



**IN THE COURT OF THE ADDITIONAL SENIOR CIVIL JUDGE
& JMFC-I., RAICHUR,**

Present: Sri. Shankarappa Malashetti
B.com, L.L.B.,(Spl)

**Addl. Senior Civil Judge & JMFC-I
Raichur.**

Dated: this 04th day of August-2026.

O.S.No.274/2023

BETWEEN.

1. Bheemayya S/o Narasanna,
Age: 65 years, Occ: Agriculturist,
R/o: Mirjapur,
Tq & Dist: Raichur.
2. Hanumanthu S/o Narasanna,
Age: 60 years, Occ: Agriculturist,
R/o: Mirjapur,
Tq & Dist: Raichur.
3. Earesh S/o Dulayya,
Age: 29 years, Occ: Agriculturist,
R/o: Mirjapur,
Tq & Dist: Raichur.
4. Madhanna S/o Narasanna,
Age: 48 years, Occ: Agriculturist,
R/o: Mirjapur,
Tq & Dist: Raichur.

5. Dodda Narashimalu S/o Narasanna,
Age: 45 years, Occ: Agriculturist,
R/o: Mirjapur,
Tq & Dist: Raichur.
6. Sanna Narashimalu S/o Narasanna,
Age: 43 years, Occ: Agriculturist,
R/o: Mirjapur,
Tq & Dist: Raichur.

..Plaintiffs.

(Smt. G.S., Advocate)

AND.

1. Bheemakka W/o Bhemmayya,
Age: 60 years, Occ: Agriculturist,
R/o: Mirjapur,
Tq & Dist: Raichur.
2. Tayamma W/o Nagappa,
Age: 55 years, Occ: Household,
R/o: Mirjapur,
Tq & Dist: Raichur.
3. Dulayya S/o Lingappa @ Linga,
Age: 55 years, Occ: Agriculturist,
R/o: Mirjapur,
Tq & Dist: Raichur.
4. Chandramma W/o Narasanna,
Age: 60 years, Occ: Agriculturist,
R/o: Mirjapur,
Tq & Dist: Raichur.
5. Narasamma W/o Prathap,
Age: 55 years, Occ: Agriculturist,
R/o: Mirjapur,
Tq & Dist: Raichur.

6. Dulayya @ Budanna S/o Hanumayya,
Age: 50 years, Occ: Agriculturist,
R/o: Mirjapur,
Tq & Dist: Raichur.
7. Dodda Tayappa S/o Bhemmayya,
Age: 35 years, Occ: Agriculturist,
R/o: Mirjapur,
Tq & Dist: Raichur.
8. Tayamma W/o Narasayya,
Age: 50 years, Occ: Agriculturist,
R/o: Mirjapur,
Tq & Dist: Raichur.
9. Narasappa @ Gundappa S/o Guranna,
Age: 65 years, Occ: Agriculturist,
R/o: Mirjapur,
Tq & Dist: Raichur.
10. Padamma W/o Dulayya,
Age: 55 years, Occ: Agriculturist,
R/o: Mirjapur,
Tq & Dist: Raichur.
11. Hemmareddy S/o Guranna,
Age: 50 years, Occ: Agriculturist,
R/o: Mirjapur,
Tq & Dist: Raichur.
12. Sharanappa S/o Guranna,
Age: 48 years, Occ: Agriculturist,
R/o: Mirjapur,
Tq & Dist: Raichur.
13. Bhemayya S/o Guranna,
Age: 45 years, Occ: Agriculturist,
R/o: Mirjapur,
Tq & Dist: Raichur.

14. Narasappa S/o Bhimayya,
Age: 37 years, Occ: Agriculturist,
R/o: Mirjapur,
Tq & Dist: Raichur.
15. Eeareesh S/o Dulayya,
Age: 38 years, Occ: Agriculturist,
R/o: Mirjapur,
Tq & Dist: Raichur.

...Defendants.

