

KARC200001582025



Presented on : 24-02-2025
Registered on : 24-02-2025
Decided on : 19-06-2026
Duration :01 yrs, 03 months, 23 days

IN THE COURT OF THE SENIOR CIVIL JUDGE & J.M.F.C.,
DEVADURGA

Present:
Sri.Suresh Annappa Savadi.,B.A., LLB (SPL),
Senior Civil Judge & JMFC, Devadurga.

O.S.No.12/2025

DATED : THIS THE 19th DAY OF JUNE 2026

Plaintiff: Sri.Ayyappa S/o. Bheemaraya,
Age: 41 years, Occ: Agriculture,
R/o.Kothadoddi village, Tq: Devadurga,
Dist: Raichur.
(By Sri.H.H.A., Advocate)
--V/s--

Defendants:
1. Shivappa S/o. Bheemaraya,
Age: 56 years, Occ: Agriculture,
2. Hanumantharaya S/o. Bheemaraya,
Age: 51 years, Occ: Agriculture,
3. Sabayya S/o. Piddayya,
Age: 41 years, Occ: Agriculture,
4. Hanumanthraya S/o. Piddayya,
Age: 36 years, Occ:Agriculture,
all are R/o.Kothadoddi village, Tq: Devadurga,
Dist: Raichur.

(Exparte)



1) Date of Institution of suit:	24-02-2025
2) Nature of the suit :	Partition, separate possession
3) Recording of Evidence :	09-03-2026
4) Closing of Evidence :	08-04-2026
5) Pronouncing of Judgment:	19-06-2026
6) Total duration of the suit :	Years Months Days
	01 03 23

J U D G M E N T

The plaintiff filed this suit for partition and separate possession against the defendants in respect of suit schedule property.

2. Brief facts of the case:

The plaintiffs contended that the suit property is the ancestral property of his grandfather by name Baladandappa S/o. Piddappa. The agricultural land bearing Sy.No.22/4 measuring 04 acres 35 guntas situated Karkihalli till today cultivating by the plaintiff and defendants. But defendant no.3 and 4 have tried to mutate their names without intimation to the plaintiff. The plaintiff and defendant no.1 and 2 are the sons of Bheemaraya and defendant no.3 and 4 are the sons of Piddayya. Hence Bheemaraya and Piddayya are the sons of Baladandappa. The plaintiff shown the genealogy of the family. As per the same Baladandappa had two children by name Bheemaraya and Piddayya. The Bheemaraya died leaving behind Shivappa,



Hanumantraya and Ayyappa, who are plaintiff and defendant no.1 and 2 respectively. The Piddayya had two children by name Sabayya and Hanumantraya who are defendant no.3 and 4 respectively. The plaintiff and defendant no.1 and 2 are entitled half share in the suit schedule property and defendant no.3 and 4 are entitled half share in the scheduled property. The Baladandappa is the grandfather of the plaintiff. During his lifetime, never partitioned the suit property. After his death, his sons by name Bheemaraya and Piddayya are cultivating the suit property. The defendant No.3 and 4 are taking undue advantage of his father's name Piddayya and grandfather father's name is one and the same and they are made hectic efforts to mutate the suit property in their name without intimation to the plaintiff. Till today in the revenue records the suit property standing in the name of grandfather of plaintiff and defendants. The difference arose between the plaintiff and defendants, and defendants are trying to mutate their names in the suit property by suppressing the facts before the revenue authority. The suit property is still joint family property. Hence, the plaintiff filed this suit for partition and separate possession.

3. After institution of the suit, the summons issued to the defendants. After service of summons, the defendants did not appeared and they were placed ex-earte.

4. To prove the case plaintiff entered into witness box and examined himself as PW-1 and produced in all 07 documents



which are marked as Ex.P.1 to 7 and closed the side. Due to expert and defendant evidence taken as nil.

