

KARC200008622022



Presented on : 20-04-2022

Registered on : 20-04-2022

Decided on : 04-08-2026

Duration :04 yrs, 03 months, 14 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.51/2022

DATED : THIS THE 4<sup>TH</sup> DAY OF AUGUST 2026

Plaintiffs:

1. Gouramma W/o. Shekarappagouda,  
Age: 45 years, Occ: Agriculture,  
R/o. Jalapur village, Tq: Sirwar, Dist:Raichur.

(By Sri.A.M.P Advocate)

**--V/s--**

Defendants:

1. Smt.Sarwamangala @ Sarwamma W/o.  
Ramanagouda, Age: 65 years, Occ: Agri.,  
R/o. Bommanal village, Tq: Devadurga,  
Dist: Raichur.
2. Smt.Vimalakshi W/o. Basappa,  
Age: 40 years, Occ: Agriculture,  
R/o. Alabanur village, Tq: Sindhanur,  
Dist:Raichur.
3. Smt.Manjula W/o. Siddappa,  
Age: 75 years, Occ: Agriculture,  
R/o. Shakhapur village, Tq:Sirwar,  
Dist:Raichur.



4. Smt.Budemma W/o. Bhimanagouda,  
Age: 60 years, Occ: Agriculture,
5. Eshappa @ Eshwarappa S/o. Ramannagouda,  
Age: 55 years, Occ: Agriculture,
6. Nagareddy S/o. Eshwarappa @ Eshappa,  
Age: 35 years, Occ: Agriculture,
7. Siddanagouda S/o. Eshwarappa @  
Eshappagouda, Age: 32 years,  
Occ: Agriculture, defendant no.4 to 7 are all  
R/o. Bommanal, Tq: Devadurga, Dist: Raichur.
8. Shankaragouda S/o. Tayappa,  
Age: 50 years, Occ: Agriculture,
9. Suresh S/o. Shankaragouda,  
Age: 26 years, Occ: Agriculture,  
defendant no.8 & 9 are R/o. Shakhapur,  
Tq: Sirwar, Dist: Raichur.
10. Sharanagouda S/o. Ramangaouda,  
Age: 40 years, Occ: Agriculture,
11. Smt.Hemavati W/o. Sharanagouda,  
Age: 35 years, Occ: Agriculture,
12. Mahantesh S/o. Sharanagouda,  
Age: 26 years, Occ: Agriculture,
13. Shashikumar S/o. Sharanagouda,  
Age: 22 years, Occ: Agriculture,  
defendant no.10 to 13 are R/o. Bommanal,  
Tq: Devadurga, Dist: Raichur.

(D.1 to 4, 8 to 13 Exparte )  
(D.5 to 10 by Sri.B.S.D.Advocate)



|                                |                                  |
|--------------------------------|----------------------------------|
| 1) Date of Institution of suit | : 20-04-2022                     |
| 2) Nature of the suit          | : Partition, Separate possession |
| 3) Recording of Evidence       | : 05-02-2024                     |
| 4) Closing of Evidence         | : 10-02-2026                     |
| 5) Pronouncing of Judgment     | : 04-08-2026                     |
| 6) Total duration of the suit: | Years Months Days<br>04 03 14    |

### **JUDGMENT**

The plaintiff filed this suit for partition and separate possession against the defendant no.1 to 13 in respect of suit schedule properties.

#### **2. Brief facts of the case:**

The plaintiff contended that the suit properties are the ancestral and joint family properties of the plaintiff and defendant no.1 to 13. The suit properties are in joint possession, cultivation and enjoyment of the plaintiff and defendants. There is no partition among members of the joint family in respect of suit properties till today. The plaintiff shown the family pedigree. As per the same, Ramannagouda S/o. Basanna Busagundi is the ancestor. He had three wives by name Tayamma, Paramma and Sarvamangala @ Sarvamma. The first wife Tayamma had two children by name Budemma and Eshappa @ Eshwarappa who are defendants no.4 and 5. The defendant no.5 had two children by name Nagareddy and Siddanagouda who are defendants no.6 and 7. The second



wife Paramma had three children by name Gouramma, Mahadevamma, Sharanagouda. The Gouramma is the plaintiff. The Mahadevamma died leaving behind her husband Shankaragouda and son Suresh who are defendant no.8 and 9. The third son Sharanagouda had wife by name Hemavati and two children by name Mahatesh and Shashikumar who are defendant no.10 to 13. The third wife Sarvamangala @ Sarvamma, who is defendant no.1 had two children by name Vimalakshi and Manjula who are defendant no.2 and 3.

3. The original propitious Ramannagouda married Tayamma and after her death he married Paramma. After the death of Paramma said Ramannagouda again married Sarvamangala. The said Ramannagouda died about 03 years back. In the lifetime of Ramannagouda being a Karta of the joint family is owing suit properties along with him plaintiff and defendants are in joint possession and enjoyment of the properties. After the death of the Ramannagouda the plaintiff and defendants being joint family members they have got right over the properties. The plaintiff being innocent, ignorant and rustic village woman taking undue advantage of plaintiff's innocence and ignorance the defendants in collusion with revenue authorities behind the back of the plaintiff got the various revenue entries in respect of suit properties in the name of defendant no.2, 4, 5 to 7 and 10 to 13. The said mutations are not binding on the plaintiff. About two months back, plaintiffs heard that the defendants no.2 and 4 are trying



to alienate the schedule properties. After enquiry by the plaintiff to the defendants about alienation of properties, the defendants denied that plaintiff has no any right, title, share, over the properties. To deprive the share of the plaintiffs, the defendants are went upon to alienate the schedule properties. Hence plaintiff filed this suit.