(D.1 to 3, 9, 11 to 15 – ex-parte)
(D.4 to 6 By Shri. V.S., Advocate)
(D.7 and 8 By Shri. A.V.R., Advocate)
(D.10 By Shri. S.K., Advocate)

Date of institution of suit	:	13.10.2023		
Nature of the suit	:	For Partition, Separate Possession and Declaration.		
Date of commencement of recording of evidence	:	07.02.2025		
Date on which the judgment is pronounced	:	04.08.2026		
Total duration.	:	Year/s	Month/s	Day/s
		02	09	24

It is a suit for partition, separate possession and declaration.

2. It is the case of the plaintiffs that, Bheemayya was the propositus and he was exclusive owner in possession of suit schedule properties. The said Bhimayya married with Smt. Bhimakka, from their wedlock they had 5 sons by name Linagappa, Hanumayya, Kariyanna, Guranna and Narasanna. The Bhimayya and Bhimakka expired leaving behind said 5 sons. Out of the 5 sons the first son Lingappa @ Linga expired leaving behind his wife Smt. Bheemakka and 3 sons namely Bheemayya, Nagappa and Dullayya(D-3). The said wife of Lingappa by name Bheemakka and her 2 sons namely Bhimayya and Nagappa were also expired leaving behind their wives who are Bhimakka (D-1) and Tayamma (D-2). The second son of the propositus by name Hanumayya expired leaving behind his wife and 3 sons namely Narasanna, Prathap and Dullayya @ Budanna(D-6). Bhimakka wife of Hanumayya and her 2 sons by name Narasanna and Prathap were also expired leaving behind their wives by name Chandramma (D-4) and Narsamma(D-5). The third son of the propositus, Kariyanna expired leaving behind his wife Bhimakka and 3 sons by name Bhimayya, Narasayya and Nadapayya. The said Bhimakka wife of Kariyanna and her 3 sons were expired

leaving behind their wives by name Yallama and Tayamma (D-8). The said Yallamma W/o Bhimayya also expired leaving behind her only son by name Dodda Tayappa(D-7). The said Nadupayya expired unmarried.

3. The 4th son of the propositious by name Guranna married with Ramakka and they had 5 sons namely Narasppa @ Gundappa(D-9), Dullayya expired leaving behind his wife by name Padamma (D-10), Hemareddy(D-11), Sharannappa(D-12) and Bhimayya(D-13). The 5th son of the propositious by name Narasanna married with Tayamma they expired leaving behind 6 sons they are plaintiff No.1, 2, 4 to 6 and the father of plaintiff No.3 as legal heirs.

4. It is further alleged that the plaintiffs and defendants are the co-parceners and members of joint family, owning and possessing the suit schedule properties. The suit properties are ancestral properties of plaintiffs and defendants and they are in joint possession and enjoyment of the said properties, there is no partition till today between plaintiffs and defendants. The land bearing Sy.No.136 measuring 12 acre 34 guntas, Sy.No.120 measuring 10 acre 39 gunta, land bearing Sy.No.57 measuring

16 acre 20 gunta and another land bearing Sy.No.44 measuring 5 acres are situated within the limits of Mirjapur Village and the land bearing Sy.No.647 measuring 13 acre 7 guanta situated at Idapanur Village, Tq and Dist: Raichur are all joint family properties of plaintiffs and defendants. The plaintiffs alleged that they are having 1/5th undivided share in the said lands but taking undue advantage of the innocence of the plaintiffs the defendant No.1 to 13 in order to grab the valuable properties and deprive the plaintiffs of their legitimate share they are trying to alienate the suit properties to third parties behind the back and without knowledge of the plaintiffs.

5. Further alleged that the defendant No.1 to 3 without any right illegally behind back of plaintiffs they have sold land bearing Sy.No.647 measuring 13 acre 7 gunta situated within the limits of Idapanur Tq and Dist: Raichur under registered sale deed on 14.12.2022 in favour of defendant No.14 and 15 which is not binding to the plaintiffs and prays to declared said sale deed as null and void. Looking to the behavior of the defendants the plaintiffs requested several times to allot their 1/5th share. But the defendants postponed the same for one or other reasons and

finally denied the share to the plaintiffs. Therefore the plaintiffs are constrained to file the suit and sought for allotting 1/5th share to the plaintiffs and declaration that the registered sale deed executed by defendant No.1 to 3 in favour of defendant No.14 and 15 on 14.12.2022 is null and void and not binding.

