ್ಕೆ ಬಿಟ್ಟುಕೊಟ್ಟಿರುತ್ತೇವೆ.

15. The aforesaid contents and recitals of Ex.P-7 document establishes that the item No.2 to 6 of the suit properties are the ancestral and joint family properties of the defendants No.1,2 and 5. The plaintiff is none other than the daughter of the defendants No.1 and 2. Hence, when the Ex.P-7 document recites that the item No.2 to 6 of the suit properties are the ancestral and joint family properties of the defendants No.1,2 and 5, the plaintiff also being the daughter of the defendants No.1 and 2, the item No.2 to 6 of the suit properties will also become the ancestral and joint family properties of the plaintiff as well. Hence, in view of the recitals contained in the Ex.P-7 document, it is proved that the item No.2 to 6 of the suit properties are the ancestral and joint family properties of the plaintiff. No doubt the Ex.P-2 to Ex.P-6 documents discloses that the item No.2 to 6 of the suit properties stands in the name of the defendant No.1, but, in view of the aforesaid recitals contained in the Ex.P-7 document to which the

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defendant No.1 is also a party, it has to be held that the item No.2 to 6 of the suit properties are also the ancestral and joint family properties of the plaintiff. Accordingly, I conclude that the plaintiff has successfully proved that the item No.2 to 6 of the suit properties are her ancestral and joint family properties.

16. Ex.P-8 is a RTC of the item No.1 of the suit property for the year 2024-25. Ex.P-8 is a document which is relied on by the plaintiff herself. Ex.P-8 being a RTC of the item No.1 of the suit property, the same projects the name of father of the defendant No.1 as well as grandfather of the plaintiff namely Mr.Thimmegowda S/o Govindegowda herein as a absolute owner and possessor of the item No.1 of the suit property. Hence, Ex.P-8 document proves and establishes that the item No.1 of the suit property is a property of father of the defendant No.1 as well as grandfather of the plaintiff namely Mr.Thimmegowda S/o Govindegowda. The item No.1 of the suit property being the property of Mr.Thimmegowda S/o Govindegowda, the same will not become ancestral or joint family property in the hands of his grand daughter namely the plaintiff. Rather, the item No.1 of the suit property being the property of Mr.Thimmegowda S/o Govindegowda, only his children will become entitled to seek partition in the item No.1 of the suit property. The plaintiff herein being the grand daughter of Mr.Thimmegowda S/o Govindegowda, she has no right to seek partition in the item No.1 of the suit property that too in the life time of her father namely the

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defendant No.1 herein. Therefore, during the lifetime of defendant No.1, the plaintiff will not become the co-owner of the item No.1 of the suit property. Except the Ex.P-8 document, the plaintiff has not produced any other evidence before this court to prove that the item No.1 of the suit property is either her ancestral property or to prove that the item No.1 of the suit property is her joint family property. Accordingly, I conclude that the plaintiff has failed to prove that the item No.1 of the suit property is either her ancestral property or her joint family property. On the other hand, the plaintiff has successfully proved that the item No.2 to 6 of the suit properties are her ancestral and joint family properties. Accordingly, for what has been discussed above, I answer **Point No.1 in the Partly Affirmative.**

17. POINT NO.2: The present point was raised for consideration regarding entitlement of the plaintiff to get the reliefs as sought for in this suit. In this suit the plaintiff has sought for the relief of partition and separate possession of her undivided 1/4th share in the suit properties.

18. As held in Point No.1, it is proved that the item No.2 to 6 of the suit properties are the ancestral and joint family properties of the plaintiff. Hence, the defendant No.1 being father, the plaintiff, defendants No.4 and 5 being the children of the defendant No.1, all of them will become the co-owners of the item No.2 to 6 of the suit properties. The defendants No.2 and 3 being the wives of the

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defendant No.1, they will not become the co-owners of the item No.2 to 6 of the suit properties. Hence, the plaintiff, the defendants No.1, 4 and 5 being the co-owners, all of them are entitled for equal $1/4^{\text{th}}$ share in the item No.2 to 6 of the suit properties with metes and bounds. Further, under the Ex.P-7 release deed since the defendant No.5 has already released her undivided $1/4^{\text{th}}$ share in the item No.2 to 6 of the suit properties in favour of the defendant No.1 herein, the undivided $1/4^{\text{th}}$ share of the defendant No.5 in the item No.2 to 6 of the suit properties will go to the defendant No.1 herein. Thereby, the defendant No.1 will become entitled for $2/4^{\text{th}}$ share in the item No.2 to 6 of the suit properties. Accordingly, I hold that the plaintiff and the defendant No.4 are entitled for $1/4^{\text{th}}$ share each and the defendant No.1 is entitled for $2/4^{\text{th}}$ share in the item No.2 to 6 of the suit properties with metes and bounds.

19. Since the item No.1 of the suit property is not proved to be the ancestral or joint family property of the plaintiff and since the plaintiff is not proved to be the co-owner of the item No.1 of the suit property, I conclude that the plaintiff is not at all entitled for any reliefs more or less the relief of partition in respect of the item No.1 of the suit property. Accordingly for what has been discussed above, **I answer Point No.2 in the Partly Affirmative.**

20. POINT NO.3: In view of my above discussions and findings on Points No.1 and 2, I proceed to pass the following:



ORDER

The suit of the plaintiff is decreed in part.

It is declared that the plaintiff is entitled for 1/4th share in the item No.2 to 6 of the suit properties with metes and bounds.

It is declared that the defendant No.4 is entitled for 1/4th share in the item No.2 to 6 of the suit properties with metes and bounds.

It is declared that the defendant No.1 is entitled for 2/4th share in the item No.2 to 6 of the suit properties with metes and bounds.

The defendants No.1 and 4 shall pay the court fees on their respective shares.

The suit in respect of the item No.1 of the suit property is stands dismissed.

Considering the relationship between the parties, there is no order as to costs.

Pending interim applications if any, the same stands disposed off accordingly.

Draw preliminary decree accordingly.

After the lapse of appeal period, the office is hereby directed to register the Final Decree Proceedings only in respect of the item No.2 to 6

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of the suit properties by arraying the plaintiff as
petitioner and the defendants No.1, 4 and 5 as a
respondents and put up the file before this court.

(Dictated to the Stenographer, typed by her and the transcript revised and corrected by me and then pronounced in the open court on this **2nd day of June-2026**).

(SMT.ASRINA)
I ADDL. CIVIL JUDGE & JMFC.,
KRISHNARAJANAGAR.

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**ANNEXTURE****List of Witnesses examined on behalf of the plaintiff**

PW-1: Smt.Kavitha W/o Kantharaju S.C

List of Documents marked on behalf of the plaintiff

Ex.P-1: Family Genealogy.

Ex.P-2 to 6: RTC's.

Ex.P-7: Certified copy of Release deed dated 06/02/2025.

Ex.P-7(a): Certificate annexed to the Ex.P-7.

Ex.P-8: RTC.

Ex.P-9 & 10: Aadhar cards of the plaintiff.

Ex.P-11: School Admission Certificate.

List of Witnesses examined on behalf of the Defendants

-NIL-

List of Documents marked on behalf of the Defendants

-NIL-

(SMT.ASRINA)
I ADDL. CIVIL JUDGE & JMFC.,
KRISHNARAJANAGAR.