4. After institution of the suit, summons issued to the defendants. After service of summons, defendant no.1 to 4, 8 to 13 were did not appeared and they were placed ex-parte. The defendant no.5 to 7 were appeared through counsel and filed the written statement. In the written statement, denied the case of the plaintiff and contended that during the lifetime of ancestor Ramannagouda partition had taken place. The suit properties are not joint family properties of plaintiff and defendants. The defendant no.5 is the son of first wife of late Tayamma. The plaintiff and defendant no.10 Mayamma are the daughters and sons of late Paramma. The defendant no.8 and 9 are sons of late Mayamma. The defendant no.2 and 3 are the daughters of late Sarvamangala @ Sarvamma. Ramannagouda died about 3 years back during his lifetime, partition took place among the sons and daughters long back. At the time of partition, the suit land Sy.No.19/1 measuring 01 acre 10 guntas, Sy.No.19/2 measuring 28 guntas, Sy.No.20/2 measuring 13 guntas Sy.No.16/2 measuring 1 acre 7 guntas. Sy.No.94/1 measuring 4 acre 32 guntas. Sy.No.94/\* measuring 2 acre 39 guntas. Sy.No.95 measuring 2 acre 39 guntas are



land situated in Bommanal village fallen to the share of the defendant no.5. As per partition the revenue authority has effected mutation in favour of defendant no.5 as per mutation No.3/2005-06 dated 28.06.2006. The defendant no.4 got the land bearing Sy.No.112 measuring 04 acres of 25 guntas situated in Bommanal village as her share. The plaintiff and defendant no.1 to 4 and 8 to 11 are no way concerned to the above lands and they are not having rights, title, possession in the above lands.

5. The second wife's son defendant no.10 got the suit land Sy.No.19/1 measuring 01 acre 09 guntas, Sy.No.19/2 measuring 28 guntas, Sy.No.20/2 measuring 13 guntas, Sy.No.94/3 measuring 4 acre 32 guntas, Sy.No.94/4 measuring 04 acres. Sy.No.95 measuring 03 acres, Sy.No.19 measuring 02 acre 11 guntas all lands situated in Bommanal village towards his share. The plaintiff entitled her share in the properties of the defendant no.10 to 13. The third wife and her daughters defendant no.2 and 3 got the suit land Sy.No.94 measuring 05 acres 20 guntas, Sy.No.16 measuring 04 acres 30 guntas towards their share. The plaintiff is not entitled to any share in the land of defendant no.5 to 7 which are standing in their name. Hence suit against defendant no.5 to 7 is not maintainable and it is fit to be dismissed.

6. After considering the rival pleadings of the parties, the predecessor in office has framed the issues ;



### **ISSUES**

1. Whether the plaintiff proves that the suit properties are the joint and ancestral properties of herself and defendant no.1 to 13 ?
2. Whether defendant no.5 to 7 prove the alleged prior partition ?
3. Whether the plaintiff is entitled for relief as sought for ?
4. What order or decree ?
7. To prove the case plaintiff entered into witness box examined herself as PW.1 and produced in all 82 documents which are marked as Ex.P.1 to 82 and closed the side. On the other hand, the defendant no.5 entered into witness box examined as DW-1 and produced in all 34 documents which are marked as Ex.D.1 to 34 and in support of case of the defendants one witness examined as DW.2 and closed the side.
8. Heard the arguments.
9. My answer to the aforesaid issues are as under:

|                 |                      |
|-----------------|----------------------|
| Issue No.1 to 3 | : In the negative    |
| Issue no.4      | : As per final order |
|                 | for the following:   |



**:: REASONS ::**

10. **Issue No.1 and 2:-** These issues are interlinked with each other and to avoid the repetition of facts and separate discussion taken together for common consideration.

11. The plaintiff filed this suit for partition and separate possession against the defendant no.1 to 13 in respect of suit schedule properties. The plaintiff contended that the scheduled properties are the ancestral and joint family properties of the plaintiff and defendant no.1 to 13. The original proposition is Ramannagouda S/o. Basanna Busagundi of Bommanal village married Tayamma and after her death he married Paramma. After the death of Paramma the said Ramannagouda S/o. Basanna Busagundi again married to Sarvamangala who is defendant no.1. The Ramannagouda died about 03 years back. The plaintiff shown the genealogy of the family. As per the same, the Ramannagouda S/o. Basanna Busagundi had three wives by name Tayamma, Paramma and Sarvamangala. The Tayamma had two children by name Budemma and Ishappa @ Iswarappa who are defendants no.4 and 5. The Ishappa had two children by name Nagareddy and Siddanagouda who are defendants no.6 and 7. The second wife Paramma died leaving behind her three children by name Gouramma who is the plaintiff, Mahadevamma who died leaving behind her husband Shankaragouda who is defendant no.8 and a son Suresh who is the defendant no.9 and Sharanagouda who is defendant No.10. He had a wife by name





Hemavathi who is defendant No.11 and the said Sharanagouda had two children by name Mahatesh and Shashikumar who are defendant no.12 and 13. The third wife of Ramannagouda by name Sarvamangala @ Sarvama who is defendant no.1 had two daughters by name Vimalakshi and Manjula who are defendant no.2 and 3.

12. Further contended that till today there is no partition taken place between the plaintiff and defendant no.1 to 13 and they are in joint possession and enjoyment of the properties. The plaintiff requested the defendants to effect the petition. For that the defendants have denied the same.

13. After service of summons, the defendants no.1 to 4 and 8 to 13 did not appeared and they were placed exparte and defendants no.5 to 7 have appeared through counsel and filed their written statement. In the written statement, the defendants denied the case of the plaintiff and specifically contended that already partition had taken place during the lifetime of Ramannagouda and properties were allotted to all the legal heirs and there is no existence of joint family and joint possession.

