

KAMS500003922017



**IN THE COURT OF SENIOR CIVIL JUDGE & JMFC,
NANJANGUD**

Present : **Sri. Kamalaksha D., B.A., LL.B.,**
Senior Civil Judge & J.M.F.C.,
Nanjangud.

Dated this the 1st day of August 2026

O.S./69/2017

Plaintiff **:** Puttathayamma W/o Shivakumar,
aged about 42 years,
residing at Siddegowdananahundi,
Hullahalli Hobli,
Nanjangud Taluk.

(By Sri. Ravi N., Adv.)

-V/s-

Defendants 1. Kempamma
W/o late Siddaramegowda,
aged about 50 years,
residing at Kallembalu Village,
Saraguru Hobli,
H.D.Kote Taluk.

2. Siddarajamma W/o Nagegowda,
aged about 54 years,
residing at Hunasanalu Village,
Kasavanahalli Hobli,

Nanjangud Taluk,
Mysuru District.

3. Gurusiddegowda
S/o late Puttegowda,
since dead by his L.Rs.

3(a) Chandramma
W/o late Gurusiddegowda,
aged about 52 years,
residing at Channapattana Village,
Hadya Post, Hullahalli Hobli,
Nanjangud Taluk, Mysuru District.

3(b) Bhagya W/o Manjunath
S/o late Gurusiddegowda,
aged about 45 years,
residing at Gowdanahundi Village,
Ramapura Post,
Chatra Hobli,
Nanjangud Taluk,
Mysuru District-571314.

3(c) Mahadevaswamy G.
S/o late Gurusiddegowda,
aged about 38 years,
residing at Channapattana Village,
Hadya Post, Hullahalli Hobli,
Nanjangud Taluk,
Mysuru District-571315.

3(d) Jayamma W/o Srikanta,
D/o late Gurusiddegowda,
aged about 42 years,
residing at Yalachagere Village,
Kogaluru Post,
Kasaba Hobli, Nanjangud Taluk,
Mysuru District.

- 3(e) Putti W/o Chaluvamurthy
D/o late Gurusiddegowda,
aged about 36 years,
residing at Hosudu Village,
Maduvinahalli Post,
Hullahalli Hobli,
Nanjangud Taluk, Mysuru District.
4. Madegowda S/o late Puttegowda,
since dead by his L.Rs.
- 4(a) Mahadevamma
W/o late Madegowda,
aged about 51 years,
residing at Channapattana Village,
Hadya Post, Hullahalli Hobli,
Nanjangud Taluk, Mysuru District.
- 4(b) Putti @ Padma
W/o Jayanna @ Jayarama
S/o late Madegowda,
aged about 36 years,
residing at Siddaramayyanahundi
Village, Madapura Post,
Kodagala, Hampapura Hobli,
H.D.Kote Taluk,
Mysuru District.
- 4(c) Mahesh S/o late Madegowda,
aged about 28 years,
residing at Channapattana Village,
Hadya Post, Hullahalli Hobli,
Nanjangud Taluk, Mysuru District.
5. H.V.Vijayamangalamma
W/o B.K.Basavarajaiah,
aged about 38 years,

residing at Channapattana Village,
Hullahalli Hobli, Near Someshwara
Temple, Basavarajappana Thotada
Mane, Nanjangud Taluk,
Mysuru District.

6. Jagadamba B.
D/o late B.K.Basavarajappa,
aged about 49 years,
7. Manjula D/o late
B.K.Basavarajappa,
aged about 47 years,
8. Jyothi D/o late B.K.Basavarajappa,
aged about 45 years,
9. Somashekar
S/o late B.K.Basavarajappa,
aged about 43 years,
10. Dakshayini M.R.
W/o Somashekar,
aged about 41 years,

defendants No.6 to 10 are
residing at Channapattana Village,
Hullahalli Hobli,
Nanjangud Taluk, Mysuru District.

11. Geetha W/o B.Beeraiah,
aged about 46 years,
12. B.Beeraiah,
aged about 48 years,

defendants No.11 and 12 are
residing at Sarkari Uttanahalli

Village, Varuna Hobli,
Mysuru Taluk and District.

