



Presented on : 03-12-2022

Registered on : 03-12-2022

Decided on : 01-08-2026

Duration : 3 years, 7 months, 29 days

**IN THE COURT OF PRINCIPAL CIVIL JUDGE & JMFC,
LINGASUGUR**

PRESENT; Sri. AMBANNA. K.

B.Com, L.L.B. [Spl.]

PRL. CIVIL JUDGE & JMFC, LINGASUGUR.

Dated this 1st day of August, 2026.

O.S.No.313/2022

Between:

1. **Ramaiah S/o Shivappa,**
Age about 40 years,
Occ.Agricuture R/O Yarajanti village,
Tq. Lingasugur. Dist. Raichur.
Now Kavital village, Tq: Sirwara.
2. **Timmaiah S/o Shivappa,**
Age about 35 years,
Occ. Agricuture R/O Yarajanti village,
Tq. Lingasugur. Dist. Raichur.
Now Ooti village, Tq: Devadurga.

...Plaintiffs

(By Sri. M.D.H., Advocate)

And:

- 1] **Timmamma W/o Late Ramaiah,**
Age about 60 years, Occ.Agricuture,
- 2] **Timmaiah S/o Late Ramaiah,**
Age about 40 years, Occ.Agricuture,
- 3] **Shivappa S/o Late Mahadevappa,**
Age about 38 years, Occ.Agricuture,



- 4] **Timmaiah S/o Late Rangaiah,**
Age about 35 years, Occ.Agriculture,
- 5] **Timmavva W/o Late Ramaiah,**
Age about 50 years, Occ. Agriculture,
- 6] **Mudiyappa S/o Late Rangaiah,**
Age about 28 years, Occ. Agriculture,
- 7] **Channappa S/o Late Rangaiah,**
Age about 26 years, Occ.Agriculture,
All resident of Yarajanti village, Barigida-doddi,
Tq: Lingasugur.
- ... Defendants**

(Defendant No.1 to 7 exparte)

Date of institution of suit	03-12-2022
Nature of the suit	Partition and separate possession
Date of recording of evidence	15-07-2026
Date of which judgment pronounced	01-08-2026
Duration of the suit	3 years, 7 months, 29 days

(Ambanna. K.)
Prl., Civil Judge & JMFC,
Lingasugur.



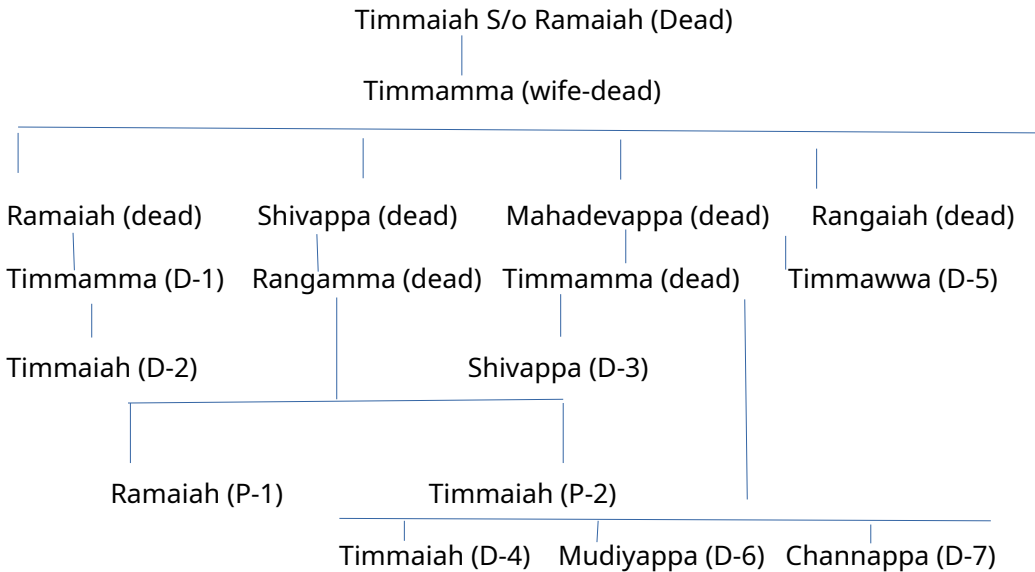
JUDGMENT

This the suit filed by the plaintiffs against the defendants for the relief of partition and separate possession and declaration of 1/4th share each in respect of suit schedule properties and for such other reliefs.