14. To prove the case plaintiff entered into witness box examined herself as PW.1 and produced in all 82 documents which are marked as Ex.P.1 to 82. The Ex.P.1 is the record of right in respect of land bearing Sy.No.16/1 measuring 04 acres 03 guntas for the year 1969 to 1972-73 standing in the name



of Ramannagouda S/o. Basanna Busagundi, Ex.P.2 and 3 are the record of right in respect of land bearing Sy.No.16/1 measuring 03 acres 30 guntas for the year 1973-74 to 1981-82 standing in the name of Ramannagouda S/o. Basanna Busagundi, Ex.P.4 to 6 are the record of right in respect of land bearing Sy.No.16/1 measuring 03 acres 30 guntas for the year 1983-84 to 1999-2000 standing in the name of Eshappa S/o.Ramanna, Ex.P.7 is the record of right in respect of land bearing Sy.No.16/1 measuring 04 acres 30 guntas for the year 2001-02 standing in the name of Ishappa S/o. Ramanna, Ex.P.8 is the record of right in respect of land bearing Sy.No.16/1 measuring 04 acres 30 guntas for the year 2005-06 standing in the name of Smt.Sarvamma W/o.Ramannagouda, Ex.P.9 to 12 are the record of right in respect of land bearing Sy.No.16/1 measuring 04 acres 30 guntas for the year 2018-19 to 2021-22 standing in the name of Smt.Veemalakshi W/o. Basappa, Ex.P.13 to 15 are the record of right in respect of land bearing Sy.No.16/2 measuring 01 acres 05 guntas for the year 1969 to 1982-83 standing in the name of Ramannagouda S/o. Basanna Busagundi, Ex.P.16 to 18 are the record of right in respect of land bearing Sy.No.16/2 measuring 01 acres 05 guntas for the year 1983-84 to 1999-2000 standing in the name of Ishappa S/o.Ramanna, Ex.P.19 to 23 the record of right in respect of land bearing Sy.No.16/2 measuring 01 acres 05 guntas for the year 2017-18 standing in the name of Nagareddy S/o. Eshwarappa, Ex.P.24 to 26 are the record of right in respect of land bearing Sy.No.19/1 measuring 02 acres 19 guntas for the



year 1969 to 1981-82 standing in the name of Parvatamma W/o. Ganganagouda, Ex.P.27 is the record of right in respect of land bearing Sy.No.19/1 measuring 02 acres 19 guntas for the year 1993-94 and 1994-95 standing in the name of Ramanna S/o. Basanna, Ex.P.28 is the record of right in respect of land bearing Sy.No.19/1 measuring 02 acres 19 guntas for the year 2001-02 standing in the name of Ramanna S/o. Bassanna, Ex.P.29 is the record of right in respect of land bearing Sy.No.19/1 measuring 02 acres 19 guntas for the year 2006-07 standing in the name of Sharanagouda S/o.Ramannagouda and Ishwarappa S/o. Ramannagouda, Ex.P.30 is the record of right in respect of land bearing Sy.No.19/1 measuring 02 acres 22 guntas for the year 2011-12 standing in the name of Sharanagouda S/o.Ramannagouda and Ishwarappa S/o. Ramannagouda, Ex.P.31 is the record of right in respect of land bearing Sy.No.19/1 measuring 02 acres 19 guntas for the year 2021-22 standing in the name of Sharanagouda S/o.Ramannagouda and Ishwarappa S/o. Ramannagouda, Ex.P.32 is the record of right in respect of land bearing Sy.No.19/2 measuring 01 acres 16 guntas for the year 1983-84 to 1987-88 standing in the name of Ramanna S/o. Bassanna, Ex.P.33 is the record of right in respect of land bearing Sy.No.19/2 measuring 01 acres 16 guntas for the year 1998-99 and 1999-2000 standing in the name of Ramanna S/o. Bassanna, Ex.P.34 to 36 are the record of right in respect of land bearing Sy.No.19/2 measuring 01 acres 16 guntas for the year 2021-22 standing in the name of Ishwarappa S/o.



Ramannagouda and Sharanagouda S/o.Ramannagouda, Ex.P.37 to 39 are the record of right in respect of land bearing Sy.No.20/2 measuring 25 guntas for the year 1969 to 1982-83 standing in the name of Parvatamma W/o. Ganganagouda, Ex.P.40 to 42 are the record of right in respect of land bearing Sy.No.20/2 measuring 25 guntas for the year 1983-84 to 1987-88 and 1993-94 to 1999-2000 standing in the name of Ramanna S/o. Basanna, Ex.P.43 is the record of right in respect of land bearing Sy.No.20/2 measuring 25 guntas for the year 2001-02 standing in the name of Ramanna S/o. Bassanna, Ex.P.44 is the record of right in respect of land bearing Sy.No.20/0 measuring 25 guntas for the year 2006-07 standing in the name of Ramanna S/o. Basanna, Sharanagouda S/o.Ramannagouda and Ishwarappa S/o. Ramannagouda, Ex.P.45 is the record of right in respect of land bearing Sy.No.20/2 measuring 09 acres 24 guntas for the year 2021-22 standing in the name of Ramanna S/o.Basanna, Sharanagouda S/o.Ramannagouda and Ishwarappa S/o. Ramannagouda, Ex.P.46 to 50 are the record of right in respect of land bearing Sy.No.94 measuring 19 acres 07 guntas for the year 1978-79 to 1999-2000 standing in the name of Ramanna S/o. Basanna, Ex.P.51 is the record of right in respect of land bearing Sy.No.94 measuring 19 acres 07 guntas for the year 2001-02 standing in the name of Ramanna S/o. Basanna, Ex.P.52 is the record of right in respect of land bearing Sy.No.94 measuring 19 acres 07 guntas for the year 2006-07 standing in the name of Ramanna S/o. Busanna, Sharanagouda S/o.Ramannagouda