13. H.V.Mahadevaswamy S/o
H.V.Veerabhadra,
aged about 48 years,
residing at Door No.2206, K-47,
“Mahadeshwara Krupa”,
Basaveshwara Main Road,
K.R.Mohalla, Mysuru City.

(D.1, 2, 4(a & b) 6 to 13 – exparte
Sri. K.S.Kariyappa – Adv. for D.3(a to d) & 4(c)
3(e) – dismissed
Sri. D.B.Nagendra Kumar – Adv. for D.5)

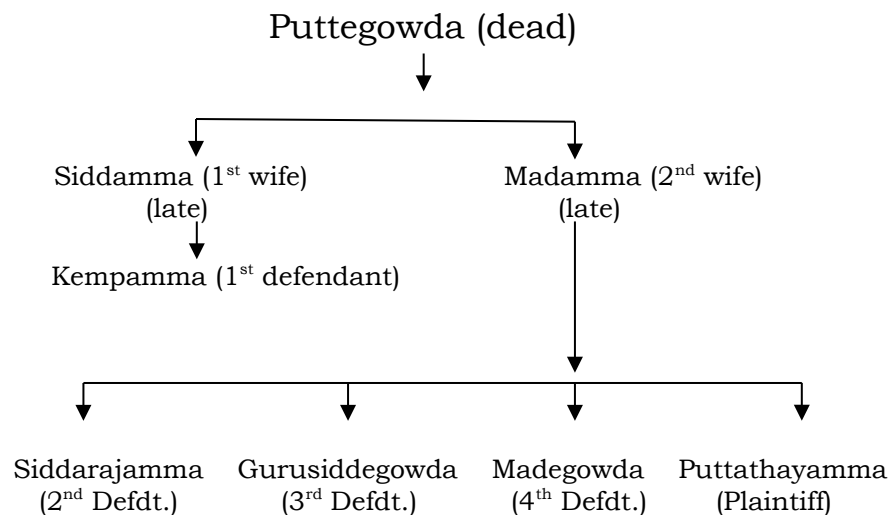
Date of institution of the suit	16.06.2017		
Nature of suit	Partition and separate possession		
Date of commencement of Trial	25.01.2019		
Date on which the judgment was pronounced	01.08.2026		
Duration of suit	Years	Months	Days
	06	01	16

J U D G M E N T

The plaintiff filed the suit for partition and separate possession of her 1/5th share in the suit schedule properties.

2. Brief facts of the case of the plaintiff are as follows:-

The plaintiff submits that Puttegowda is her father. Puttegowda had two wives i.e., Siddamma and Madamma. The family pedigree annexed with the plaint runs as below:



It is further submitted that suit schedule properties are the ancestral and joint family properties of the plaintiff and defendants, which belongs to the father of the plaintiff and defendants i.e., Puttegowda who died intestate. Late Puttegowda and his wives are also no more. The 1st defendant of this suit is the daughter of Siddamma born through Puttegowda. The second wife Madamma also died

and she is also having four children i.e., Siddarajamma, Gurusiddegowda, Madegowda and Puttathayamma i.e., defendants No.2 to 4 and plaintiff. It is also submitted that after the death of late Puttegowda the defendants in collusion with each other made oral partition and got their shares respectively without the consent and knowledge of the plaintiff and they did not give share of the plaintiff in the suit schedule properties by suppressing the material facts. After getting share in the suit schedule properties, the 1st defendant sold her share in the property in favour of H.V.Jayamangalamma W/o late B.K.Basavarajaiah through registered sale deed dated 31.07.2014. Recently the plaintiff approached the defendants and demanded for partition of the suit schedule properties and give her share in it. However, the defendants did not disclose the oral partition effected excluding the plaintiff. After obtaining the documents from the concerned authority the plaintiff came to know about the sale of the schedule property by the 1st defendant of her share i.e., 3 acres 5 guntas out of 3 acres 27 guntas in Sy.No.175/1 of Hura Village of Nanjangud

Taluk, which is item No.1 property. Hence, the plaintiff approached the panchayathdars and held panchayath in the year of 2014. In that panchayath the defendants assured the plaintiff that they will make settlement of the same, but till date the defendants did not make any settlement and not given her share. Again the plaintiff approached the panchayathdars in the second week of May 2017 and made similar request to make partition and separate possession of the suit schedule properties, but the defendants have outrightly denied to make partition. Hence, the plaintiffs without any alternative filed this suit.