2. Brief facts of the case, as stated in the plaint for the disposal of the suit are as follows:

It is submitted that, the plaintiffs are own brothers they are the sons late Shivappa and defendant No.1 to 7 are aunty (ದೊಡ್ಡಮ್ಮ) and brothers of the plaintiffs. In order to show the relationship between the plaintiffs and defendants of family pedigree is shown below.

The plaintiff has furnished the G-tree as under:





3. It is submitted that, suit properties No.1 agricultural land Sy.No. 82* Hissa measuring 10 acres 06 guntas, assessed at Rs.5.25, jointly standing in the name of defendants No.2, 3 and deceased Rangaiah i.e., husband and father of defendants No.4 to 7, situated at Yarajanti village, Tq: Lingasugur bounded by; to East: The land belongs to Yankappa, to West: The land belongs and to Jaga Sahukar, to North: The land belongs to Sabanna and to South: The land belongs to Bannappa.

4. The suit property No.2 agricultural land Sy. No. 89* Hissa 2 measuring 04 acres 27 guntas, assessed at Rs.3.21 standing in the name of defendant No.1 and his son defendant No.2 situated at Yarajanti village., Tq: Lingasugur and bounded by; to East: The land belongs to Yallappa, to West: The land belongs to Manappa, to North: The land belongs to Basanagouda and to South: The land belongs to Timmmaiah. The plaintiffs and defendants are governed by the Hindu law and suit properties are ancestral and joint family properties.

5. Further it is submitted, the suit lands were previously owned and possession by the plaintiffs and defendants grand-father by name Timmaiah, who had died by leaving



the legal heirs as plaintiffs and defendants. After his death, one of the suit property was transferred in the name of defendant No.2, 3 and late Rangaiah who is the husband and father of defendant No.4 to 7 and another suit land was transferred in the name of defendant No.1 and later transfer to defendant No.2. Further it is stated that, the father of the plaintiffs is also one of the legal heir of deceased Timmaiah that as the defendant No.1's husband by name Late. Ramaiah, who is the Kartha of the family, in ordered to give harassment and dupe the share of the plaintiff's father's property, knowingly after the demise of late Ramaiah, who is the grandfather of the plaintiffs had not mentioned in the ROR., in one of the suit property. That, in the lifetime of late Ramaiah, who is the head of the family of the plaintiffs and defendants had jointly cultivated the suit properties and jointly owned and enjoyed the suit properties without any obstruction till today. Further it is stated that, the suit properties are not partitioned or divided till today. This fact is well known to the defendants. The plaintiff's father and mother had died long-back leaving the plaintiffs as legal heirs and in the lifetime of plaintiffs father and plaintiffs are jointing residing with the defendants as joint status.



6. It is further stated that, due to recent family disputes and difference of opinion on 08/11/2022 in between the plaintiffs and defendants, before the defendants who are the owner of the suit properties of the family the plaintiffs had made an offer for making partition of suit schedule properties in the presence of family elders. But the defendants have flatly refused for allotting father of the plaintiffs 1/4th each due share to the plaintiffs. Hence plaintiffs constrained to file the present suit for aforesaid reliefs.

7. After the institution of the suit, the suit summons were issued to the defendants. In spite of service of summons the defendant No.1 to 7 did not appear before the court. Hence, they have placed exparte.

8. In order to prove the case of the plaintiffs, plaintiff No.2 himself is examined as PW-1 and he got marked 9 documents at Ex.P1 to Ex.P9 and plaintiff no.1 examined himself as Pw-2 and one more supporting witness examined as Pw-3.

