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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 24TH DAY OF APRIL, 2026.
O.S.No.326/2024

BETWEEN

PLAINTIFF	<p>Smt.Seethamma W/o Ashwath Aged:63 years, R/at:Hebbalukoppalu Village Hebbalu Hobli, K.R.Nagar Taluk, Mysuru District.</p> <p>(By Shri.A.T. Advocate)</p>
DEFENDANTS	<ol style="list-style-type: none">1. Smt.Kamamma H.B W/o Late.D.Chandrappa Aged:67 years R/at: #239, 3rd cross Vijayanagar, Mysuru.2. Shri.Jayamegowda S/o Late.Bettegowda Aged:66 years, R/at: Hebbalukoppalu Village Hebbalu Hobli, K.R.Nagar Taluk, Mysuru District.3. Smt.Kumamma W/o Prakash

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	<p>Aged:62 years, R/at: Hagaranahalli Village Kasaba Hobli, Hunsuru Taluk, Mysuru District.</p> <p>4. Smt.Bhagyamma W/o Revanna Aged:60 years, R/at: Honnegowda Block Hootagalli Baddigowda Near Extencs, Mysuru.</p> <p>(Defendants No.1, 3 and 4 are placed Exparte) (Defendant No.2 In-person)</p>
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Date of Institution of suit	27/06/2024
Nature of suit	Suit for Partition and Separate possession.
Date of recording of evidence	20/06/2025
Date of Judgment	24/04/2026.
Total duration	Years/s Month/s Day/s -01- -09- -27-

(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 1/5th

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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 herself and the defendants are the children of Mr.H.S.Bettwegowda S/o Singrigowd. Hence, the plaintiff and the defendants are real brother and sisters in relation. It is the case of the plaintiff that the suit properties are the joint family properties of herself and the defendants and the same was inherited by Mr.H.S.Bettwegowda from his father. It is the case of the plaintiff that her father Mr.H.S.Bettwegowda has died leaving behind the plaintiff and the defendants herein as his only legal heirs and successors to succeed his estate. Therefore the plaintiff has claimed that 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 item No.1 and 2 of the suit properties jointly stands in the name of the plaintiff and the defendants and item No.3 of the suit property stands in the name of their father Mr.H.S.Bettegowda. It is the case of the plaintiff that when the plaintiff has approached the defendants and requested them to partition the suit properties and to give her legitimate 1/5th share in the suit properties, but the defendant No.2 did not agree to partition the suit properties and the defendant No.2 has refused to give legitimate share of the

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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 1/5th share in the suit properties. But the defendants are avoiding to give the legitimate 1/5th 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 1/5th share in the suit properties with metes and bounds. According to the plaintiff the cause of action to file the above suit arose 05/05/2024, the date on when the defendant No.2 has 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 pursuance to the summons issued by this court, the defendant No.2 has entered before this court in person. But, in spite of his appearance before this court, the defendant No.2 did not contest this suit. In spite of service of summons on them, the defendant No.1, 3 and 4 did not appear before this court. Hence the defendant No.1, 3 and 4 were placed ex-parte. In spite of having received the summons, 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 she is a co-owner of the suit properties along with the defendants?
2. Whether the plaintiff is entitled to the reliefs as sought for?
3. What order or decree?

5. In order to establish the case of the plaintiff, plaintiff has stepped into the witness box and examined herself as Pw.1 and got marked Exhibit P-1 to Ex.P-7 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 learned 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 Affirmative.

Point No.2: In the Affirmative.

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

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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 1/5th share in the suit properties by contending that the suit properties are the 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, the plaintiff has examined herself as Pw.1 and the plaintiff has relied on the Ex.P-1 to Ex.P-7 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. Moreover, 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. Hence the relationship between the parties to this suit is established.

11. Ex.P-4 is a mutation order in respect of the item No.1 of the suit property. Ex.P-5 is a mutation order in respect of the item

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No.2 of the suit property. Ex.P-4 and Ex.P-5 are the undisputed documents and the same proves and establishes that initially the item No.1 and 2 of the suit properties were belonged to, owned and possessed by father of the plaintiff and the defendants namely Mr.H.S.Bettegowda S/o Singrigowda and subsequently after his death, the item No.1 and 2 of the suit properties were ordered to be transferred to the names of his children namely the plaintiff and the defendants on the basis of inheritance(ಪೌತಿ ಖಾತೆ).

