



IN THE COURT OF CIVIL JUDGE & J.M.F.C. AT DEVADRUGA

-: Present :-

Sri. RAFEEQ AHMED., BA., L.L.B
Civil Judge & J.M.F.C., Devadurga.

DATED THIS 25TH DAY OF APRIL-2026.

O.S. No.44/2025

PLAINTIFF:

1. Smt. Bassamma W/o Laxman Hatter, Age: 60 years, Occ: House hold,
2. Sri. Devindrappa S/o Laxman Hatter, Age: 33 years, Occ: Agriculture.
3. Sri. Ganesh S/o Laxman Hatter, Age: 31 years, Occ: Agriculture., All R/o Bhogaramanagunda, Tq: Devadurga, Dist: Raichur. Now R/o: Halabhavi, Tq: Shorapur, Dist: Yadagir.

(By Sri. B.H.K., Adv)

// VERSUS //

DEFENDANTS:

- 1 Sri. Laxmana S/o Balappa Hatter, Age: 68 years, Occ: Agriculture.
- 2 Sri. Narasappa S/o Balappa Hatter, Age: 70 years, Occ: Agriculture.
- 3 Smt. Yankamma W/o Dadda Hanamayya Hatter, Age: 68 years, Occ: Household.
- 4 Sri. Shivayya S/o Dodda Hanumayya Hatter, Age: 45 years, Occ: Agriculture.
- 5 Sri. Ambayya S/o Dodda Hanumayya



Hatter, Age:45 years, Occ:
Agriculture.

6 Smt. Yallamma W/o Sanna
Hanamayya Hatter, Age: 55 years,
Occ: Agriculture.,

7 Sri. Gangappa S/o Sanna
Hanumamayya Hatter, Age: 32 years,
Occ: Agriculture.

8 Sri. Shivappa S/o Sanna Hanamayya
Hatter, Age: 30 years, Occ:
Agriculture.

9 Sri. Balayya S/o Sanna Hanamayya
Hatter, Age: 26 years, Occ:
Agriculture.

10 Sri. Narasappa S/o Sanna
Hanamayya Hatter, Age: 26 years,
Occ: Agriculture., All R/o
Bhogaramanagunda, Tq: Devadurga,
Dist: Raichur.

**(D.1 & 2 By Sri. V.M.M, Adv),
(D.3 to 5, 8, 9 &10 Ex-parte)
(D.6 & 7 absent),**

Nature of the suit : Partition & separate possession
Date of Institution of suit : 10-11-2021
Date of Commencement of Evidence : 24-07-2025



Date of Judgment : 25-04-2026
Pronounced

Duration of the Suit : Year/s Month/s Day/s
04 05 15

-:: JUDGMENT. ::-

The plaintiffs have filed this suit against the defendants for the following reliefs:-

1. That, the plaintiffs be put into separate possession of their legitimate share in the suit schedule properties by effecting the partition with fixing the meets and bounds.

2. That, the costs of the suit be awarded.

2. The Brief facts of the case of the plaintiff are as under:-

That, the defendant No.1 and 2 and husband of defendant No.3 by name Dodda Hanamayya and husband of defendant No.6 by name Sanna Hanamayya are natural brothers and they are the sons of late Balappa and the plaintiff No.1 is the legally wedded wife of defendant No.1 and plaintiff No.2 and 3 are the sons of plaintiff No.1 and defendant No.1 and defendant No.4 and 5 are the sons of defendant No.3 and late Dodda Hanamayya defendant No.7 to 10 are the sons of defendant No.6 and late Sanna Hanamayya in relation. For clear understanding of relationship of plaintiffs and defendants a separate family pedigree is filed annexed with this plaint which may be treated as plaint. That, the



plaintiffs and defendant are Hindu joint family governed by Hindu Mithakahara School of law.

2(a). It is further stated that, the suit properties are the ancestral and joint family property of plaintiffs and defendant and they are in joint possession and enjoyment of the same and no partition has been taken place in between the plaintiffs and defendants. That, the plaintiffs are having legitimate share in the suit properties as per Hindu succession act. That the ancestor by name Balappa S/o Bhimasheppa i.e. father-in-law of plaintiff No.1 leaving behind the defendant No.1 and 2 and husband of defendant No.3 by name Dodda Hanamayya and husband of defendant No.6 by name Sanna Hanamayya and one Shivappa as his heirs and successors. That during the life time of father of plaintiff, the Shivappa separated from the family of plaintiffs and defendants and he is residing in Banagarahatti village and he got the land in the Bangarahatti village. That, the husband of defendant No.3 by name Dodda Hanamayya was died leaving behind the defendant No.3 to 5 as his heirs and successors and also the husband of defendant No.6 by name Sanna Hanamayya was died leaving defendant No.6 to 10 as his heirs and successors.