4. On service of summons the defendant No.1 to 3, 9 and 11 to 15 remained absent and placed ex-parte. Defendant No.4 to 6, 7 and 8 and 10 appeared through their advocates but they have not filed their written statement.

5. In order to prove the case, the plaintiff No.1 is examined as P.W.1 and 82 documents were marked as Ex.P.1 to 82. another witness examined as P.W.2 .

6. On the other hand defendants have not stepped into the witness box

7. Heard arguments and perused and materials on record.

8. Based on the above pleadings the following points arise for consideration:

POINTS:

1. Whether the plaintiffs proves that, the suit properties are their ancestral properties?

2. Whether the plaintiffs proves that the registered sale deed executed by defendant No.1 to 3 on 14.12.2022 in respect of land bearing Sy.No.647 measuring 13 acre 7 gunta in favour of defendant No.14 and 15 is null and void and not binding to them?

3. Whether the plaintiffs proves that they together entitled for 1/5th share in the suit schedule properties?

4. Whether the plaintiffs are entitled for relief sought for?

5. What order or decree?

9. My answers to the above Issues as under;

Point No.1	: In the Affirmative
Point No.2	: In the Affirmative
Point No.3	: In the Affirmative
Point No.4	: In the Affirmative
Point No.5	: As per final order for the following:

REASONS

10. Point No. 1 and 2 : Both the points are connected to each other, therefore in order to avoid repetition of facts and discussion the said points taken together.

11. In order to prove the case the plaintiff No.1 examined as P.W.1 and he has reiterated the contents of

plaint averments in the chief examination. It is specific case of the plaintiffs that, the suit schedule properties are originally belongs to their propositous by name Bhimayya. After death of Bhimayya the properties were succeeded by the sons of Bhimayya and the plaintiffs are the grand children of said Bhimayya. In support of their case the plaintiffs have produced the family pedigree as per Ex.P-1, certified copy of Khasara Pahani, as per Ex.P-2 in respect of Sy.No.120 measuring 10 acre 39 gunta. The Ex.P-3 to Ex.P-15 are the certified copies are handwritten RTCs pertaining to Sy.No.120 from the year 1963 to 2000. In the said documents in the year 1963 the name of Linga S/o Bhimayya was mentioned in column No.9 and 12 who was the first son of propositous Bheemayya and father-in-law of defendant No.1 and 2. Later the name of Linga S/o Bheemayya has been rounded off and the name of defendant No.1 and other family members were mutated. Further the Ex.P-16 is the computerized RTCs of Sy.No.120 pertaining to the year 2023-2024 in the said documents also the names of

defendant No.1 and other family members have been mutated.

12. Further Ex.P-17 is the certificate copy of Khasara Pahani pertaining to Sy.No.647 measuring 13 acre 7 guntas. In the said document also the name of Linga son of Bhimayya was mentioned. The same name continued in Ex.P-18 to 23 which are the certified copies of handwritten RTCs from the year 1973 to 2000. Ex.P-24 is the computerized RTCs of Sy.No.647 of the year 2023-2024 in which the name of defendant No.1 to 3 were jointly mutated based on succession.

13. Further Ex.P-25 is the certified copy of Khasara Pahani pertaining to Sy.No.136 measuring 12 acre 34 gunta. In the said documents also the name of Linga son of Bheemayya was mentioned. Further Ex.P-26 to Ex.P-31 are the certified copies of handwritten RTCs of same survey number from the year 1973 to 2000 in the said documents also the name of Linga S/o Bhimayya, thereafter the names of other family members were continued. The Ex.P-32 is also computerized RTC of the

same survey number of the year 2023-2024 in the said document also the name of Linga S/o of Bheemayya and others jointly mutated.

