

KAMS600011822024



O.S./200/2024

**IN THE COURT OF THE SENIOR CIVIL JUDGE AT  
PERIYAPATNA**

**Present : Sri.Raju.M.,  
M.A., LL.B.,  
Senior Civil Judge,  
Periyapatna**

**Dated: 2<sup>nd</sup> Day of April 2026**

**OS.No.200 of 2024**

\* \* \*

**Plaintiff;**

Smt. Leelavathi w/o Late Swamygowda,  
d/o Late Javaregowda, Age: 45 years,  
Coolie, r/o Boodithittu Village,  
Kasaba Hobli, Periyapatna Taluk  
Mysuru District.

***(By Sri.SSM, Advocate)***

***Versus***

**Defendants;**

1. Smt.Puttamma w/o Late Javaregowda,  
Age: 65 years, Housewife.
  2. Smt.Yashodhamma w/o Appajigowda,  
d/o Late Javaregowda,  
Age: 50 years, Housewife.
- D1 & 2** are the r/o K Haralahalli village,  
Ravanduru Hobli, Periyapatna Taluk,

Mysuru District.

**3.** Smt.Vishalakshi w/o Somashekara,  
d/o Late Javaregowda,  
Age: 43 years, Housewife.  
r/o Sindenhalli Village,  
Hanagodu Hobli, Hunsuru Taluk  
Mysuru District.

**4.** Sri.Sannegowda s/o Late K.Karigowda,  
Age: 65 years, Agriculturist,  
r/o K.Haralahalli village, Ravanduru  
Hobli, Periyapatna Taluk, Mysuru District.

***(Ex parte)***

Date of Institution	15.10.2024		
Nature of the Suit	Partition & Separate Possession.		
Date of recording of evidence	14.02.2025		
Pronouncement of judgment	02.04.2026		
Total duration	YY <b>01</b>	MM <b>05</b>	DD <b>17</b>

***Senior Civil Judge,  
Periyapatna.***

## **J U D G M E N T**

The plaintiff has filed this suit for the relief of partition and separate possession of her 1/4th share in the suit schedule properties by metes and bounds and such other reliefs as the court deems fit.

### **2. The plaint averments in brief is as under;**

Late Javaregowda is the husband of defendant No.1 and father of plaintiff and defendant Nos.2 to 4. Plaintiffs and defendants are the joint family members and suit schedule properties are the ancestral and joint family properties and there is no severance of joint status. After the death of above said Javaregowda khatha of suit schedule properties was transferred into the name of defendant No.1. Defendant No.2 got transferred the khatha in respect of item No.2 of the plaint schedule into his name and it is also came to the knowledge of the plaintiff when she obtained revenue records that the defendant Nos.1 to 3 by colluding

together have sold the item No.3 of the plaint schedule in favour of defendant No.4. Hence, the said sale deed does not bind the plaintiff's share in the suit schedule properties. Plaintiff is having 1/4<sup>th</sup> share in the suit schedule properties. She demanded to effect partition of the suit schedule properties with the defendants but to no use. Defendants are attempting to alienate the suit properties in favour of third parties to defraud the share of plaintiff. Hence, suit is filed.

**3.** After service of suit summons, the defendants did not appear before the Court. Consequently they were placed ex parte.

**4.** In order to prove the case, the plaintiff got examined herself as P.W.1 and got marked Ex.P1 to P5 documents.

5. Following points arise for consideration;
1. Whether plaintiff proves that the suit schedule properties are ancestral joint family properties of herself and defendants and they are in the joint possession and enjoyment of the same?
  2. Whether plaintiff is entitled for the relief of partition and separate possession of her 1/4th share in the suit schedule properties?
  3. What order or decree?
6. Heard arguments.
7. Answer to the above points is as follows;

***Point-1: Partly in the affirmative.***

***Point-2: Partly in the affirmative.***

***Point-3: As per final order  
for the following;***

### **REASONS**

8. **Points-1 & 2:** As these points are interlinked they are taken together for common discussion to avoid repetition of facts. That by reiterating all the averments made in the plaint, the plaintiff has filed her affidavit in lieu of chief-examination. As pleaded in the plaint, Late Javaregowda is the husband of defendant No.1, father

of plaintiff and defendant Nos.2 to 4. Plaintiffs and defendants are the joint family members. The relationship pleaded in the plaint is remained unchallenged, so there is no hurdle to believe the relationship of plaintiff and defendants as pleaded in the plaint.

**9.** It is also pleaded that the suit schedule properties are the ancestral and joint family properties of plaintiff and defendants and there is no severance of joint status. In this regard the plaintiff has produced 3 RTCs which are marked at Ex.P1 to 3 and 5 and a mutation extract marked at Ex.P4. As per these documents, the properties mentioned in item Nos.1 and 2 of the plaint schedule are standing in the names of defendant Nos.1 and 2 and mutation extract is also pertaining to suit item No.2 standing in the name of defendant No.2. But the property in item No.3 of the plaint schedule is in

the name of defendant No.4. The plaintiff pleaded that property in item No. 3 has been sold by defendant Nos.1 to 3 in favour of defendant No.4. But the plaintiff has not produced the copy of the sale deed which stands in the name of defendant No.4. Hence, it is not possible to know that whether the plaintiff is a signatory to the sale deed or not. As such the plaintiff's case can't be accepted in respect of the property at item No.4 of the suit property. What are all the oral and documentary evidence adduced by the plaintiffs remained unchallenged in respect of the properties in item No.1 and 2. In the absence of rebuttal evidence the documentary as well as oral evidence of plaintiff is to be accepted under law only in respect of the properties at item Nos.1 and 2. After the death of propositus Javaregowda the plaintiff, defendant Nos.2 & 3 being his children and defendant No.1 being his wife are having equal 1/4th share each in item No.1 and 2.

Accordingly points No.1 & 2 are answered partly in the ***affirmative.***

**10. Point No.3:** In view of findings on points Nos.1 & 2 this Court proceeds to pass the following;

**ORDER**

Suit is decreed with costs.

Plaintiff and defendants No. 1 to 3 are entitled for **1/4<sup>th</sup>** share each in item No. 1 and 2 of the suit schedule properties by metes and bounds.

The claim of plaintiff in respect of the property at item No.3 of the suit schedule is dismissed.

Draw preliminary decree accordingly.

(Dictated to Stenographer directly on computer, typed by her, corrected by and then pronounced in the open Court by me on this the 02.04.26).

**sd/-**  
**(Raju.M.)**  
**Senior Civil Judge**  
**Periyapatna**

**ANNEXURE****List of witnesses examined on behalf of plaintiff:**

Pw.1 : Smt.Leelavathi

**List of documents marked on behalf of plaintiff:**

Ex.P1 to 3 & 5 : RTCs

Ex.P4 : Mutation Extracts

**List of witnesses examined on behalf of defendants: Nil****List of documents marked on behalf of defendants: Nil**

sd/-  
Senior Civil Judge  
Periyapatna