

KAMS710007062021



**IN THE COURT OF I ADDITIONAL CIVIL JUDGE AND JMFC AT
T.NARASIPURA**

Dated this the 4th day of July 2026

**Present: Smt.Niveditha N., B.A.L., LL.B, LL.M.,
I Addl Civil Judge & JMFC., T.Narasipura.**

O.S./94/2021

Plaintiff

: 1. Santhosh Kumar.R
S/o Ramegowda.S,
Aged about 40 years,
R/at No.615/5, Kashinagara,
Amruthahalli, Sahakaranagara Post,
Bengaluru North, Bengaluru-560092.

2. Sunilkumar.R,
S/o Ramegowda.S,
Aged about 37 years,
R/at No.99, 8th Cross, K.P.Agrahara,
Mariyappanapalya, Magadi Road,
Bengaluru-560023.

3. Sandeep Kumar.R,
S/o Ramegowda.S,
Aged about 33 years,
R/at Thimmarajipura Village,
Kempanapalya Post, Kollegala Taluk,
Chamarajanagara District.

(By Sri.J.B.R, Advocate)

V/s

Defendants

: 1. Nanjamani,

W/o Late Mahadeva,
Aged about 52 years,
R/at K.P.Agrahara Village, No.7, 13th
Cross, 3rd Main, Bhuvaneshwari Nagara,
Magadi Road, Bengaluru-23.

2. Gururaju,
S/o Late Madaiah,
Aged about 55 years,
R/at Idel Home Layout, Dodda Alahalli,
Kempegowda Road, Rajarajeshwari
Nagara, Bengaluru-98.

3. Ramalinga,
S/o Late Madaiah,
Aged about 53 years,
R/at No.7, 13th Cross, 3rd Main Road,
K.P.Agrahara, Bhuvaneshwari Nagara,
Bengaluru-23.

4. Lakshmididevi,
D/o Late Madaiah,
W/o Basavaraju @ Mahadeva,
Aged about 50 years.

5. Vyshak,
S/o Late Srikanta,
Aged about 27 years.

D4 & 5 are R/at No.41/8, Meti Real Estate
Agency, Sathyasai Layout, C.V.Raman
Road, Kodipalya, Kengeri, Bengaluru-60.

6. Ramananjaiah @ Madesh,
S/o Late Ramaiah @ Chikkananjaiah,
Aged about 50 years,
R/at C.K.Halli Village, 1st Stage,
Muthurayaswamy Extension, Magadi

Main Road, Near Thavarekere,
Bengaluru-562130.

7. Nanjundaiah @ Nanjunda,
S/o Late Ramaiah @ Chikkananjaiah,
Aged about 47 years,
R/at No.5, Nagarabavi Main Road, 7th
Cross, Sanjeevini Nagara, Beside Manasa
Gangothri School, Bengaluru-72.

8. Dunduraju @ Raju,
S/o Late Ramaiah @ Chikkananjaiah,
Aged about 44 years,
R/at 3rd Cross, Near Pushpanjali Talkies,
Manjunathanagara, West Up Card Road,
Bengaluru-560016.

9. Suneetha,
C/o Nanjundaiah,
Aged about 38 years,
R/at No.5, Nagarabavi Main Road,
Mudalapalya, 1st Main Road, 7th Cross,
Sanjeevini Nagara, Beside Manasa
Gangothri School, Bengaluru-72.

10. Yashoda,
D/o Nanjamma,
Aged about 45 years.

11. Chikkathayi,
D/o Nanjamma,
Aged about 43 years.

12. Madamma,
D/o Late Ramaiah @ Ramegowda,
Aged about 65 years.

13. Kapanaiiah,

S/o Late Ramaiah @ Ramegowda,
Aged about 63 years.

14. Sannamma,
D/o Kapanaiah,
Aged about 40 years.

D10 to 14 are R/at Bommanayakanahalli,
T.Narasipura Taluk, Mysuru District.

**(D1 to 6, 8, 9 Ex-parte,
D7 By Sri.B.M.S, Advocate)**

Nature of the Suit : Partition & Separate Possession

Date of the commencement of : 16/04/2024
recording of the evidence

Date on which the judgment was : 04/07/2026
pronounced

Total duration	Years	Months	Days
	05	02	26

JUDGMENT

1. Relief: The plaintiffs have filed this suit seeking for the relief of partition and separate possession with respect to the suit schedule property.

2. Schedule:

The property bearing Sy.No.182/1 measuring 3.24 acre, situated at Bommanayakanahalli Village, Kasaba Hobli, T.Narasipura Taluk, Mysuru District, bounded on, East by: Land bearing Sy.No.183, West by: Land bearing Sy.No.186, North by: Land bearing Sy.No.185 and South by: Land bearing Sy.No.181.

3. The brief facts of the plaintiff's case is as follows:

a. The plaintiffs in the plaint have pleaded that father of Late Lakshmidevi and father of defendants by name Ramaiah @ Chikkananjaiah, Kapanaiiah, Madaiah, Late Nanjamma and Madamma are brothers and sisters and are the children of Late Ramaiah @ Ramegowda and Sakamma. The schedule property is the ancestral property of late Ramaiah @ Ramegowda and Sakamma. The said Lakshmidevi is no more. The plaintiffs being the children of late Lakshmidevi, they are having right over the suit schedule property. There was no partition took place between plaintiffs and defendants and also between plaintiff's mother and defendants. The schedule property is the ancestral property of the plaintiffs. But the defendants without the knowledge of the plaintiffs, have transferred the khatha in respect of the schedule property into their names. When the plaintiffs demanded for partition, the defendant No.7 and other defendants have refused the same. Now, without having any right or title, the defendants are trying to sell the suit property to third party. Hence, the plaintiffs have filed this suit.