2(b). It is further stated that, the suit properties are the ancestral and joint family properties of plaintiffs and defendants. Previously the



suit schedule properties were standing in the name of father of defendant No.1 and 2 by name Balappa. That, after the death of Balappa, the suit schedule Sy.No.12/A is mutated in the name of defendant No.1 and 2 and husband of defendant of No.3 and 6 by name Dodda Hanamayya and Sanna Hanamayya. The suit schedule Sy.No.35/1 was mutated in the name of husband of plaintiff No.1 by name Laxman and also the suit schedule item No.12//1 is mutated in the name of husband of defendant No.3 and 6. The suit schedule Sy.No.45/1 is mutated in the name of defendant No.2 by name Narasappa and also the suit schedule Sy.No.48/1 is mutated in the name of defendant No.1 by name Laxman and also the suit schedule Sy.No.48/2 is mutated in the name of defendant No.1 and suit schedule house properties are standing in the name of defendant No.1. The plaintiffs and defendants are in joint possession and enjoyment of the above said properties and the plaintiffs are having legitimate share in the suit schedule properties.

2(c). It is further stated that, after the marriage of the plaintiff No.1 led the happy marital life with defendant No.1 and due to wed-lock the plaintiff No.2 and 3 were born. After the birth of plaintiff No.3, the defendant No.1 addicted the bad habits such as drinking, gambling and womanizing. Due to bad habits, the defendant No.1 given the ill-treatment to the plaintiff No.1, but the plaintiff No.1 tolerated the ill-



treatment given by the defendant No.1 in the interest of her future life, but the lastly the defendant No.1 driven out the plaintiff No.1 along with plaintiff No.2 and 3 from his house. After driven out the plaintiff No.1, the plaintiff No.1 is residing in her parental house at village Halabhavi and the defendant No.1 is taking the undue advantage of absence of plaintiffs in the village, he illegally performed the 2nd marriage with one woman by name Gouramma. After performing the 2nd marriage the defendant No.1 completely neglected the plaintiffs.

2(d). It is further stated that, the defendant No.1 is taking the undue advantage of entries standing in his name, he is trying to alienate the suit schedule properties illegally behind the back and without the knowledge of plaintiffs and without family and legal necessity with an intention to avoid the getting share of plaintiffs in the suit schedule properties. After came to know the illegal activities of defendant No.1, the plaintiffs approached the defendants and requested them to effect the partition and give the share of plaintiffs in the suit schedule properties, but the defendant flatly refused to effect the partition and give the share of plaintiffs in the suit property. Therefore the plaintiffs have no alternative remedy except filing this suit. Therefore the Hon'ble court may kindly be allotting the legitimate share of plaintiff in the suit



schedule properties by effecting the partition. Hence, prays to decree the suit.

3. The summons was duly served to defendants, the defendant no.1 and 2 have appeared through their counsel, but did not filed written statement. The defendant no.6 and 7 have appeared personally but did not filed written statement. The defendant no.3 to 5 and 8 to 10 are remained absent. The defendant no. 3 to 5 and 8 to 10 were placed Ex-parte.

4. On the basis of the pleadings of the Plaintiff, this court has framed the following:

POINTS

1. Whether the plaintiffs proves that suit properties are the ancestral properties ?
2. Whether the plaintiffs proves that they and defendants are joint family members ?
3. Whether the plaintiffs are entitled to the relief of partition in the suit schedule properties ?
4. What order or decree?

5. In order to prove their case the plaintiff no.2 examined himself as PW-1 and one witnesses as PW.2 and produced 10 documents which are marked as Ex.P.1 to Ex.P.10.

6. Heard the arguments and perused the evidence on record.

7. My answers to the above points are as follows:

Point No.1 :- In the Affirmative



Point No.2 :- In the Affirmative

Point No.3 :- In the Affirmative

Point No.4 :- As per final order
for the following ;

REASONS

8. Point No. 1 to 3 :- These points are answered together to avoid repetition of facts. As per Sec.104 and Sec.106 of Bharatiya Sakshya Adiniyama the burden of proof to prove that suit properties are the joint family properties of plaintiffs and plaintiffs are entitled to share in the suit properties. Plaintiff no.2 examined himself as PW-1 and produced 10 documents which are marked as Ex.P.1 to Ex.P.10.