5. Heard the arguments.
6. The following points arises for my consideration;
 1. Whether the plaintiff is entitled the relief as sought in the plaint?
 2. What order ?
7. My answered to the aforesaid points are as under;

Point No.1	: In the affirmative
Point No.2	: As per final order

for the following

R E A S O N S

8. **POINT NO.1:-** The plaintiffs contended that the suit property is the ancestral property of his grandfather by name Baladandappa S/o. Piddappa. The agricultural land bearing Sy.No.22/4 measuring 04 acres 35 guntas situated Karkihalli till today cultivating by the plaintiff and defendants. But defendant no.3 and 4 have tried to mutate their names without intimation to the plaintiff. The plaintiff and defendant no.1 and 2 are the sons of Bheemaraya and defendant no.3 and 4 are the sons of Piddayya. Hence Bheemaraya and Piddayya are the sons of Baladandappa. The plaintiff shown the genealogy of the family. As per the same Baladandappa had two children by name Bheemaraya and Piddayya. The Bheemaraya died leaving behind Shivappa, Hanumantraya and Ayyappa, who are plaintiff and defendant no.1



and 2 respectively. The Piddayya had two children by name Sabayya and Hanumantraya who are defendant no.3 and 4 respectively. The plaintiff and defendant no.1 and 2 are entitled half share in the suit schedule property and defendant no.3 and 4 are entitled half share in the scheduled property. The Baladandappa is the grandfather of the plaintiff. During his lifetime, never partitioned the suit property. After his death, his sons by name Bheemaraya and Piddayya are cultivating the suit property. The defendant No.3 and 4 are taking undue advantage of his father's name Piddayya and grandfather father's name is one and the same and they are made hectic efforts to mutate the suit property in their name without intimation to the plaintiff. Till today in the revenue records the suit property standing in the name of grandfather of plaintiff and defendants. The difference arose between the plaintiff and defendants, and defendants are trying to mutate their names in the suit property by suppressing the facts before the revenue authority. The suit property is still joint family property.

9. To prove the case plaintiff entered into witness box and examined himself as PW-1 and produced and all 07 documents which are marked as Ex.P.1 to 7. The Ex.P.1 to 5 are the certified copies of the RTC from 1973-74 to 2000. The name of the Baladandappa S/o. Piddappa is appearing. Ex.P.6 is the RTC in respect of Sy.No.22/4 measuring 04 acre 35 guntas standing in the name of Baladandappa S/o. Piddappa. Ex.P.7 is the RTC in respect of Sy.No.22/1 for the year 2024-2025 total extent 25 acres 29



guntas out of which the 04 acres 35 guntas standing in the name of Baladandappa S/o. Piddappa.

10. It shows that as on the date of filing of the suit, the suit schedule property is standing in the name of common ancestor by name Balagandappa. As per the plaintiff, the suit property is the joint family property and till today there is no partition in the family. In spite of service of notice the defendants did not appear and not contested the case. Hence considering the entire material the version of the plaintiff is undisputed and unchallenged. As per the material available on record the suit property standing in the name of common ancestor of the plaintiff and defendants. The common ancestor and father of plaintiff and defendant no.1 and 2 and also the father of defendant no.3 and 4 were dead. The present plaintiff and defendants are the legal heirs and they are entitle their legitimate share in the suit property. The plaintiff and defendant no.1 and 2 are entitle half share, the defendant no.3 and 4 are entitle half share in the suit property. Hence, under such circumstances, this court answered Point No. 1 in the affirmative.

11. **POINT NO.2:** For the reasons stated in the Point No.1, this court proceed to pass the following;

O R D E R

The suit of the plaintiff is hereby decreed.



The plaintiffs and defendant no.1 and 2 are entitled to half share in the suit schedule property by meets and bounds.

The defendant no.3 and 4 are entitled to half share in the suit schedule property by meets and bounds.

In view of the relation between the parties no order as to costs.

Draw decree accordingly.

(Dictated to the stenographer transcribed, computerized and printout taken by him, corrected and then pronounced by me in the open court on this the 19th day of June 2026)

(Sri.Suresh Annappa Savadi)
Senior Civil Judge and JMFC,
Devadurga.

A N N E X U R E S

1. List of witness examined on behalf of plaintiff:
P.W-1 : Ayyappa S/o. Bheemaraya
2. List of documents marked on behalf of plaintiff:
Ex.P.1 to 7 : Record of rights



3. List of witness examined on behalf of defendant:

-Nil-

4. List of documents marked on behalf of defendant:

-Nil-

(Sri.Suresh Annappa Savadi)
Senior Civil Judge and JMFC,
Devadurga.