



IN THE COURT OF SENIOR CIVIL JUDGE & JMFC.,
AT SINDHANUR

Present :- SRI. LAKSHMIKANTH JANAKIRAM MISKIN, M.A., LL.M.
Senior Civil Judge & J.M.F.C.
Sindhanur

O. S. No. 360/2025
Dated: 04th day of June 2026

- PLAINTIFF :-**
- 1 Smt. Gouramma W/o late Veerbhadragouda
aged 71 years, agri and household
 - 2 Sarswathi W/o Ganganagouda Patil
age 39 years, agri and household
both R/o Uppaladoddi village
tq. Sindhanur. Opp: Srushti Enterprises

(Represented by: Sri.MAG., Advocate)

- Vs -

- DEFENDANTS:-**
1. Smt. Neelamma W/o late Sharanappa
age 73 agri and household
R/o near Tatappana Road, Uppaladoddi
village tq. Sindhanur dt. Raichur
 - 2 Basavaraj S/o late Sharanappa
age 52 agri R/o near Kanihal Bus stand
at Uppaladoddi village tq. Sindhanur
 - 3 Smt. Amaramma W/o Shivaputrappa
age 58 agri and household R/o Parapur
road, near Balganur cross at Maski
tq. Mask Dt. Raichur



- 4 Shekharagouda S/o late Basanagouda
age 56 agri R/o near Kanihal bus stand at
Uppaadoddi village tq. Sindhanur Dt Raichur
- 5 Smt. Ayyamma W/o Umeshappa
age 55 agri and household R/o near
Basaveshwara temple at Adavibhavi
village Po: Jumlapur tq. Kustagi dist. Koppal.
- 6 Srishailagouda S/o late Basanagouda
age 48 agri R/o near Hanuman temple at
Uppaladoddi village tq. Sindhanur
- 7 Smt. Shantha W/o Amaresh
age 42 agri and household R/o near
Basaveshwara temple at Adavibhavi
village Po: Jumlapur tq. Kustagi dist. Koppal.
- 8 Smt. Ratnamma W/o Shekharagouda
age 40 agri and household R/o near
Kanihal bus stand at Uppaladoddi village
tq. Sindhanur Dist. Raichur
- 9 Smt. Sumitra W/o Srishailagouda
age 40 agri and household R/o near
Hanuman temple, at Uppaladoddi village
tq. Sindhanur Dist Raichur
- 10 Channappa S/o Sagarappa
age 63 agri



11 Mallikarjuna S/o Sagarappa
age 65 agri
Both R/o near Water tank, at Bunnahatti village
Po: Kurdoni tq. Kanakagiri dist. Koppal.

(Defendants placed Exparte)

Date of Institution of the suit : 10.10.2025

Nature of the suit : Partition and Separate
Possession.

Date of the commencement
of recording of evidence : 08.01.2026

Date on which the Judgment
is pronounced : 04.06.2026

Total duration : Year/s Month/s Day/s
00 07 25

J U D G M E N T

This suit filed by the plaintiffs, for the relief of partition
and separate possession of their shares in the suit properties.

2. **The plaint in brief:** It is averred in the plaint that the
plaintiffs together are presenting this suit against the defendants
for a decree of partition and separate possession to the their 1/3rd



share in respect of an agricultural land by metes and bounds by declaring the impugned Registered Partition deed bearing document No.11828/21-22 dated 06.12.21 and Sale deed No. 11819/21-22 dated 06.12.21 as illegal, null and void and not binding on the shares of plaintiff. The plaintiffs and defendant No. 1 to 7 are Hindus and therefore they are governed by Hindu Mitakshara school of law in the matter of partition. The plaintiffs and defendants No. 1 to 7 do constitute a Hindu joint family owning and possessing the suit property as their ancestral joint family property and all of them have been and are in joint and constructive possession and enjoyment of suit land. One BASAPPA SON OF AYYAPPA was the last ascendant of the family of the plaintiffs and defendant No. 1 to 7. This BASAPPA died long back leaving behind him his wife BASAMMA who later also died and thus both of them are died leaving behind their three daughters namely 1) NAGAMMA, 2) NEELAMMA and 3) GOURAMMA the plaintiff No. 1 herein as their sole legal heirs