and Ishwarappa S/o. Ramannagouda, Ex.P.53 to 57 are the record of right in respect of land bearing Sy.No.94/1 measuring 13 acres 24 guntas for the year 2016-17 to 2020-21 standing in the name of Sharanagouda S/o.Ramannagouda, Ex.P.58 is the record of right in respect of land bearing Sy.No.94/1 measuring 04 acres 32 guntas for the year 2021-22 standing in the name of Nagareddy S/o. Ishwarappa, Ex.P.59 and 60 are the record of right in respect of land bearing Sy.No.94/3 measuring 04 acres 32 guntas for the year 2020-21 standing in the name of Shashikumar S/o.Sharanagouda, Ex.P.61 and 62 are the record of right in respect of land bearing Sy.No.94/4 measuring 04 acres for the year 2020-21 standing in the name of Hemavati W/o.Sharanagouda, Ex.P.63 to 67 are the record of right in respect of land bearing Sy.No.95/ಃ measuring 06 acres 09 guntas for the year 1978-79 to 1999-2000 standing in the name of Ramanagouda S/o. Basanna Busagundi, Ex.P.68 is the record of right in respect of land bearing Sy.No.95/ಃ measuring 06 acres 09 guntas for the year 2001-02 standing in the name of Ramanagouda S/o. Basanna Busagundi, Ex.P.69 is the record of right in respect of land bearing Sy.No.95/ಃ measuring 06 acres 09 guntas for the year 2006-07 standing in the name of Sharanagouda S/o.Ramannagouda and Ishwarappa S/o. Ramannagouda, Ex.P.70 is the record of right in respect of land bearing Sy.No.95/ಃ measuring 06 acres 09 guntas for the year 2015-16 standing in the name of Sharanagouda S/o.Ramannagouda and Ishwarappa S/o. Ramannagouda,



Ex.P.71 is the record of right in respect of land bearing Sy.No.95/೮ measuring 06 acres 09 guntas for the year 2017-18 standing in the name of Sharanagouda S/o. Ramanagouda, Ex.P.72 is the record of right in respect of land bearing Sy.No.95 measuring 12 acres 17 guntas for the year 2020-21 standing in the name of Prabhanna S/o.Basavaraj, Ex.P.73 is the record of right in respect of land bearing Sy.No.95 measuring 12 acres 17 guntas for the year 2021-22 standing in the name of Prabhanna S/o.Basavaraj, Ex.P.74 to 76 are the record of right in respect of land bearing Sy.No.112 measuring 04 acres 27 guntas for the year 1978-79 to 1992-93 standing in the name of Ramanagouda S/o. Basanna Busagundi, Ex.P.77 and 78 are the record of right in respect of land bearing Sy.No.112 measuring 04 acres 27 guntas for the year 1993-94 to 1999-2000 standing in the name of Budemma W/o. Bheemanagouda, Ex.P.79 is the record of right in respect of land bearing Sy.No.112 measuring 04 acres 27 guntas for the year 2001-02 standing in the name of Budemma W/o. Bheemanagouda, Ex.P.80 is the record of right in respect of land bearing Sy.No.112 measuring 04 acres 27 guntas for the year 2016-17 standing in the name of Budemma W/o. Bheemanagouda, Ex.P.81 is the record of right in respect of land bearing Sy.No.112 measuring 04 acres 27 guntas for the year 2021-22 standing in the name of Budemma W/o. Bheemanagouda, Ex.P.82 is the mutation copy.



15. On the other hand, the defendant no.5 entered into witness box examined as DW-1 and produced in all 34 documents which are marked as Ex.D.1 to 34 and in support of case of the defendants one witness examined as DW.2. The Ex.D.1 is the certified copy of the order sheet in O.S.No.221/2015, Ex.D.2 is the certified copy of the plaint in O.S.No.221/2015, Ex.D.3 is the certified copy of the order sheet in Civil.Mis.No.6/2018, Ex.D.4 is the certified copy of the application in Civil.Mis.No.6/2018, Ex.D.5 is the sale deed dated 27.06.2019, Ex.D.6 to 8 are the mutation copies, Ex.D.9 is the record of right in respect of land bearing Sy.No.94/3 measuring 04 acres 32 guntas for the year 2023-24 standing in the name of Shashikumar S/o. Sharanagouda, Ex.D.10 is the record of right in respect of land bearing Sy.No.94/4 measuring 04 acres for the year 2023-24 standing in the name of Hemavathi W/o. Sharanagouda, Ex.D.11 is the record of right in respect of land bearing Sy.No.94/1 measuring 02 acres 19 guntas for the year 2023-24 standing in the name of Sharanagouda S/o.Ramanagouda, Ex.D.12 is the record of right in respect of land bearing Sy.No.20/2 measuring 09 acres 24 guntas for the year 2023-24 standing in the name of Ramanna S/o. Bassanna, Sharanagouda S/o.Ramanna, Ishwarappa S/o.Ramannagouda, Ex.D.13 is the record of right in respect of land bearing Sy.No.20/2 measuring 25 guntas for the year 2006-07 standing in the name of Ramanna S/o. Bassanna, Sharanagouda S/o.Ramanna, Ishwarappa S/o.Ramannagouda, Ex.D.14 is the record of right in respect of land bearing



Sy.No.19/2 measuring 01 acres 16 guntas for the year 2023-24 standing in the name of Ishwarappa S/o.Ramannagouda and Sharanagouda S/o.Ramannagouda, Ex.D.15 is the record of right in respect of land bearing Sy.No.19/2 measuring 01 acres 16 guntas for the year 2020-21 standing in the name of Ishappa S/o.Ramannagouda and Sharanagouda S/o.Ramannagouda, Ex.D.16 is the record of right in respect of land bearing Sy.No.112 measuring 04 acres 25 guntas for the year 2023-24 standing in the name of Budemma W/o.Bheemanagouda, Ex.D.17 is the record of right in respect of land bearing Sy.No.112 measuring 04 acres 27 guntas for the year 2001-02 standing in the name of Budemma W/o.Bheemanagouda, Ex.D.18 is the record of right in respect of land bearing Sy.No.95 measuring 12 acres 17 guntas for the year 2023-24 standing in the name of Siddanagouda S/o.Ishappagouda, Ex.D.19 is the record of right in respect of land bearing Sy.No.95/೮ measuring 06 acres 09 guntas for the year 2006-07 standing in the name of Sharanagouda S/o.Ramanna, Ishwarappa S/o. Ramannagouda, Ex.D.20 is the record of right in respect of land bearing Sy.No.94/2 measuring 05 acres 23 guntas for the year 2023-24 standing in the name of Sharanappa S/o. Basavarajappa, Ex.D.21 is the record of right in respect of land bearing Sy.No.16/1 measuring 04 acres 30 guntas for the year 2023-24 standing in the name of Veemalakshi W/o.Basappa, Ex.D.22 is the record of right in respect of land bearing Sy.No.95 measuring 12 acres 17 guntas for the year 2023-24 standing in the name of Sharanagouda





