

KAMS500005352025



**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 27th day of March 2026

O.S./163/2025

Plaintiffs

1. Neelamani,
aged about 47 years,
W/o late Mahadevaswamy,
2. Darshan M.,
aged about 26 years,
S/o late Mahadevaswamy,

Both are residing at
Navilooru Village,
Kasaba Hobli,
Nanjangud Taluk.

(By Sri. C.L.Basavaraju, Adv.)

-V/s-

Defendants

1. Chikkandaiah
aged about 80 years,
S/o late Ankaiah,

2. Chinnamma
aged about 55 years,
D/o Chikkandaiah,

Both are residing at
Navilooru Village,
Kasaba Hobli,
Nanjangud Taluk.

(By Sri. H.C.Mahesha – Adv.)

Date of institution of the suit	16.06.2025		
Nature of suit	Partition and separate possession		
Date of commencement of Trial	17.03.2026		
Date on which the judgment was pronounced	27.03.2026		
Duration of suit	Years 00	Months 09	Days 11

J U D G M E N T

The plaintiffs filed the suit for partition and separate possession of their 1/3rd share in the suit schedule properties bearing Sy.No.125/3 measures 1 acre 0.6 ½ guntas, Sy.No.190 measures 1 acre and Sy.No.187/2 measures 37 guntas.

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

The suit schedule properties are the ancestral properties of the plaintiffs and defendants. The 1st defendant has got two children i.e., Chinnamma (2nd defendant) and Mahadevaswamy who died on 03.07.2005 by leaving his widow wife 1st plaintiff and son by name Darshan M. - 2nd plaintiff. The suit schedule properties are the joint family properties of the plaintiffs and defendants. After the death of Mahadevaswamy, the plaintiffs requested with defendants for partition and separate possession of the schedule properties. However, the defendants denied to make partition. The defendants have also neglected to give any details of account of the joint family properties etc. Therefore, the plaintiffs have filed this suit.

3. In pursuance of summons the defendants appeared before the court through their counsel, but did not file written statement.

4. In order to get the relief, the plaintiff No.1 is examined as P.W.1 and got marked 5 documents as Exs.P.1 to 5.

5. Heard the learned counsel for the plaintiffs. Perused the pleading, evidence and materials placed on record. The points that arise for consideration are:

- 1 Whether the plaintiffs prove that the suit schedule properties are the joint family properties?
- 2 Whether the plaintiffs further prove that they are entitled for the reliefs claimed in the plaint?
- 3 What order or decree?

6. The findings on the above points are as follows:

Points No.1 & 2 : In the affirmative

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

REASONS

7. **POINT NOS.1 & 2**: These points are taken up together for discussion to avoid repetition of facts and evidence.

8. P.W.1 in the chief-examination has reproduced the facts. According to P.W.1 the 1st defendant by name Chikkandaiah is the father of the 2nd defendant and one Mahadevaswamy. The 1st plaintiff is the wife and 2nd plaintiff is the son of Mahadevaswamy who died on 03.07.2005. After the death of Mahadevaswamy the plaintiffs requested with the defendants to make partition of the schedule properties, but the defendants denied to make partition. The plaintiffs have produced five documents. Ex.P.1 is the R.T.C. of Sy.No.125/3 i.e., item No.1 of schedule property standing in the name of Chikkandiah S/o Ankaiah and Mahadevaiah S/o Madanna. Ex.P.2 is the R.T.C. of Sy.No.190 pertaining to item No.2 property measures 54 acres 14 guntas out of which 1 acre property is claimed to be the joint family property of the plaintiffs and defendants. Ex.P.3 is the R.T.C. of Sy.No.187/2 standing in the name of Anka S/o Veera and Madeva S/o Madaiah. Ex.P.4 is the family sketch and Ex.P.5 is the death certificate of husband of the 1st plaintiff. The 1st defendant and his two children are

entitled to get share in the schedule properties, because these properties are not partitioned till today. The 1st plaintiff is the widow of Mahadevaswamy who is the deceased son of 1st defendant and 2nd plaintiff is son of Mahadevaswamy. Therefore, the plaintiffs are entitled to get share of Mahadevaswamy. The defendants have not denied the claim of the plaintiffs and also the nature of the properties including the relationship. Therefore, **points No.1 and 2** are answered **in the affirmative**.

9. **Point No.3:** In view of findings on above points, this Court proceeds to pass the following:-

ORDER

Suit of the plaintiffs is decreed. The plaintiffs are entitled to get 1/3rd share in suit schedule properties.

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
05.06.2026.

*(Dictated to the Stenographer, transcribed by her on computer, revised,
corrected and then pronounced by me in open Court on this the 27th day
of March 2026)*

(Kamalaksha D.)
Senior Civil Judge, Nanjangud.

ANNEXURE

List of witnesses examined for the plaintiff :-

P.W.1 - Neelamani

List of documents marked for the plaintiff :-

Ex.P.1 - R.T.C. extract of Sy.No.125/3
Ex.P.2 - R.T.C. extract of Sy.No.190
Ex.P.3 - R.T.C. extract of Sy.No.187/2
Ex.P.4 - Genealogy tree
Ex.P.5 - Death certificate of husband of P.W.1

List of witnesses examined for the Defendants :-

Nil

List of documents marked for the Defendants:-

Nil

**Senior Civil Judge,
Nanjangud.**