3. Summons were duly served. Defendants No.3(a) to (d) and 4(c) and defendant No.5 appeared before the court through their respective counsel. The defendants No.1, 2, 4(a & b) 6 to13 did not appear before the court and placed exparte.

4. Only the 5th defendant filed written statement. In the written statement the defendant No.5 denied the entire averments of the plaint. It is her defence that there was no

cause of action to file the suit and court fee is not properly paid. Item No.1 property originally belonged to defendant No.1. The brother of the defendant No.1 i.e., Gurusiddegowda had gifted the said property to the 1st defendant. On the basis of gift deed khatha of the property transferred into the name of defendant No.1. Item No.1 property is the self-acquired property of defendant No.1. The 1st defendant has sold out item No.1 of the schedule property to the defendant No.5 through registered sale deed dated 31.05.2014 for valuable consideration. Subsequently the khatha of the purchased item No.1 property got entered in the name of the 5th defendant. She and her family members are presently in peaceful possession and enjoyment of the item No.1 property. Hence, prays to dismiss the suit.

5. Based on the above pleadings the following issues have been framed:

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

- 2 Whether the plaintiff proves that sale deed executed by defendant No.1 in favour of defendant No.5 in respect of suit schedule item No.1 property is not binding on her share?
- 3 Whether the plaintiff proves that she is entitle for 1/5th share in the suit schedule properties?
- 4 Whether the defendant No.5 proves that suit schedule item No.1 property was the self-acquired property of defendant No.1?
- 5 Whether the defendant No.5 proves that she has purchased the suit schedule item No.1 property from defendant No.1 for valuable consideration and she is bonafidal purchaser of the same for valuable consideration?
- 6 Whether the plaintiff is entitled for the relief claimed?
- 7 What order or decree?

6. In order to get the relief, the plaintiff is examined as P.W.1 and got marked 8 documents as Exs.P.1 to P.8. On the other hand, the G.P.A. holder of defendant No.5 examined as D.W.1 and got marked 49 documents as Exs.D.1 to 49.

7. Heard and perused the pleadings, evidence and materials placed on record.

8. The answer to the above issues is as follows:

Issue No.1	:	Partly in the affirmative
Issue No.2	:	In the affirmative
Issues No.3 & 6	:	Partly in the affirmative
Issue No.4	:	In the negative
Issue No.5	:	In the negative
Issue No.7	:	As per final order for the following

REASONS

9. **Issues No.1, 2, 4 & 5** : These four issues are interlinked with each other, hence they are taken together for discussion to avoid repetition. The first issue puts burden upon the plaintiff to prove the nature of the schedule properties as ancestral joint family properties. The plaintiff filed chief-examination in affidavit and her trustworthy is questioned in the cross-examination. The plaintiff says that the schedule properties are the ancestral joint family properties. According to P.W.1, the schedule properties are belonged to her father by name Puttegowda. The trustworthy of P.W.1 is questioned in the cross-examination. P.W.1 in the cross-examination has deposed

that, her father died on 11.10.1990. It is suggested to P.W.1 that, item No.1 property was given to Gurusiddegowda as per the partition deed said to be held on 1980-81. It is also suggested that the said property was in the possession of Gurusiddegowda till 2012, but the said suggestion is denied saying that she and defendants No.1 to 4 are continued in possession of the schedule properties. P.W.1 admits that Gurusiddegowda had executed gift deed in the name of Kempamma in the year 2012, thereafter Kempamma sold out the gifted property in favour of the 5th defendant. P.W.1 had not signatory to the said gift deed. Defendants No.1 to 4 have not signed in the gift deed. Admittedly the said gift deed is not binding to the share of the plaintiff, because defendants No.1 to 4 have not proved the earlier partition of the schedule properties among the legal heirs of Puttegowda, i.e., Siddamma and Madamma because they are the two wives of Puttegowda. Suppose the property inherited by Puttegowda were divided among his children, then the gift deed executed by Gurusiddegowda in favour of Kempamma

could have been considered as valid gift deed. However, Gurusiddegowda being the 3rd defendant has not come before the court to explain the validity and soundness of the gift deed executed by him in favour of Kempamma, she is the 1st defendant herein.