14. The Ex.P-33 is the certified copy of Khasara pahani pertaining to SY.No.57 measuring 16 acre 20 gunta in the said document also the name of Linga S/o Bheemayya was mutated. The same name along with other family members were continued in Ex.P-34 to 47 which are the certified copies of handwritten RTCs from the year 1963 to 2000. The Sy.No.57 later on sub-divided as Sy.No.57/A, 57/AA, 57/E, 57/U, 57/2, 57/A/1, 57/A/2, 57/A/3. The Ex.P-48 to Ex.P-53 are computerized RTCs of Sy.No.57/1 to SY.No.57/6 in the said documents also the name of defendant No.1 to 3 and other family members have been mutated.

15. The Ex.P-54 is the certified copy of Khasara pahni pertaining to Sy.No.44/A measuring 5 acre 7 gunta which is standing in the name of Linga S/o Bheemayya. The Ex.P-55 to Ex.P-76 are the certified copies of handwritten RTSc of Sy.No.44 in the which the name of

Linga S/o Bheemayya and other family members were continued from the year 1963 to 2000 and the said survey number also sub-divided as Sy.No.44/A, 44/B, 44/C, 44/A/1, 44/A/2, 44/A/3, 44/A/4, 44/A/5, 44/A/1/1, 44/A/1/2, 44/A/1/3. The Ex.P-77 is the computerized RTC Sy.No.44/1. The Ex.P-78 is the MR.No.T-41, Ex.P-79 is MR.No.H-15, Ex.P-80 is the MR.No.H-95, Ex.P-81 is the certified copy of handwritten RTC of Sy.No.120/E. Ex.P-82 is the certified copy of sale deed dated 14.12.2022 executed by defendant No.1 to 3 in favour of defendant No.14 and 15 in respect of Sy.No.647 measuring 13 acre 07 gunta.

16. When the plaintiffs have specifically challenged the sale deed as null and void and not binding, even though the summons was duly served to defendant No.1 to 3, 9 and 11 to 15, even then they remained absent and not bother to appear and rebutt the plaintiffs version. AS per the documents it appears that the suit properties originally belongs to the grand father of the plaintiffs and they are inherited by the first son of Bhimayya and

as a elder son his name mutated, then the name other family members by mutated. So the suit properties are ancestral joint family properties of the plaintiffs and defendant No.1 to 13. The plaintiffs and defendant No.1 to 13 are the joint family members. As per records there is no partition between the plaintiffs and defendant No.1 to 13, without partition it appears that defendant No.1 to 3 in order to make unlawful gain they have sold the Sy.No.647 measuring 13 acre 7 gunta to defendant No.14 and 15.

17. Another witness by name Hanumatha S/o Narasanna who is aged about 68 years has also deposed that he knew about the grand father of plaintiffs by name Bheemayya and the said Bheemayya was the exclusive owner and in possession of the suit properties. The said properties are ancestral properties of plaintiffs and defendant No.1 to 13 and there was no partition till date in the family of plaintiffs and defendant No.1 to 13. The age of the PW-2 is 68 years that means he might have seen the grand father of plaintiffs and he is

acquainted with the family members and properties of the Bheemayya who was propositous of the plaintiffs. Therefore the version of PW-1 and 2 remained unchallenged and unrebutted. The oral evidence and documentary evidence of the plaintiffs are corroborating with each other. Therefore there is no hurdle or materials before the court to disbelieve the version of the plaintiffs. Therefore the point No.1 and 2 are held in affirmative.

18. Point No.3 and 4: plaintiffs have sought for 1/5th share together. As per the family pedigree there are 5 sons to the Bheemayya and Bhimakka namely Lingappa who is the predecessor of defendant No.1 to 3. Hanumayya who is the predecessor of defendant No. 4 to 6. The third son of the propositous is by name Kariyanna who was the predecessor of defendant No.7 and 8. the 4th son of the propositous was by name Guranna who was predecessor of defendant No.9 to 13. The last and 5th son of the propositous was Narasanna who was the predecessor of plaintiffs. Therefore the each branch or

each son of the propositous is entitled for 1/5th share in all the suit properties. Therefore the plaintiffs together entitled for 1/5th share in all the suit properties. Likewise the defendant No.1 to 3 together entitled for 1/5th share, defendant No.4 to 6 together entitled for 1/5th share, defendant No.7 and 8 together entitled for 1/5th share and defendant No.9 to 13 together entitled for 1/5th share but subject to the payment of court fees. The sale deed executed by defendant No.1 to 3 in favour of defendant No.14 and 15 in respect of land bearing Sy.No.647 measuring 13 acre 7 gunta is not binding to the plaintiffs. Hence point No.3 and 4 are held in affirmative.

