

**KAMS610018502025**



**IN THE COURT OF PRL.CIVIL JUDGE AND JMFC.,  
AT PERIYAPATNA.**

**-: P R E S E N T :-**

Sri.YOGESHA M.R., BA.LLB.,  
PRL.CIVIL JUDGE AND JMFC.,  
PERIYAPATNA.

*Dated this the **22<sup>nd</sup> day of APRIL, 2026.***

**OS.No.305/2025**

- PLAINTIFF/S :
- 1.** K.T.Puttaraja, 50 yrs,  
S/o late Thimmegowda,
  - 2.** Hemavathi, 62 yrs,  
D/o late Thimmegowda,  
W/o Rajegowda  
R/at Taragalale,  
Bellame, Mariyanagara,  
Arakalagudu Taluk,  
Hassan District.
  - 3.** Sumithra, 60 yrs,  
D/o late Thimmegowda,  
R/at Doddaneraile Village,

Haranahalli Hobli,  
Periyapatna Taluk,  
Mysuru District.

4. Muttamma, 48 yrs,  
D/o late Thimmegowda,  
W/o Shiva,  
R/at 1<sup>st</sup> Camp Road,  
Handigudda Kavalu Village,  
Haranahalli Hobli,  
Periyapatna Taluk,  
Mysuru District.
5. Ponnamma, 67 yrs,  
W/o late K.T.Marigowda,
6. Kumari, 34 yrs,  
D/o late K.T.Marigowda,  
W/o H.S.Sunilkumar,
7. Dhanajaya, 32 yrs,  
S/o late K.T.Marigowda,

The petitioner No.1 and 5 to 7  
are R/at Kadanuru Village,  
Konanuru Hobli,  
Arakalagudu Taluk,  
Hassan District.

( Represented by Sri.**SMP.**, Advocate )

**V/s**

DEFENDANT/S : K.T.Annegowda, 64 yrs,  
S/o late Thimmegowda,  
R/at Kadanuru Village,  
Konanuru Hobli,  
Arakalagudu Taluk,  
Hassan District.  
*(Ex-parte)*

Date of Institution of suit : **11.08.2025**

Nature of the suit : **PARTITION AND SEPARATE  
POSSESSION.**

Date of commencement of  
recording of evidence : **09.12.2025**

Date on which Judgment  
was pronounced : **22.04.2026**

Total duration : **YEAR/S MONTH/S DAY/S**  
**00 08 12**

**( YOGESHA M.R )**  
PRL.CIVIL JUDGE AND JMFC.,  
PERIYAPATNA.

**:- J U D G M E N T :-**

*This suit has been instituted by the plaintiffs against defendant to effect partition and separate possession in respect of suit schedule property.*

**2. Summary of the plaint is as under;**

**(a).** The plaintiffs and defendant are the joint family members of Hindu Undivided Family and all in joint possession and enjoyment of the suit schedule property. The suit schedule property originally belongs to the one Thimmegowda. The said Thimmegowda married to one Devamma and having six children i.e., late K.T.Marigowda, plaintiff No.1 to 4 and defendant. The said K.T.Marigowda died leaving behind the plaintiff No.5 to 7 as his legal heirs.

**(b).** The said Thimmegowda died intestate. The plaintiffs and defendant are having share in the suit schedule

property. On 16.05.2025, the plaintiffs requested the defendant to effect partition, but the defendant declined to effect the same. *Hence, this suit.*

**3.** After registration of suit; summons was issued to the defendant. In spite of service of summons, the defendant remained absent, hence he was placed ex-parte.

**4.** On the basis of aforesaid facts, the following points arise for consideration;

**-: P O I N T S :-**

- 1).** *Whether the plaintiffs prove that, the plaintiffs and defendant constitute the Undivided joint family ?*
- 2).** *Whether the plaintiffs prove that, the suit schedule property is the joint family property of the plaintiffs and defendant and they are in joint possession ?*

**3).** *Whether the plaintiffs are entitle for the reliefs as sought for ?*

**4).** *What order or decree ?*

**5.** To establish the plaintiff's case, the plaintiff No.1 examined himself as PW.1 and adduced as many as 10 documents as per Ex.P1 to P10. In spite of service of summons, the defendant remained absent, hence he was placed Ex-parte.

**6.** Heard the arguments and perused the material available on record.

**7.** This court answers the above points as under;

POINT NO.1 & 2 : **AFFIRMATIVE**

POINT NO.3 : **AFFIRMATIVE**

POINT NO.4 : As per final order

for the following;

**:- REASONS :-****POINT NO.1 & 2 :-**

**8.** The Point No.1 & 2 are interrelated to each other, hence they are taken up together for common discussions in order to avoid the repetition of facts and better appreciation of evidence.

**9.** The case of the plaintiff is that, the suit schedule property is the joint family property of the plaintiffs and defendant. Even after several requests, the defendant declined to effect partition. The plaintiff No.1 examined himself as PW.1 and adduced as many as 10 documents as per Ex.P1 to P10.

**10.** Ex.P1 Certified copy of MR.No.4/1994-95; Ex.P2 Certified copy of MR.No.4/1994-95; Ex.P3 Certified copy of Index of Lands; Ex.P4 Death Certificate of Thimmegowda; Ex.P5 Certified copy of Devamma; Ex.P6 Certified copy of

K.T.Marigowda; Ex.P7 Certified copy of RTC Extract in respect of Sy.No.3/7; Ex.P8 Certified copy of RTC Extract in respect of Sy.No.3/7; Ex.P9 RTC Extract in respect of Sy.No.3; Ex.P10 RTC Extract in respect of Sy.No.3/7.