10. Section 30 of Hindu Succession Act allows a member of joint family to alienate the schedule property by way of Will, gift or other testamentary method before partition in respect of his or her share would available if it is partitioned. So, execution of any testamentary document cannot be called as illegal, if Section 30 of Hindu Succession Act is considered. However, heavy burden is upon the person who alienate the family property to prove its purpose. The defendants No.1 to 4 being the family members of the plaintiff have not come forward to disprove the relationship. Therefore, the relationship of the plaintiff with defendants No.1 to 4 is proved fact.

11. The plaintiff got marked 8 documents. Ex.P.1 is the R.T.C. of Sy.No.175 measures 3 acres 5 guntas

standing in the name of 5th defendant. The 5th defendant claims to be the bonafide purchaser of item No.1 property or above mentioned survey number property. The General Power of Attorney of 5th defendant by name B.Somashekar is examined himself as D.W.1 and his trustworthy is questioned in the cross-examination. The reading of the below mentioned cross-examination of D.W.1 clearly shows that defendant No.5 had not taken any care and steps before purchase of item No.1 property. The said portion of cross-examination runs as below:

ಆಸ್ತಿಯನ್ನು ಖರೀದಿಸುವಾಗ ಯಾವ ಯಾವ ಪ್ರಕ್ರಿಯೆಯನ್ನು ಮಾಡಬೇಕು ಎಂಬ ಬಗ್ಗೆ ನನಗೂ ನನ್ನ ತಾಯಿಗೂ ಮಾಹಿತಿ ಇತ್ತು ಎಂದರೆ ಸರಿ. ಆಸ್ತಿ ಖರೀದಿಸುವಾಗ ಪುಟ್ಟೇಗೌಡವರ ವಂಶವೃಕ್ಷವನ್ನು ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖೆಯಿಂದ ಪಡೆದುಕೊಂಡಿರಲಿಲ್ಲ. ನಾವು ಖರೀದಿಸಿದ ಆಸ್ತಿ ಮೂಲತಃ 3 ನೇ ಪ್ರತಿವಾದಿಗೆ ಸೇರಿದ್ದಾಗಿದ್ದು ಅವರು ಸದರಿ ಆಸ್ತಿಯನ್ನು ತನ್ನ ತಂಗಿ 1 ನೇ ಪ್ರತಿವಾದಿಗೆ ದಾನ ಮಾಡಿದ್ದರು. 3 ನೇ ಪ್ರತಿವಾದಿಗೆ ಸದರಿ ಆಸ್ತಿ ಸ್ವಯಾರ್ಜಿತ ಆಸ್ತಿಯಾಗಿತ್ತು. 3 ನೇ ಪ್ರತಿವಾದಿಗೆ ಸದರಿ ಆಸ್ತಿ ಹೇಗೆ ಬಂತು ಎನ್ನುವ ಬಗ್ಗೆ ನಾವು ದಾಖಲೆ ನೋಡಿಲ್ಲ. ಸಾಕ್ಷಿಯು ಮುಂದುವರೆದು 1980 ರಿಂದ ಆರ್ ಟಿ ಸಿ 3 ನೇ ಪ್ರತಿವಾದಿ ಹೆಸರಿನಲ್ಲಿ ಇತ್ತು ಎಂದು ನುಡಿಯುತ್ತಾರೆ. ಸಾಕ್ಷಿಯು ಸ್ವತಃ 3 ನೇ ಪ್ರತಿವಾದಿಯ ತಂದೆ ಇದ್ದಾಗಲೂ ಆಸ್ತಿ 3 ನೇ ಪ್ರತಿವಾದಿ ಹೆಸರಿನಲ್ಲಿ ಇತ್ತು ಎಂದು ನುಡಿಯುತ್ತಾರೆ. ನಾನು ಮ್ಯುಟೇಶನ್ ಆಧಾರದಲ್ಲಿ ಆಸ್ತಿ 3 ನೇ ಪ್ರತಿವಾದಿಯ ಸ್ವಯಾರ್ಜಿತ ಆಸ್ತಿ ಎಂದು ನುಡಿಯುತ್ತಿದ್ದೇನೆ ಹೊರತು ನೊಂದಾಯಿತ ದಾಖಲಾತಿ ನೋಡಿಲ್ಲ. ಎಂ.ಆರ್ 17/80-81 ಆಧಾರದಲ್ಲಿ ಮೂಲತಃ ಪುಟ್ಟೇಗೌಡರಿಗೆ ಸೇರಿದ್ದ ಜಮೀನು 3 ನೇ ಪ್ರತಿವಾದಿ ಹೆಸರಿಗೆ ಖಾತೆ ಆಗಿತ್ತು ಎಂದರೆ ಸಾಕ್ಷಿಯು ಪುಟ್ಟೇಗೌಡರಿಂದ ಬಂದಿಲ್ಲ ನೇರವಾಗಿ ಗುರುಸಿದ್ದೇಗೌಡರಿಗೆ ಬಂದಿತ್ತು ಎಂದು ನುಡಿಯುತ್ತಾರೆ.