S/o.Ramannagouda, Ex.D.23 is the record of right in respect of land bearing Sy.No.16/2 measuring 01 acres 05 guntas for the year 2001-02 standing in the name of Ishappa S/o. Ramanna, Ex.D.24 is the record of right in respect of land bearing Sy.No.20/2 measuring 25 guntas for the year 2005-06 standing in the name of Ramanna S/o Basanna, Sharanagouda S/o.Ramanna, Ishwarappa S/o. Ramannagouda, Ex.D.25 is the record of right in respect of land bearing Sy.No.19/1 measuring 02 acres 19 guntas for the year 2005-06 standing in the name of Sharanagouda S/o.Ramanna, Ishwarappa S/o. Ramannagouda, Ex.D.26 is the record of right in respect of land bearing Sy.No.95/೮ measuring 06 acres 09 guntas for the year 2006-07 standing in the name of Sharanagouda S/o.Ramanna, Ishwarappa S/o. Ramannagouda, Ex.D.27 is the record of right in respect of land bearing Sy.No.94/1 measuring 13 acres 24 guntas for the year 2015-16 standing in the name of Sharanagouda S/o.Ramanna, Ishwarappa S/o. Ramannagouda, Ex.D.28 is the record of right in respect of land bearing Sy.No.19/2 measuring 01 acres 16 guntas for the year 2019-20 standing in the name of Ishwarappa S/o. Ramannagouda and Sharanagouda S/o.Ramannagouda, Ex.D.29 is the record of right in respect of land bearing Sy.No.95 measuring 12 acres 17 guntas for the year 2022-23 standing in the name of Siddanagouda S/o.Ishwarappagouda, Ex.D.30 is the record of right in respect of land bearing Sy.No.94/1 measuring 04 acres 32 guntas for the year 2022-23 standing in the name of Nagareddy S/o.Ishwarappa, Ex.D.31 is



the record of right in respect of land bearing Sy.No.16/2 measuring 01 acres 05 guntas for the year 2022-23 standing in the name of Nagareddy S/o.Ishwarappa, Ex.D.32 to 34 are the mutation copies.

16. After going through the documents furnished by the plaintiff and defendants. The plaintiff furnished the 81 record of rights in respect of suit schedule properties which were initially standing in the name of Ramanagouda. Subsequently in the year 1984 transferred in the name of Eshappa. Subsequently as per mutations the properties mutated in the name of Nagareddy, Sharanagouda and Ishappa. As per the plaintiff till today there is no partition in respect of scheduled property. For that the defendants no.5 to 7 contended that already partition had taken place and properties were allotted during the lifetime of Ramanagouda. After going through the evidence of PW-1. In the cross-examination the PW1 contented that ;

ನಾನು ಈ ದಾವೆಯನ್ನು ಈಶಪ್ಪ ಹಾಗೂ ಶರಣಪ್ಪ ರವರ ಮಿಠ್ಡ ಹೂಡಿರುತ್ತೇನೆ. ನಾನು ಈ ಇಬ್ಬರನ್ನೂ ಹೊರತುಪಡಿಸಿ ಬೇರೆಯವರ ಮಿಠ್ಡ ಈ ದಾವೆ ಹೂಡಿಲ್ಲ. ನಾನು ಈ ದಾವೆಯಲ್ಲಿ ಎಷ್ಟು ಜನರನ್ನು ಪಕ್ಷಗಾರರನ್ನಾಗಿ ಮಾಡಿರುತ್ತೇನೆ ಎಂದರೆ ನನಗೆ ಗೊತ್ತಾಗುವುದಿಲ್ಲ ಎಂದು ಹೇಳುತ್ತಾರೆ. ನನ್ನ ಮುಖ್ಯ ವಿಚಾರಣೆಯ ಪ್ರಮಾಣ ಪತ್ರ ಹಾಗೂ ನನ್ನ ವಾದ ಪತ್ರದಲ್ಲಿ ಏನು ಬರೆಯಲಾಗಿದೆ ಗೊತ್ತಿಲ್ಲ ಆದರೆ ಬರೆದುಕೊಟ್ಟಿರುತ್ತಾರೆ ಎಂದು ಹೇಳುತ್ತಾರೆ. ವಾದ ಪತ್ರದಲ್ಲಿ ಹಾಗೂ ಮುಖ್ಯ ವಿಚಾರಣೆಯ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ ಯಾವ