**11.** It is burden on the plaintiffs to prove that, the suit schedule property is the joint family property of plaintiffs and defendant. In this regard, the plaintiffs mentioned the G-tree in the para-2 of the plaint. As per the G-tree, the plaintiff No.1 to 4, late K.T.Marigowda and defendant are the children of the late Thimmegowda and Devamma. The plaintiff No.5 to 7 are the Class I Legal Heirs of the deceased K.T.Marigowda. The Ex.P4 to 6 are the death certificate of the said Thimmegowda, Devamma and K.T.Marigowda respectively.

**12.** The Ex.P3 and P7 are the certified copy of the Index of Lands and RTC Extract in respect of the Land bearing Sy.No.3/7 measuring 3 acres, which was originally

standing in the name of the one Thammegowda S/o Karigowda i.e., brother of the Thimmegowda. The Ex.P1 & 2 are the Certified copy of the MR.No.4/1994-95, as per the statement of the Thammegowda S/o Karigowda, the Katha of the suit schedule property was mutated in the name of the Thimmegowda S/o Karigowda i.e., father of the plaintiff No.1 to 4. The same reflects in the revenue records i.e., Ex.P7 & 8. At present, the suit schedule property is standing in the name of the said Thimmegowda S/o Karigowda as per Ex.P9.

**13.** It is worth to note that, in spite of service of summons, the defendant was remained absent and placed Ex-parte. As per the Ex.P1 to 10, it is clear that suit schedule property was the self acquired property of the father of the plaintiff No.1 to 4, late K.T.Marigowda and defendant.

**14.** Since, the plaintiffs, late K.T.Marigowda and defendant are Class I Legal Heirs of the deceased

Thimmegowda and Devamma, they are entitle for the equal share in the suit schedule property. Therefore, taking into consideration for the reasons discussed above, the documents adduced by the plaintiffs side remains unchallenged, since there is no contrary evidence or documents available on record. Hence, this court come to conclusion that the plaintiffs proved that, the suit schedule property is the self acquired property of the late Thimmegowda and they are in joint possession of the same.

**15.** The plaintiffs claiming 5/6th share in and upon the suit schedule property. As discussed above, the plaintiff No.1 to 4, late K.T.Marigowda and defendant are the children of the said late Thimmegowda and Devamma. Hence, the plaintiff No.1 to 4, late K.T.Marigowda and defendant are entitle for the 1/6th share each in the suit schedule property. Further, the plaintiff No.5 to 7 are being the LR's of the

deceased K.T.Marigowda are entitle for the share of the K.T.Marigowda i.e., 1/6th share jointly. *Hence, this court answered point No.1 and 2 in the **Affirmative**.*

**POINT NO.3:-**

**16.** The plaintiffs have filed the suit claiming partition of 5/6th share in the suit schedule property. As discussed above, the plaintiff No.1 to 4, late K.T.Marigowda and defendant are entitle for the 1/6th share each in the suit schedule property. Further, the plaintiff No.5 to 7 are being the LR's of the deceased K.T.Marigowda are entitle for the 1/6th share jointly. *Hence, this court answered the point No.3 in the **Affirmative**.*

**POINT NO.4:-**

**17.** In view of the above discussions, this court proceed to pass the following;

**ORDER**

The suit of the plaintiffs is hereby decreed with cost.

The plaintiff No.1 to 4 and defendant are entitle for the separate possession of the 1/6th share each in the suit schedule property.

The plaintiff No.5 to 7 are jointly entitle for the separate possession of the 1/6th share in the suit schedule property.

Draw preliminary decree accordingly.

*(Dictated to the Stenographer directly in computer, revised, corrected by me and then pronounced in the open court on this the **22<sup>nd</sup> day of APRIL, 2026.**)*

**( YOGESHA M.R )**  
PRL.CIVIL JUDGE AND JMFC.,  
PERIYAPATNA.

**-: ANNEXURES :-**

**List Of Witnesses Examined On Behalf Of Plaintiffs:**

PW.1 : K.T.PUTTARAJU

**List Of Documents Marked On Behalf Of Plaintiffs:**

Ex.P1 : Certified copy of MR.No.4/1994-95  
Ex.P2 : Certified copy of MR.No.4/1994-95  
Ex.P3 : Certified copy of Index of Lands  
Ex.P4 : Death Certificate of Thimmegowda  
Ex.P5 : Certified copy of Devamma  
Ex.P6 : Certified copy of K.T.Marigowda  
Ex.P7 : Certified copy of RTC Extract in respect of  
Sy.No.3/7  
Ex.P8 : Certified copy of RTC Extract in respect of  
Sy.No.3/7  
Ex.P9 : RTC Extract in respect of Sy.No.3  
Ex.P10 : RTC Extract in respect of Sy.No.3/7

**List Of Witnesses Examined On Behalf Of Defendant : Nil**

**List Of Documents Marked On Behalf Of The Defendant: Nil**

**( YOGESHA M.R )**  
PRL.CIVIL JUDGE AND JMFC.,  
PERIYAPATNA.