ಮ್ಯುಟೇಶನ್ ರಿಜಿಸ್ಟ್ರಾರ್ ಅನ್ನು ಹೊರತುಪಡಿಸಿ ದಾವಾ ಅನುಸೂಚಿಯ 1 ನೇ ಆಸ್ತಿ 3 ನೇ ಪ್ರತಿವಾದಿಗೆ ನೇರವಾಗಿ ಬಂದಿತ್ತು ಎಂದು ತೋರಿಸಲು ನಾನು ಬೇರೆ ದಾಖಲೆ ಹಾಜರುಮಾಡಿಲ್ಲ ಎಂದರೆ ಸರಿ. ದಾವಾ ಅನುಸೂಚಿಯ 1 ನೇ ಸ್ವತ್ತು ಒಟ್ಟು ವಿಸ್ತೀರ್ಣ 3 ಎಕರೆ 27 ಗುಂಟೆ ಪೈಕಿ ನನ್ನ ತಾಯಿ 3 ಎಕರೆ 5 ಗುಂಟೆ ಖರೀದಿಸಿದ್ದು, ಉಳಿದ 22 ಗುಂಟೆ ಜಮೀನು 3 ನೇ ಪ್ರತಿವಾದಿಯ ಹೆಸರಿನಲ್ಲಿ ಪ್ರತ್ಯೇಕ ಸರ್ವೆ ನಂಬರಿನಲ್ಲಿ ಇದೆ ಎಂದರ ಸರಿ. ನನ್ನ ತಾಯಿ ಆಸ್ತಿ ಖರೀದಿಸಿದ ನಂತರ ಸ.ನಂ.175/1, ಸ.ನಂ. 175/2 ಪಿ2 ಆಗಿತ್ತು ಎಂದರೆ ಸಾಕ್ಷಿಯು ನಾವು ಖರೀದಿಸುವ ಮೊದಲೇ ಆ ರೀತಿ ಆಗಿತ್ತು ಎಂದು ನುಡಿಯುತ್ತಾರೆ.

So, D.W.1 in the cross-examination has deposed that, the 5th defendant did not see the relevant document of item No.1 property prior to its purchase. D.W.1 further says that the sale deed was executed by the 1st defendant in favour of the 5th defendant only on the basis of entry found in the R.T.C. R.T.C. is not a title document of the property. Therefore, if Ex.D.3 sale deed dated 31.05.2014 was executed only on the basis of the R.T.C. that sale deed shall not be considered as valid and sound sale deed, because the 5th defendant has not complied the mandatory requirements before purchase of family property of the plaintiff and defendants No.1 to 4. The cross-examination of D.W.1 further shows that, defendant No.5 has not seen

any other title document of the purchased property except the entry in the R.T.C.