12. Ex.P-3 is a RTC of the item No.1 of the suit property and Ex.P-2 is a RTC of the item No.2 of the suit property. Ex.P-2 and Ex.P-3 are the undisputed documents and the same proves and establishes that on the basis of Ex.P-4 and Ex.P-5 mutation orders, the item No.1 and 2 of the suit properties were jointly mutated to the names of the plaintiff and the defendants herein. Ex.P-2 and Ex.P-3 being the undisputed documents, the same projects the name of the plaintiff and the defendants as a co-owners and possessors of the suit properties. The Ex.P-2 and Ex.P-3 being the undisputed documents, the same proves and establishes that the item No.1 and 2 of the suit properties are jointly owned and possessed by the plaintiff and the defendants. Hence, the Ex.P-2 and Ex.P-3 documents proves and establishes that the plaintiff and the defendants are the co-owners in joint possession and enjoyment of the item No.1 and 2 of the suit properties.

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13. Ex.P-6 is a certified copy of the Assessment register extract in respect of the item No.3 of the suit property. Even the Ex.P-6 is also a undisputed document and the same projects the name of father of the plaintiff and the defendants namely Mr.Bettegowda S/o Singrigowda as a owner and possessor of the item No.3 of the suit property. Ex.P-6 being a undisputed document, the same proves and establishes that the item No.3 of the suit property belonged to, owned and possessed by father of the plaintiff and the defendants namely Mr.Bettegowda S/o Singrigowda.

14. Ex.P-4 to Ex.P-6 documents proves and establishes that all the suit properties are the absolute properties of father of the plaintiff and the defendants namely Mr.Bettegowda S/o Singrigowda. Admittedly the plaintiff and the defendants are the children of Mr.Bettegowda S/o Singrigowda. Admittedly said Mr.Bettegowda S/o Singrigowda has died intestate leaving behind the plaintiff and the defendants herein as his only legal heirs and successors to succeed his estate. Upon intestate death of Mr.Bettegowda S/o Singrigowda, the suit properties will jointly devolve upon his only surviving class-I legal heirs namely the plaintiff and the defendants. The suit properties being the separate and absolute properties of Mr.Bettegowda S/o Singrigowda, the same will not become the joint family properties in the hands of his children namely the plaintiff and the

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defendants herein. The suit properties being the separate and absolute properties of father of the plaintiffs and defendants namely Mr.Bettegowda S/o Singrigowda, the same cannot be termed as a joint family property of the plaintiff and the defendants. Rather it can be said that the suit properties are the inherited properties of the plaintiff and the defendants. Accordingly I conclude that the suit properties are not the joint family properties of the plaintiff and the defendants. Rather it is their inherited properties which the plaintiff and the defendants have inherited from their father namely Mr.Bettegowda S/o Singrigowda as his class-I legal heirs as per Sec.8 to 10 of Hindu Succession Act. Accordingly, I conclude that the plaintiff has successfully proved that herself and the defendants are the co-owners of the suit properties. Accordingly for what has been discussed above **I answer Point No.1 in the Affirmative.**

15. 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 1/5th share in the suit properties.

16. As held in Point No.1, the plaintiff has successfully proved that the suit properties are the properties of her father namely Mr.Bettegowda S/o Singrigowda. Admittedly Mr.Bettegowda S/o

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Singrigowda has died intestate. Admittedly the plaintiff and the defendants herein are the children of Mr.Bettegowda S/o Singrigowda. Admittedly the plaintiff and the defendants are the only surviving class-I legal heirs and successors of Mr.Bettegowda S/o Singrigowda. Admittedly the plaintiff and the defendants are Hindus by religion. Hence for the purpose of inheritance and succession they are governed by Hindu Succession Act-1956. The suit properties being the absolute properties of father of the plaintiff and the defendants, the same has to be divided amongst the plaintiff and the defendants as per Section 8 to 10 of the Hindu succession Act.

17. The suit properties being the properties of Mr.Bettegowda S/o Singrigowda and the plaintiff and the defendants being his children as well as his only surviving class-I legal heirs, the suit properties has to be divided into 5 equal shares. The plaintiff and the defendants being the children of Mr.Bettegowda S/o Singrigowda, all of them are entitled for equal $1/5^{\text{th}}$ share each in the suit properties. Accordingly I conclude that the plaintiff and the defendants are entitled for $1/5^{\text{th}}$ share each in all the suit properties with metes and bounds. Accordingly for what has been discussed above, I answer **Point No.2 in the Affirmative.**

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

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**ORDER**

The suit of the plaintiff is hereby decreed.

It is declared that the plaintiff and the defendants are entitled for 1/5th share each in all the suit properties with metes and bounds.

The defendants shall pay the court fees on their respective shares.

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 by arraying the plaintiff as petitioner and the defendants 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 **24th day of April 2026**).

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

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**A N N E X T U R E****List of Witnesses examined on behalf of the plaintiff**

PW-1: Smt.Seethamma W/o Ashwath

List of Documents marked on behalf of the Plaintiff

Ex.P-1: Family Genealogy.

Ex.P-2 & 3: RTC's.

Ex.P-4 & 5: Computerized mutation orders.

Ex.P-6: Certified copy of Assessment register extract.

Ex.P-7: Certified copy of Tax register extract.

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.