4. After institution of the suit, summons has been issued to the defendants. The defendant No.7 has appeared through his counsel, but failed to contest the suit by filing written statement. The defendants No.1 to 6, 8 and 9 have placed ex-parte.

5. On careful perusal of the materials available on record the following points are arise for my consideration:

POINTS

1. Whether the plaintiffs prove that the suit schedule property is the ancestral and joint family property of themselves and defendants?

2. Whether the plaintiffs are entitled for the relief as sought for?

3. What order or decree?

6. Heard arguments and perused the records.

7. My findings on the above points are as under:

Point No.1 and 2: In the Affirmative

Point No.3: As per the final order, the following;

REASONS

8. Point No.1 and 2: The plaintiffs have filed the suit seeking for the relief of partition and separate possession with respect to the suit schedule property.

9. In order to prove the case, the plaintiff NO.1 himself examined as P.W.1 by reiterating the plaint averments and got marked 14 documents as Ex.P1 to 14. Ex.P1 is the RTC of Sy.No.182/1 total

extent 3 acres 24 guntas entered in the name of Kapanaiiah i.e., defendant No.13, Sannamma i.e., defendant No.14, Ramananjaiah i.e., defendant No.6, Nanjundaiah i.e., defendant No.7 and others. Ex.P2 is the mutation register of Sy.No.182/1 measuring 34 guntas entered in the name of Ramananjaiah and others. Ex.P3 is the mutation register of Sy.No.182/1 measuring 32 guntas entered in the name of Nanjamani and others. Ex.P4 is the mutation register of Sy.No.182/1. Ex.P5 is the notarized genealogical tree of the family of the plaintiffs. Ex.P6 is the RTC for the year 2024-25 of Sy.No.182/1 entered in the name of Kapanaiiah and others. Ex.P7 is the mutation register of Sy.No.182/1 measuring 34 guntas entered in the name of Ramananjaiah and others. Ex.P8 and 9 are the mutation registers of Sy.No.182/1 measuring 32 guntas entered in the name of Nanjamani and others. Ex.P10 is the RTC for the year 2005-06 of Sy.No.182/1 measuring 3 acres 10 guntas entered in the name of Ramegowda. Ex.P11 and d12 are the ECs. Ex.P13 is the certified copy of the sale agreement dated 10/11/2020 entered by Ramananjaiah and Nanjundaiah in favour of Manjula for the property bearing Sy.No.182/1 34 guntas. Ex.P14 is the RTC for the year 2020-21 of Sy.No.182/1 entered in the name of Kapanaiiah and others.

10. The defendants have not contested the suit.

11. Upon careful reading of pliant and the documents produced by the plaintiffs, it discloses that, the plaintiffs are the children

of Lakshmidevi who is the daughter of Ramaiah @ Chikkananjaiah. The said relationship was not denied by the defendants by contesting the suit. Therefore, it is proved that the plaintiffs are the class-I legal heirs of Lakshmidevi who is the daughter of late Ramaiah @ Chikkananjaiah.

12. The plaintiffs have produced RTCs and mutation extracts, these documents shows that originally the suit schedule property was belonging to the propositus by name Ramaiah @ Ramegowda and after his death, his children by name Kapaniah and Madaiah have partitioned the suit schedule property without giving share to the Ramaiah @ Chikkananjaiah who is the grandfather of plaintiffs herein. As per the sale agreement produced by the plaintiffs at Ex.P13, discloses that the defendants No.6 and 7 have tried to alienate the portion of suit schedule property. The total extent of the suit schedule property survey number is 3 acres 24 guntas and out of that 14 guntas was acquired for nala and remaining extent is available for partition. Hence, the plaintiffs by producing the aforesaid documents have proved that originally the suit schedule property was belonging to their grand father and no partition was took place during the life time of their grand father or upon his death his children have not partitioned. The defendants have not contested the suit by filing the written statement or cross examining the witness. Thus, the plaintiffs have proved that they are entitled for share in the suit

schedule property. **Hence, Point No.1 and 2 are answered in the Affirmative.**

13. Point No.3: In view of the above answer and reasons on Point No.1 and 2, the parties to the suit are relatives and hence no order as to the cost, this Court proceeds to pass the following;

ORDER

The suit of the plaintiffs is hereby decreed.

The plaintiffs No.1 to 3 and defendants No.6 to 9 are entitled for 5/25th share together in the suit schedule property.

The defendants No.1 to 5 are entitled for 5/25th share together in the suit schedule property.

The defendants No.10 and 11 are entitled for 5/10th share together in the suit schedule property.

The defendants No.12 and 14 are entitled for 1/5th share each in the suit schedule property.

Draw Preliminary decree accordingly.

[Dictated to the Stenographer, transcript typed by her corrected, initialed and pronounced by me in the open Court on this the 4th day of July 2025)

**I Addl Civil Judge and JMFC.,
T.Narasipura.**

ANNEXURE

List of witnesses examined on behalf of plaintiff:

PW 1 : Santhosh Kumar.R

List of documents exhibits on behalf of plaintiff:

Ex.P 1 : RTC
Ex.P 2 to 4 : MR Extracts
Ex.P 5 : Genealogical Tree
Ex.P 6 : RTC
Ex.P 7 to 9 : MR Extracts
Ex.P 10 : RTC
Ex.P 11 & 12 : ECs
Ex.P 13 : Certified copy of agreement
Ex.P 14 : RTC

List of witnesses examined on behalf of defendants

.....Nil.....

List of documents exhibited on behalf of defendants:

.....Nil.....

I Addl Civil Judge and JMFC.,
T.Narasipura.

(Judgment pronounced in open court vide separate order)

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