9. In the evidence of PW-1 it is stated that, the defendant No.1 and 2 and husband of defendant No.3 by name Dodda Hanamayya and husband of defendant No.6 by name Sanna Hanamayya are natural brothers and they are the sons of late Balappa. The plaintiff No.1 is the legally wedded wife of defendant No.1 and the plaintiff No.2 and 3 are the sons of plaintiff No.1 and defendant No.1. The defendant No.4 and 5 are the sons of defendant No.3 and late Dodda Hanamayya. The defendant No.7 to 10 are the sons of defendant No.6 and late Sanna Hanamayya in relation. That, the plaintiffs and defendants are Hindu joint family governed by Hindu Mithakahara School of law. To prove the relationship between the parties, the plaintiff has produced the Transfer Certificate issued by the Headmaster, Government Primary School, Ganadhal



Village, which is marked as Exhibit P12 and Aadhar card Exhibit P-13, it clearly goes to show that Exhibit P-12 and P-13 belongs to the Plaintiff No.3. Wherein at column No.14, it is clearly stated that the name of father is Lakshman and the name of mother is Basamma. the name of parent has been clearly entered. Therefore the plaintiff no. 2 and 3 are the sons of defendant no. 1 and plaintiff no. 1.

10. It is further stated that, the suit properties are the ancestral and joint family property of plaintiffs and defendants and they are in joint possession and enjoyment of the same and no partition has been taken place in between the plaintiffs and defendants. That, the plaintiffs are having legitimate share in the suit properties as per Hindu succession act. That the ancestor by name Balappa S/o Bhimasheppa i.e. father-in-law of plaintiff No.1 leaving behind the defendant No.1 and 2 and husband of defendant No.3 by name Dodda Hanamayya and husband of defendant No.6 by name Sanna Hanamayya and one Shivappa as his heirs and successors. That during the life time of father of plaintiff, the Shivappa separated from the family of plaintiffs and defendants and he is residing in Banagarahatti village and he got the land in the Bangarahatti village. That, the husband of defendant No.3 by name Dodda Hanamayya was died leaving behind the defendant No.3 to 5 as his heirs and successors and also the husband of defendant No.6 by



name Sanna Hanamayya was died leaving defendant No.6 to 10 as his heirs and successors.

11. It is further stated that, the suit properties are the ancestral and joint family properties of plaintiffs and defendants. Previously the suit schedule properties were standing in the name of father of defendant No.1 and 2 by name Balappa. That, after the death of Balappa, the suit schedule Sy.No.12/A is mutated in the name of defendant No.1 and 2 and husband of defendant of No.3 and 6 by name Dodda Hanamayya and Sanna Hanamayya. The suit schedule Sy.No.35/1 was mutated in the name of husband of plaintiff No.1 by name Laxman and also the suit schedule item No.12//1 is mutated in the name of husband of defendant No.3 and 6. The suit schedule Sy.No.45/1 is mutated in the name of defendant No.2 by name Narasappa and also the suit schedule Sy.No.48/1 is mutated in the name of defendant No.1 by name Laxman and also the suit schedule Sy.No.48/2 is mutated in the name of defendant No.1 and suit schedule house properties are standing in the name of defendant No.1. To prove the said contention, the plaintiff has produced the Six computerized RTC which are marked as Exhibit P-1 to Exhibit P-6 in respect of the suit properties. Exhibit P-1 is the computerized RTC in respect of suit property No.1. which is jointly entered in the name of the four brothers. Exhibit P-2 is the computerized



RTC in respect of suit property number 2 which is entered in the name of defendant no.1. Exhibit P-3 is the computerized RTC in respect of suit property number 3 which is entered in the name of Hanumayya and Sanna Hanumayya. Exhibit P-4 is the computerized RTC in respect of suit property no.4 entered in the name of defendant no. 2. Exhibit P-5 is the computerized RTC in respect of suit property no.5 which is entered in the name of defendant no.1. Exhibit D-6 is the computerized RTC in respect of suit property no.6 which is entered in the name of defendant no.1. Exhibit P-7 and P-8 are the tax paid receipt in respect of the house property entered in the name of defendant no.1. Therefore, on careful perusal of Exhibit P-1 to Exhibit P-8, it clearly goes to show that the suit property is the ancestral and joint family property of plaintiff and defendant no.1 to 10. The plaintiffs and defendants are in joint possession and enjoyment of the above said properties and the plaintiffs are having legitimate share in the suit schedule properties.