ಯಾವ ಸರ್ವೆ ನಂಬರಗಳು ಇವೆ ಮತ್ತು ಅವುಗಳ ವಿಸ್ತೀರ್ಣಗಳ ಬಗ್ಗೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ಪ್ರತಿವಾದಿಗಳು ಈಗ ಒಟ್ಟು ಕುಟುಂಬದಲ್ಲಿ ಇರುತ್ತಾರೋ ಅಥವಾ ವಿಭಾಗ ಆಗಿರುತ್ತಾರೋ ನನಗೆ ಗೊತ್ತಿಲ್ಲ ಆದರೆ ಮೊದಲು ಎಲ್ಲರೂ ಒಟ್ಟು ಕುಟುಂಬದಲ್ಲಿ ಇದ್ದರು ಎಂದು ಹೇಳುತ್ತಾರೆ. ಪ್ರತಿವಾದಿಗಳಿಗೆ ಬೊಮ್ಮನಾಳ ನಲ್ಲಿ 03 ಮನೆಗಳು ಇರುತ್ತವೆ. ಯಾವ ಮನೆಯಲ್ಲಿ ಯಾರು ಇರುತ್ತಾರೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ ಕಾರಣ ನಾನು ಊರಿಗೆ ಹೋಗಿಲ್ಲ. ದಾವಾ ಆಸ್ತಿಗಳನ್ನು ಯಾರು ಯಾವಾಗ ಮುಟೇಶನ್ ಮಾಡಿಸಿಕೊಂಡಿರುತ್ತಾರೆ ಎಂಬುದರ ಬಗ್ಗೆ ವಾದ ಪತ್ರ ಹಾಗೂ ಮುಖ್ಯ ವಿಚಾರಣೆಯ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ ನಾನು ಹೇಳಿಲ್ಲ. ಯಾವಾ ದಾವಾ ಆಸ್ತಿಗಳನ್ನು ಯಾರು ಸಾಗುವಳಿ ಮಾಡುತ್ತಿದ್ದಾರೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ನನಗೆ ದಾವಾ ಆಸ್ತಿಗಳ ಚೆಕ್ಲೆಂಡಿ ಗೊತ್ತಿಲ್ಲ ಮತ್ತು ನಾನು ದಾವಾ ಆಸ್ತಿಗಳನ್ನು ನೋಡಿಲ್ಲ. ನನ್ನ ತಂದೆ 2 ರಿಂದ 4ನೇ ಪ್ರತಿವಾದಿಗಳಿಗೆ ಆಸ್ತಿಗಳನ್ನು ಕೊಟ್ಟಿರುವುದಾಗಿ ನಾನು ಕೇಳಿ ತಿಳಿದುಕೊಂಡಿರುತ್ತೇನೆ. ಈ ಬಗ್ಗೆ 2 ರಿಂದ 4ನೇ ಪ್ರತಿವಾದಿಗಳ ಹೆಸರಿಗೆ ದಾಖಲೆಗಳು ಆಗಿರುತ್ತದೆಯೋ ಇಲ್ಲವೋ ಗೊತ್ತಿಲ್ಲ. ಸುಮಾರು 10-15 ವರ್ಷಗಳ ಹಿಂದೆ ನಾನು ನನ್ನ ತಂದೆಗೆ ಭಾಗ ಕೇಳಿದ್ದೆ. ನನ್ನ ತಂದೆ ಭಾಗ ಕೊಡದೇ ಇದ್ದಾಗ ನಾನು ನನ್ನ ತಂದೆ ಹಾಗೂ ಅವರ ಸಹೋದರ ಸಹೋದರಿಯರ ಮೇಲೆ ಭಾಗಕ್ಕಾಗಿ ಯಾವುದೇ ದಾವೆಯನ್ನು ಹೂಡಿರುವುದಿಲ್ಲ. ನಾನು ಈ ಬಗ್ಗೆ ಈ ಮೊದಲು ನನ್ನ ತಂದೆ ಹಾಗೂ ಅವರ ಸಹೋದರ-ಸಹೋದರಿಯರ ಮೇಲೆ ಯಾವುದೇ ನ್ಯಾಯಾಲಯದಲ್ಲೂ ದಾವೆಯನ್ನು ಹೂಡಿರುವುದಿಲ್ಲ. ನಾನು 2015 ರಲ್ಲಿ ರಾಮನಗೌಡ, ಈಶಪ್ಪ, ಬೂದೇವ್ವ, ಶರಣಪ್ಪ, ಮಾಯವ್ವ, ಸುರೇಶ, ವಿಮಲಾಕ್ಷಿ ಮಂಜುಳಾ ಮತ್ತು ಸರ್ವಮ್ಮ ರವರುಗಳ ವಿರುದ್ಧ ಭಾಗಕ್ಕಾಗಿ ಒಂದು ದಾವೆಯನ್ನು ಇದೇ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಹೂಡಿದ್ದೆ ಎಂದರೆ ನಿಜ. ಆ ದಾವೆಯ ಓ.ಎಸ್ ನಂಬರ 221/2015 ಆಗಿರುತ್ತದೆ ಎಂದರೆ ನಿಜ. ಓ.ಎಸ್