19. Point No.5: As per discussion and findings on above point I proceed to pass the following:

ORDER

Suit of the plaintiffs is hereby decreed without cost.

Plaintiffs together entitled for 1/5th share in all the suit properties.

The defendant No.1 to 3 together entitled for 1/5th share. The defendant No.4 to 6 together entitled for 1/5th share. The defendant No.7 and 8 together entitled for 1/5th share. The defendant No.9 to 13 together entitled for 1/5th share in all the suit properties, but subject to payment of court fees.

Further it is ordered and decreed that the registered sale deed No.11281/2022-23 dated 14.12.2022 executed by defendant No.1 to 3 in favour of defendant No.14 and 15 in respect of land bearing Sy.No.647 measuring 13 acre 07 gunta is declared as null and void and not binding to the plaintiffs.

Looking to the facts and circumstances of the case it is directed to all the parties to bear their own cost.

Draw preliminary decree accordingly.

Note: In view of circular of Hon'ble High Court of Karnataka RJ No.3/2024 dated 03.01.2024, office is directed to register the case as FDP, after the appeal period is over.

[Dictated to the stenographer directly on the computer, the same was computerized by her the transcript thereof is corrected by me and then pronounced in the Open Court on this the 04th day of August-2026]

Sd/-
(Shankarappa Malashetti)
Addl. Senior Civil Judge
& JMFC-I., Raihcur.

ANNEXURES

Witnesses examined for the plaintiff:-

PW.1 : Bheemayya S/o Narasanna.

PW.2 : Hanumantha S/o Narasanna.

Documents marked for the plaintiff:-

Ex.P.1 : Family pedigree
Ex.P.2 : Khasara Pahani
Ex.P.3 to 15 : Certified copies of handwritten RTCs of Sy.No.120 from the year 1963 to 2000
Ex.P.16 : Computerized RTC of Sy.No.120 for the year 2023-2024
Ex.P.17 : Khasara Pahani
Ex.P.18 to 23 : Certified copies of handwritten RTCs of Sy.No.647 from the year 1963 to 2000
Ex.P.24 : Computerized RTC of Sy.No.647 for the year 2023-2024
Ex.P.25 : Khasara Pahani of SY.No.136
Ex.P.26 to 31 : Certified copies of handwritten RTCs of Sy.No.136 from the year 1963 to 2000
Ex.P.32 : Computerized RTC of Sy.No.136 for the year 2023-2024
Ex.P.33 : Khasara Pahani of Sy.No.57
Ex.P.34 to 47 : Certified copies of handwritten RTCs of Sy.No.57 from the year 1963 to 2000
Ex.P.48 to 53 : Computerized RTC of Sy.No.57/1 to Sy.No.57/6
Ex.P.54 : Khasara Pahani of SY.No.44/A
Ex.P.55 to 76 : Certified copies of handwritten RTCs of Sy.No.44 from the year 1963 to 2000
Ex.P.77 : Computerized RTC of Sy.No.44/1
Ex.P.78 : MR.No.T-41

Ex.P.79 : MR.No.H-15
Ex.P.80 : MR.No.H-95
Ex.P.81 : Certified copy of handwritten RTC of
Sy.No.120/E
Ex.P.82 : Certified copy of sale deed dated
14.12.2022.

Witness examined for the defendants:-

- Nil -

Documents marked for the defendants:-

- Nil -

**Sd/-
Addl. Senior Civil Judge
& JMFC-I., Raichur.**