12. At the cost of repetition, I would like to say that the entry in a R.T.C. is not a title document and that cannot be considered as good proof of title. The evidence of D.W.1 further shows that, defendant No.5 has not published or intention to purchase the suit schedule property prior to purchase it. However, the 5th defendant claims to be the bonafide purchaser of item No.1 property to an extension of 3 acres 5 guntas. A bonafide purchaser is an innocent party for value, without any notice of prior claims, defence in the sellers title or hidden liens. This legal status generally protects the buyers ownership right against the competing claims. The buyer must pay a fair market price or provide significant value for the property. Receiving an asset as a gift does not grant bonafide status. The transaction must be completely honest, genuine and free from fraud, collusion or deceptive practices. The buyer must not have actual or constructive notice of any issues.

This means they had no prior knowledge of the claim, nor should they reasonably have discovered it through standard due diligence. So, purchasing property is a significant investment, but what happens if prior claim or dispute surface after purchase of a property by a person. A bonafide purchaser is generally defined as a person who buys property for partition in good faith and without notice of any prior claims, rights or adverse interest against the property or its vendor. This protection shields innocent buyers from hidden defects in title that the seller might have cancelled. The said principle of law has been discussed by the Hon'ble Madras High Court in the case of **B.Nemi Chand Jain Vs. G.Ravindran** reported in **2010 (2) CTC 751**

13. Payment of consideration must involves a key point for consideration of status of a person as bonafide purchaser. The Hon'ble High Court has emphasized that a bonafide purchaser as *"one who buys something for value without notice of another's claim to the property and without actual or constructive notice of any defects in or infirmities,*

claims or equities against the seller's title." The same principle of law again discussed in the case of B.Nemi Chand Vs. G.Ravindran.

14. Importantly, the burden of proving bonafide status rests on the purchaser. He or she must demonstrated good faith, payment of consideration and lack of notice. The said principle of law has been discussed by the Hon'ble Supreme Court in the case of **R.K. Mohammed Ubaidullah and others Vs. Hajee C.Abdul Wahab (D) and others** reported in **AIR 2001 SC 1658**. In a critical aspect it is not just actual knowledge, but also what reasonable enquiry would reveal. Actual possession by some one else is deemed constructive notice of that person title, compelling the buyer to enquire further. Failure to do so can negate bonafide status. The said principle of law has also discussed in the case of R.K. Mohammed Ubaidullah and others Vs. Hajee C.Abdul Wahab (D) and others. The reading of evidence of D.W.1 clearly shows that defendant No.5 has not taken any

required steps to protect herself from future complications. Suppose she had taken enough and sufficient steps prior to purchase of item No.1 property, then she can be treated as bonafide purchaser and her purchase can be protected under law. But entire reading of evidence of D.W.1 shows that she has not taken any prior steps before purchase of item No.1 property. Hence, purchase of item No.1 property cannot be treated as her absolute or self-acquired property.

15. Ex.P.2 is the R.T.C. of Sy.No.171/P.1 standing in the name of Gurusiddegowda who is none other than the 3rd defendant herein. His name got entered in the boundaries column by way of M.R.No.17/1980-81 means he inherited the property after the death of his father. Ex.P.3 is the R.T.C. of Sy.No.171/P.2 measures 2 acres, it is another property in item No.2 standing in the name of Madegowda, he is none other than the 4th defendant, after his death his legal heirs arrived as defendants. The entry found in 10th column of R.T.C. also identical to Ex.P.2 document. Ex.P.4 is the R.T.C. of Sy.No.172 measures 3