ನಯರ 221/2015 ರ ದಾವೆ ಏನು ಆಗಿರುತ್ತದೆ ಎಂದರೆ ನಾನು ಆ ದಾವೆಯನ್ನು ಹೂಡಿಲ್ಲ ಮತ್ತು ಆ ದಾವೆಯನ್ನು ಹೂಡಿರುವುದಾಗಿ ನಾನು ಸಾಕ್ಷಿಯಲ್ಲಿ ಹೇಳಿಲ್ಲ. ಓ.ಎಸ್ ನಂ.221/2015 ನ್ನು ನಾನು ಹೂಡಿದ್ದರೂ ಸಹ ಇಲ್ಲ ಎಂದು ಸುಳ್ಳು ಹೇಳುತ್ತಿದ್ದೆನೆ ಎಂದರೆ ಸರಿಯಲ್ಲ. ಆ ದಾವೆಯಲ್ಲಿ ನಾನು ಹಾಜರಾಗದೇ ಇದ್ದಿದ್ದರಿಂದ ಅದು ದಿನಾಂಕ 21-05-2018 ರಂದು ವಜಾ ಆಗಿರುತ್ತದೆ ಎಂದರೆ ನಾನು ಆ ದಾವೆಯನ್ನು ಹೂಡಿಲ್ಲ ಎಂದು ಹೇಳುತ್ತಾರೆ. ವಜಾ ಆದ ಓ.ಎಸ್ ನಂ.221/2015 (ಹೊಸ ನಯರ 164/2016) ನ್ನು ಪುನಃ ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ನಾನು ನ್ಯಾಯಾಲಯಕ್ಕೆ ಮಿಸಲೆನಿಯಸ್ ನಂ.6/2018 ನ್ನು ಸಲ್ಲಿಸಿದ್ದೆ ಎಂದರೆ ಸರಿಯಲ್ಲ. ಸದರಿ ಮಿಸಲೆನಿಯಸ್ ನಂ.6/2018 ರಲ್ಲಿಯೂ ಸಹ ನಾನು ಹಾಜರಾಗದೇ ಇದ್ದಿದ್ದರಿಂದ ಅದನ್ನು ಸಹ ನ್ಯಾಯಾಲಯ ವಜಾ ಮಾಡಿರುತ್ತದೆ ಎಂದರೆ ಸರಿಯಲ್ಲ. ನನಗೆ ದಾವಾ ಆಸ್ತಿಗಳ ಬಗ್ಗೆ ಏನು ಗೊತ್ತಿಲ್ಲ. ಈ ದಾವೆಯನ್ನು ಸರ್ವೆ ನಂ.94 ರ ಎಷ್ಟು ವಿಸ್ತೀರ್ಣದ ಮೇಲೆ ಹೂಡಿರುತ್ತೆನೆ ಗೊತ್ತಿಲ್ಲ. ಸರ್ವೆ ನಂ.94 ಒಟ್ಟು 19 ಎಕರೆ ಇದ್ದು ಈ ದಾವೆಯಲ್ಲಿ ನಾನು ಐಟಂ ನಂ.6 ರ ದಾವಾ ಆಸ್ತಿಯನ್ನು ಮಾತ್ರ ಸೇರಿಸಿ ಉಳಿಕೆ 5 ಎಕರೆ 23 ಗುಂಟೆ ಜಮೀನನ್ನು ಸೇರಿಸಿರುವುದಿಲ್ಲ ಎಂದರೆ ನಿಜ. ಸದರಿ 5 ಎಕರೆ 23 ಗುಂಟೆ ಜಮೀನು ನನ್ನ ತಂದೆ ರಾಮಣ್ಣ ತಂದೆ ಬುಸ್ಸಣ್ಣ ರವರ ಹೆಸರಿನಲ್ಲಿತ್ತು ಎಂದರೆ ನಿಜ. ನನ್ನ ತಂದೆಯ ಹೆಸರಿನಲ್ಲಿದ್ದ 5 ಎಕರೆ 23 ಗುಂಟೆ ಜಮೀನು ಏನು ಆಗಿರುತ್ತದೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ. 5 ಎಕರೆ 23 ಗುಂಟೆ ಜಮೀನನ್ನು ನಾನು ಶರಣಪ್ಪ ತಂದೆ ಬಸವರಾಜಪ್ಪ ಸಾಕೀನ್ ರಂಗಾಪ್ಪರ ರವರಿಗೆ ಮಾರಾಟ ಮಾಡಿದ್ದೆ ಎಂದರೆ ನಿಜ. ಆ ಖರೀದಿ ಪತ್ರಕ್ಕೆ ನಾನು ಒಪ್ಪಿಗೆ ಸಾಕ್ಷಿಯಾಗಿ ಸಹಿ ಮಾಡಿದ್ದೆ ಎಂದರೆ ಗೊತ್ತಿಲ್ಲ. ಆ ಖರೀದಿ ಪತ್ರಕ್ಕೆ ಸಹಿ ಮಾಡಿ ನಾನು ಹಣ ಪಡೆದಿರುತ್ತೆನೆ ಎಂದರೆ ಸರಿಯಲ್ಲ. 5 ಎಕರೆ 23 ಗುಂಟೆ ಜಮೀನನ್ನು ಮಾರಾಟ ಮಾಡಿದ



ಕ್ರಯಪತ್ರದ ಅಡಿ ಹಣವನ್ನು ಪಡೆದಿದ್ದು ಆದಕಾರಣ ಓ.ಎಸ್ ನಂ.221/2015 ರಲ್ಲಿ ನಾನು ಹಾಜರಾಗಿರುವುದಿಲ್ಲ ಎಂದರೆ ಸರಿಯಲ್ಲ, ಸಾಕ್ಷಿ ಮುಂದುವರಿದು ಸದರಿ ಕ್ರಯಪತ್ರದ ಅಡಿ ನನಗೆ ಪ್ರತಿವಾದಿಗಳು ಒಟ್ಟು 1,30,000/- ರೂ. ಗಳನ್ನು ಕೊಟ್ಟಿರು ಎಂದು ಹೇಳುತ್ತಾರೆ. ನನಗೆ ಸದರಿ 1,30,000/- ರೂ. ಗಳನ್ನು ನನ್ನ ಭಾಗದ ಹಣ ಎಂದು ಕೊಟ್ಟಿರು ಎಂದರೆ ನಿಜ. ಈ ರೀತಿಯಾಗಿ ನನಗೆ ಹಣ ಕೊಟ್ಟು 3-4 ವರ್ಷ ಆಗಿರುತ್ತದೆ. ಆ ಹಣವನ್ನು ಕೊಟ್ಟ ನಂತರ ನಾನು ಈ ದಾವೆ ಹೂಡಿರುತ್ತೇನೆ ಎಂದರೆ ಗೊತ್ತಿಲ್ಲ. ನನ್ನ ತಂದೆಯ ಜೀವಿತಾವಧಿಯಲ್ಲಿ ದಾವಾ ಆಸ್ತಿಗಳಲ್ಲಿ ವಿಭಾಗ ಆಗಿದ್ದು ಆಗ ನನಗೆ ಯಾವುದೇ ಜಮೀನನ್ನು ಭಾಗದಲ್ಲಿ ಕೊಟ್ಟಿಲ್ಲ ಆದಕಾರಣ ನಾನು ಓ.ಎಸ್ ನಂ. 221/2015 ನ್ನು ಹೂಡಿದ್ದೆ ನಂತರ ನನಗೆ 1,30,000/- ರೂ. ಗಳನ್ನು ಕೊಟ್ಟ ನಂತರ ಈ ದಾವೆಯನ್ನು ಹೂಡಿರುತ್ತೇನೆ ಎಂದರೆ ನಿಜ. ಈಶ್ವರಪ್ಪ ಅವರು ತಮ್ಮ ಭಾಗಕ್ಕೆ ಬಂದ ಜಮೀನುವನ್ನು ತಮ್ಮ ಮಕ್ಕಳ ಹೆಸರಿಗೆ ಮಾಡಿಸಿರುತ್ತಾರೆ ಎಂದರೆ ನಿಜ ಎಂಬುದಾಗಿ ನುಡಿದಿರುತ್ತಾರೆ.