12. It is further stated that, after the marriage of the plaintiff No.1 led the happy marital life with defendant No.1 and due to wed-lock the plaintiff No.2 and 3 were born. After the birth of plaintiff No.3, the defendant No.1 addicted the bad habits such as drinking, gambling and womanizing. Due to bad habits, the defendant No.1 given the ill-treatment to the plaintiff No.1, but the plaintiff No.1 tolerated the ill-



treatment given by the defendant No.1 in the interest of her future life, but the lastly the defendant No.1 driven out the plaintiff No.1 along with plaintiff No.2 and 3 from his house. After driven out the plaintiff No.1, the plaintiff No.1 is residing in her parental house at village Halabhavi and the defendant No.1 is taking the undue advantage of absence of plaintiffs in the village, he illegally performed the 2nd marriage with one woman by name Gouramma. After performing the 2nd marriage the defendant No.1 completely neglected the plaintiffs.

13. It is further stated that, the defendant No.1 is taking the undue advantage of entries standing in his name, he is trying to alienate the suit schedule properties illegally behind the back and without the knowledge of plaintiffs and without family and legal necessity with an intention to avoid the getting share of plaintiffs in the suit schedule properties. After came to know the illegal activities of defendant No.1, the plaintiffs approached the defendants and requested them to effect the partition and give the share of plaintiffs in the suit schedule properties, but the defendant flatly refused to effect the partition and give the share of plaintiffs in the suit property.

14. The plaintiff no.2 and 3 defendant no.1 to 10 are the legal heirs of deceased Sri. Balayya. Therefore together the plaintiffs and defendants constitute undivided Hindu Joint family.



15. Since plaintiff no.2 and 3 defendant no.1 to 10 are the legal heirs of deceased Sri. Balayya. the plaintiff no.2 and 3 by birth having the right to partition as per the Hindu Succession Amendment Act, The plaintiff no. 2 and 3 are entitled to 1/12th share each in the suit properties. the defendant no.1 and 2 have appeared through their counsel, but did not filed written statement. The defendant no.6 and 7 have appeared personally but did not filed written statement. The defendant no.3 to 5 and 8 to 10 are remained absent. The defendant no. 3 to 5 and 8 to 10 were placed Ex-parte. There are no reasons to disbelieve the evidence of plaintiff. ***Hence, I answer point No.1 to 3 are in the Affirmative***

16. Point No.4 :- In view of above discussion, I proceed to pass the following:

ORDER

Plaintiffs suit is hereby partly
decreed.

The plaintiff no.2 & 3 are entitled to 1/12th
share each in the suit properties. The
defendant No.1 to 10 are entitled to 1/12th
share each. If the defendants pay court fee on
their share.



The plaintiff no. 1 is not entitled for the relief of partition.

As per the recent decision of Hon'ble Supreme Court in Civil Appeal No(s).6406-6407 of 2010 in Kattukandi Edathil Krishnan V/s. Kattukandi Edathil Valsan and others. Hence, list the matter after 2 months taking steps Under Order 20 Rule 18 of CPC for further proceedings.

Taking consideration of close relationship between parties there is no order as cost.

Draw preliminary decree accordingly.

(Dictated to the Stenographer, directly typed by his on computer and corrected, initialed and then pronounced by me, in the Open Court, on this 25th day of April 2026)

(Sri Rafeeq Ahmed)
Civil Judge & JMFC
Devadurga.

ANNEXURE

LIST OF WITNESSES EXAMINED FOR THE PLAINTIFFS:

PW-1 Sri. Ganesha.

LIST OF DOCUMENTS EXHIBITED FOR THE PLAINTIFFS:

Ex.P-1 to 6 Six Computerized RTC's.



Ex.P-7 & 8 Two Computerized Tax paid receipts.

Ex.P-9 to 11 Three Handwritten Mutations.

Ex.P-12 Transfer Certificate.

Ex.P-13 Original Adhara Card.

LIST OF WITNESSES EXAMINED FOR THE DEFENDANTS:

---Nil---

LIST OF DOCUMENTS EXHIBITED FOR THE DEFENDANTS:

---- Nil----

(Sri Rafeeq Ahmed)
Civil Judge & JMFC
Devadurga.