acres 28 guntas standing in the name of Madegowda again the name of 4th defendant. Ex.P.5 is the R.T.C. of Sy.No.173 standing in the name of Puttegowda none other than the father of plaintiff and defendants No.1 to 4. Ex.P.6 is the R.T.C. of Sy.No.75/2 standing in the name of Gurusiddegowda S/o Puttegowda, it is inherited property by the 3rd defendant. Ex.P.7 is the R.T.C. of Sy.No.106 measures 2 acres 17 guntas standing in the name of Javanamma. The said Javanamma is not party here. The plaintiff has also not explained the relationship of Javanamma with herself and defendants No.1 to 4. Therefore, item No.6 property means the property of Sy.No.106 of Hura Village has to be ignored. Therefore, it may be concluded that, the plaintiff proved that items No.1 to 5 properties are ancestral properties. Though the 5th defendant purchased item No.1 property in Sy.No.175/1 measures 3 acres 5 guntas, the said property cannot be treated as her purchased property because so many legal defects can be seen to consider the 5th defendant as bonafide purchaser. Therefore, the sale deed executed by

the 1st defendant in favour of the 5th defendant is not binding to the plaintiff and 5th defendant has utterly failed to prove that she is the bonafide purchaser of item No.1 property. Hence, **issue No.1** is answered **partly in the affirmative, issue No.2 in the affirmative, issues No.4 and 5 in the negative.**

16. **Issues No.3 and 6:** The plaintiff claims 1/5th share in the schedule properties. Admittedly the relationship of the plaintiff with defendants No.1 to 4 is unchallenged fact found in the evidence. The plaintiff is none other than the daughter of Puttegowda born through his second wife Madamma. The first wife is Siddamma. Both wives of Puttegowda died long back by leaving Kempamma the 1st defendant, Siddarajamma the 2nd defendant, Gurusiddegowda the 3rd defendant and Madegowda the 4th defendant. Subsequently Gurusiddegowda and Madegowda died and their legal heirs are arrived as parties. The children of Puttegowda by name Kempamma, Siddarajamma, Gurusiddegowda,

Madegowda and Puttathayamma, are having one each share in the schedule properties except in item No.6 property. Therefore, calculation to divide the schedule properties mentioned by the plaintiff is correct figure. Hence, the plaintiff is entitled to get 1/5th share in the schedule properties. Hindu Succession (Amendment) Act 2005 now recognizes a female is also coparcener and she has every right to claim share in the ancestral joint family properties as that of a son. Now the gender biased discrimination has been vanished and taken away by the Amendment Act. Hence, the plaintiff shall be treated as coparcener and joint family member of Puttegowda. Hence, she is having 1/5th property right in the schedule properties except item No.6 property. Hence, **issues 3 and 6** are answered **partly in the affirmative**.

17. **Issue No.7:** In view of findings on above issues, this Court proceeds to pass the following:-

ORDER

Suit of the plaintiff is partly decreed.
The plaintiff is entitled for 1/5th share in

items No.1 to 5 of schedule properties. The suit of the plaintiff in respect of item No.6 property is dismissed.

No order as to costs.

Draw preliminary decree accordingly.

In view of the judgment of the Hon'ble Supreme Court reported in 2022 SCC Online SC 737 office to list the matter for taking steps under Order XX Rule 18 of C.P.C. on 16.09.2026.

(Dictated to the Stenographer, transcribed by her on computer, revised, corrected and then pronounced by me in open Court on this the 1st day of August 2026)

(Kamalaksha D.)

Senior Civil Judge, Nanjangud.

ANNEXURE

List of witnesses examined for the plaintiff :-

P.W.1 - Puttathayamma

List of documents marked for the plaintiff :-

Exs.P.1 to 7- R.T.C. extracts of Sy.No.175, 171/P.1, 171/P.2, 172, 173, 75/2 of Hura Village and Sy.No.106 of Kadajatti Village

Ex.P.8 - Genealogy tree

List of witnesses examined for the Defendants :-

D.W.1 - Somashekar

List of documents marked for the Defendants:-

Ex.D.1 - General Power of Attorney
Ex.D.2 - Online copy of gift deed dated 15.03.2012
Ex.D.3 - Online copy of sale deed dated 31.05.2014
Exs.D.4 & 5- Certified copies of handwritten R.T.Cs.
Exs.D.6 to 35- Computerized R.T.Cs.
Exs.D.36 to 48- Certified copies of 13 handwritten R.T.Cs.
Ex.D.49 - Copy of gazette notification

**Senior Civil Judge,
Nanjangud.**