The defendants produced in all 34 documents which were marked as Ex.D.1 to 34. In the evidence defendant elicited in the mouth of PW-1 that already the plaintiff has filed OS.No.221/2015 which is re-numbered as O.S.No.164/2016 filed by the plaintiff for partition and the said suit was dismissed for non-prosecution and subsequently to restore the said suit filed Misc.No.6/18 and subsequently the miscellaneous was also dismissed for non-prosecution as she has taken money of Rs.1,30,000/- towards her share in respect of alienated property and she is also the signatory to the sale deed executed on 26.06.2019 in respect of 05 acre 23 guntas



in Sy.No.94/2 which is the subject matter of the suit. But the alienated property has not been included in the present suit and at that time she has taken Rs.1,30,000/- as her share. The plaintiff herself admitted in the cross examination that she has sold 5 acres 23 gunta land to Sharanappa s/o Basavarajappa of Rangapur village. This itself shows that the plaintiff has taken the property, which was sold by her.

17. In the evidence the PW-1 stated that she has no knowledge about the plaint and plaint contents and also evidence on affidavit. In the evidence and material it shows that during the lifetime of Ramanagouda allotted the lands among his legal heirs who are the children of wives. As per the documents initially the properties in the year 1984 mutated in the name of defendant no.5 who is the son of first wife Tayamma. The properties were purchased by the Ramannagouda and during his lifetime only mutations were taken place as per partition. The said mutations were produced by the defendant which are marked as Ex.D.6 to 8 and 32 to 34.

18. The plaintiff sought for partition as till today there is no partition in the family. As per the evidence, the PW1 specifically admitted that she has filed suit for partition in the year 2015 itself and for that the defendant produced the order sheet and plaint in OS. 221/2015 which is re-numbered as O.S.No.164/2016 and also the said suit was dismissed for non-prosecution and to restore the said suit filed Miscellaneous



No.6/2018 by the present plaintiff herself and the said petition was also dismissed for non-prosecution. Meantime the plaintiff and other family members have executed the sale deed in respect of Sy.No.94/2 measuring 05 acre 23 guntas in favour of Ramannagouda S/o. Basanna Busagundi and in that sale deed the present plaintiff was signatory to the said sale deed and also it is specifically deposed by the plaintiff in the cross-examination that in respect of her share she has taken Rs.1,30,000/- towards her share and moreover in the cross-examination plaintiff had no knowledge about the contents of the plaint and also examination-in-chief and also she has deposed that she had no knowledge about the mutations which were pleaded in the plaint.

19. After going through the evidence and documents it shows that already the plaintiff has filed the suit for partition in the year 2015 itself and she has taken the money towards her share to the extent of Rs.1,30,000/-. Hence itself clearly shows that as per the documents the mutations were effected and during the lifetime of Ramannagouda only the properties were divided and mutations were effected. Moreover the plaintiff specifically pleaded that the suit properties are the ancestral properties of the plaintiff and defendants. But to prove the same did not pleaded who is the common ancestor and from whom the properties were devolved upon. The Ramanagouda is the father of the plaintiff. As per the records the suit properties initially standing in the name of the Ramannagouda.



The documents produced by the plaintiff is standing in the name of Ramannagouda S/o. Basanna Busagundi who is the father of the plaintiff. To show that the scheduled properties are the ancestral properties and came from her four fathers did not placed any material documents. Moreover the properties were purchased by the Ramannagouda S/o. Basanna Busagundi only. Hence under such circumstances this court is of the opinion that the plaintiff failed to prove that the scheduled properties are the ancestral and joint family properties of the plaintiff and defendants. In respect of prior partition already during the lifetime of the Ramannagouda S/o. Basanna Busagundi only the properties were divided and to that extent the plaintiff has also taken share when she has filed earlier suit for partition and she has taken Rs.1,30,000/- towards her share and the plaintiff herself sold that land as per evidence of the plaintiff. Hence under such circumstance already properties were divided during the lifetime of Ramannagouda S/o. Basanna Busagundi which are his properties. Hence under such circumstances, this court is of the opinion that the already partition had taken place during the lifetime of Ramannagouda S/o. Basanna Busagundi only. Hence under such circumstances this court answered Issue No.1 and 2 in the negative.

20. **Issue No.3:-** The plaintiff filed this suit for partition and separate possession to allot her share. The suit schedule property is the ancestral and joint family property of plaintiff





and defendants. But the plaintiff failed to prove that the scheduled properties are the ancestral and joint family properties of the plaintiff and defendants and till today partition had not taken place in respect of suit properties moreover the plaintiff already in the year 2015 itself filed partition suit and at the time of execution of sale deed in respect of Sy.No.94/2 she has taken Rs.1,30,000/- towards her share. Hence under such circumstances this court is of the opinion that the plaintiff is not entitled the relief of partition as sought in the plaint. Hence this court answered Issue No.3 in the negative.

21. **Issue No.4:-** For the reasons stated in the above issues this court proceed to pass the following:

### **ORDER**

The suit of the plaintiff is hereby  
dismissed with 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 4<sup>th</sup> day of August 2026)

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

### **ANNEXURES**

1. List of witness examined on behalf of plaintiffs:

P.W-1: Gouramma W/o. Shekarappagouda



2. List of documents marked on behalf of plaintiffs:

- Ex.P.1 to 81 : Record of rights  
Ex.P.82 : Mutation copy.

3. List of witness examined on behalf of defendants:

- D.W-1 : Eshappa @ Eshwarappa  
D.W-2 : Sathyanarayana Singh S/o. Ragunath Singh

4. List of documents marked on behalf of defendants:

- Ex.D.1 : Certified copy of the order sheet  
in O.S.No.221/2015  
Ex.D.2 : Certified copy of the plaint  
in O.S.No.221/2015  
Ex.D.3 : Certified copy of the order sheet  
in Civil.Mis.No.6/2018  
Ex.D.4 : Certified copy of the application  
in Civil.Mis.No.6/2018  
Ex.D.5 : Sale deed dated 27.06.2019  
Ex.D.6 to 8 : Mutation copies  
Ex.D.9 to 31 : Record of rights  
Ex.D.32 to 34 : Mutation copies

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