and successors. Previously the suit land SyNo. 57 meg 9 acre 36 gunta situated in the limits of Uppaladoddi village tq. Sindhanur was held, owned and possessed by last ascendant BASAPPA S/O AYYAPPA. On his death, the suit land came to be succeeded and mutated in the name of his wife BASAMMA W/O BASAPPA. After the death of said Basamma, the suit land nominally came to be mutated in the name of their aforesaid first daughter NAGAMMA in the revenue records as she being elder member in the said family. The aforesaid first daughter NAGAMMA and her husband Basanagouda were died leaving behind their two sons and three daughters namely SHEKHARAGOUDA AND SRISHAILGOUDA who are defendant No. 4 & 6 herein. Three daughters namely AMARAMMA, AYYAMMA AND SHANTHAMMA who are defendant No. 3, 5 and 7 herein. In this manner, the plaintiffs and defendant No. 1 to 7 are related interse. The defendant No. 8 and 9 are the wives of defendant No. 4 & 6. Since some portion of suit property is standing in their



names and as such they have been arrayed as formal parties to the suit as they have no share in the suit property. The defendant No. 10 and 11 are not concerned to the family of plaintiffs and defendant No. 1 to 7. Since the impugned partition deed is standing in their names along with others and as such they also been arrayed as parties to the suit as the said partition is sought to be declared as illegal, null and void. Thereafter the aforesaid first daughter NAGAMMA and her husband were died and on their death, the said suit land came to be illegally transferred in the names of defendant No. 8 and 9. Thereafter, the defendant No. 8 and 9 along with their husband defendant No. 4 & 6, defendant No. 10 & 11 and defendant No. 1 & 2 have illegally entered into partition of suit land in among themselves under impugned registered partition deed in document No. 11828/21-22 on 06.12.21 behind the back of the plaintiffs. In this partition, portion of 00-20 gunta each were came to be allotted to the shares of defendant No. 2, 10 and 11 and whereas the other



parties to the partition have taken their share in the form of cash. On the same day, the defendant No. 8 and 9 have jointly sold portion of 1-23 acre in the suit land in favor of defendant No.2 under Sale deed No. 11819/21-22. Thus after disposal of 3-03 acre in the suit land in the aforesaid partition and sale deed, still there remains portion of 6 acre 33 gunta to the joint holding of defendant No. 8 & 9 in the rev records. The said illegal partition and sale of portions in the suit land are behind the back of the plaintiffs. The plaintiff No. 1 has no issues. As such the plaintiff No.1 and her husband have taken the plaintiff No.2 in adoption as their daughter on Ugadi festival of 1987 during minority of plaintiff No.2 after performing all the requisite ceremonies and thereafter to avoid any future complication the terms of aforesaid oral adoption came to be reduced into writing under registered Adoption deed in document No. 169/25-26. Thus the plaintiff No.2 is the adopted daughter of plaintiff No. 1. Recently there arose differences in among the plaintiffs and defendant No. 1 to 7



in sharing the produce of suit lands. Due to this difference the plaintiffs started demanding the defendant No. 1 to 7 to effect partition in respect suit land and to allot their 1/3rd share in it for which the said defendants went on postponing the same without effecting any partition. Subsequently the plaintiffs have secured copies of RORs of suit land and then only they came to know about the aforesaid impugned partition deed as well sale deed and as such the plaintiffs with the help of family elders have again approached the defendant No. 1 to 9 on 25.09.2025 and made final demand for partition for which the said defendants did not respond properly. Under the circumstances and having no other go the plaintiffs are now landing before this court with this suit. The plaintiffs together entitle to their 1/3rd share in the suit properties. The defendant No. 1 and 2 together are entitle to their 1/3rd share. Similarly defendant No. 3 to 7 together entitle to their 1/3rd share in respect of suit properties. The defendant No. 8 and 9 being wives of defendant No. 4 and 6 are not having any



share. The defendant No. 10 and 11 being strangers are also not having any share. The above facts constitute the cause of action for the suit which arose on 25.09.2025 the day on which the final demand for partition made by plaintiffs was not responded by defendant No. 1 to 9 and same is continuing one within jurisdiction of this court. Accordingly pray for decreed the suit.

4. On issuance of summons, defendants have not appeared before the court and they placed exparte. Therefore, the case is posted for plaintiff's evidence. In order to prove their case, plaintiff No.1 herself examined as PW-1 and got marked Ex.P1 to Ex.P15 and closed their side.

5. Heard the arguments.

6. On the basis of above pleadings, the following points arise for my consideration are as under:

POINTS

- 1) Whether the plaintiffs prove that, the suit schedule properties are joint



family properties of them and defendants and Whether the plaintiffs are entitled for their share prayed in the plaint.

2) What order or decree?

7. I, perused the entire case papers and documents, My answer to the above points are as follows:

Point No.1 : In the Affirmative.

Point No.2 : As per final Order for the following:

REASONS.

8. **POINT No.1:-** It is the specific case of the plaintiff that, the plaintiffs and defendant No.1 to 7 are the members of Hindu Undivided Joint Family recognized by Hindu Mitakshara Law. One Basappa S/o Ayyappa was last ascendant of the family and suit properties. The plaintiffs and defendant No.1 to 7 are claimed that the suit properties are ancestral properties. In support of their contention they have produced RTC extracts, mutation extracts, sale deed as per Ex.P1 to Ex.P15. The Ex.P1 to



Ex.P15 reveals that originally the suit properties ancestral joint family properties of plaintiffs and defendant No.1 to 7. The Ex.P1 to Ex.P15 clearly indicates that suit properties are ancestral properties of defendant No.1 to 7 and the plaintiffs by birth acquired the interest in the above properties.

9. However, the defendants not appeared before court to resist the plaintiffs claim. Therefore, this court opinion that the oral evidence coupled with documentary evidence shows that the suit properties are joint family properties of plaintiffs and defendants. The plaintiffs are seeking the relief of partition of 1/3rd share together in the suit schedule properties. Accordingly, Point No.1 is answered in the affirmative.

10. **POINT No.2:-** In view of foregoing reasons and answered Point No.1 as above, I pass the following:

ORDER.

Suit of the plaintiffs is decreed as
follows;



The plaintiffs together entitle to their 1/3rd share over the suit properties.

The defendant No.1 and 2 together are entitle to their 1/3rd share in the suit properties.

The defendant No. 3 to 7 together are entitle to their 1/3rd share in the suit properties.

Further, it is declared that registered partition deed No.11828/2021-22 dated 06.12.2021 and registered sale deed No.11819/2021-22 dated 06.12.2021 are null and void and not binding upon the share of plaintiffs.

Draw preliminary decree accordingly.

In view of the directions issued in the case of Kattukandi Edathil Kishnana and Anor Vs. Kattukandi Edathil Vaisan and Others by the Hon'ble Supreme Court of India in Civil Appeal No.4606-6407/2010 dated 1306.2022 and Circular No.DJA-1/105 dated 21.10.2022 issued



by the Hon'ble High Court of Karnataka.
When the preliminary decree is passed in respect of the partition suit, the court has to initiate final decree proceedings as per Order XX Rule 18 of CPC suo motu. Hence, office is directed to register a Final Decree Proceedings under Order XX Rule 18 of CPC, case based on the preliminary decree passed in this suit and keep a certified copy of the preliminary decree passed of this suit in the said F.D.P. proceedings. Both parties are directed to appear in the FDP case (to be registered) on 07.07.2026 without waiting notice.

(Dictated to the Stenographer directly on computer, computerized by him and corrected and then pronounced by me in open court on 04th day of June 2026)

(Lakshmikanth J Miskin)
Senior Civil Judge & JMFC.,
Sindhanur

ANNEXURE

1. List of witnesses examined on behalf of plaintiff.

PW-1 : Smt. Gouramma



2. List of documents marked on behalf of plaintiffs.

Ex.P1 to 8	:	Certified copies of RTC extracts
Ex.P9 to 12	:	Certified copies of mutation extracts
Ex.P13	:	Online certified copy of sale deed
Ex.P14	:	Online certified copy of partition deed
Ex.P15	:	Adoption deed

3. List of witnesses examined on behalf of defendants:

----- NIL -----

4. List of documents marked on behalf of defendants:

----- NIL -----

(Lakshmikanth J Miskin)
Senior Civil Judge & JMFC.,
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