9. Heard arguments.

10. On the basis of the pleadings of the parties and the documents produced by them the **points** that arise for consideration are as under:



1. Whether the plaintiffs prove that the suit schedule properties are the ancestral co-parcenary and joint family properties of plaintiffs and defendants and they have been in joint possession?

2. Whether the plaintiffs are entitled for the relief of partition and separate possession as sought for?

3. What order or decree?

11. My findings on the above points are as follows:

Point No.1 : In the Affirmative

Point No.2 : In the Affirmative

Point No.3 : As per final order for the
following:

REASONS

12. **POINT No. 1 and 2 :** Since these issues are interlinked to each other, I have taken up these issues together for common discussion in order to avoid repetition of facts.

13. It is the definite case of the plaintiffs that, the suit properties no.1 agricultural land Sy.No. 82* Hissa measuring 10 acres 06 guntas, assessed at Rs.5.25, jointly standing in the name of defendants No.2, 3 and deceased Rangaiah i.e., husband and father of defendants No.4 to 7, situated at Yarajanti village, Tq: Lingsugur. The suit property



No.2 agricultural land Sy.No. 89* Hissa 2 measuring 04 acres 27 guntas, assessed at Rs.3.21 standing in the name of defendant No. 1 and his son defendant No. 2 situated at Yarajanti village., Tq: Lingsugur.

14. It is asserted that, the plaintiffs and defendants are governed by the Hindu law and suit properties are ancestral and joint family properties. Further it is asserted that, the suit lands were previously owned and possession by the plaintiffs and defendants grand-father by name Timmaiah, who had died by leaving the legal heirs as plaintiffs and defendants. After his death, one of the suit property was transferred in the name of defendant No.2, 3 and late Rangaiah who is the husband and father of defendant No.4 to 7 and another suit land was transferred in the name of defendant No.1 and later transfer to defendant No.2. Further it is stated that, the father of the plaintiffs is also one of the legal heir of deceased Timmaiah that as the defendant No.1's husband by name Late. Ramaiah, who is the Kartha of the family, in ordered to give harassment and dupe the share of the plaintiff's father's property, knowingly after the demise of late Ramaiah, who is the grandfather of the plaintiffs had not mentioned in the ROR., in one of the suit property. That, in the lifetime of late



Ramaiah, who is the head of the family of the plaintiffs and defendants had jointly cultivated the suit properties and jointly owned and enjoyed the suit properties without any obstruction till today. Further it is stated that, the suit properties are not partitioned or divided till today. This fact is well known to the defendants. The plaintiff's father and mother had died long-back leaving the plaintiffs as legal heirs and in the lifetime of plaintiffs father and plaintiffs are jointing residing with the defendants as joint status.

15. It is further stated that, due to recent family disputes and difference of opinion on 08/11/2022 in between the plaintiffs and defendants, before the defendants who are the owner of the suit properties of the family the plaintiffs had made an offer for making partition of suit schedule properties in the presence of family elders. But the defendants have flatly refused for allotting father of the plaintiffs 1/4th each due share to the plaintiffs. Hence this suit.

16. In order to prove the case, the plaintiff plaintiff No.2 himself is examined as PW-1 and he got marked 9 documents at Ex.P1 to Ex.P9. In his affidavit filed in lieu of examination-in-chief, he has reiterated the plaint



averments nothing else. He has furnished the genealogical tree of his family in the plaint. Further the genealogical tree furnished by the plaintiffs is not disputed by the defendants. Moreover, the defendants did not cross examined the PW 1 to test his veracity. Therefore, the oral and documentary evidence of the plaintiffs remained unchallenged and undisputed.

17. On going through the documentary evidence i.e. Ex.P1 to 9. The Ex.P.1, 3 and 6 are the RTC extracts., pertaining to sy.no.89/2 totally measuring 4 acres 27 guntas situated at Yarajanti village, Tq: Lingasugur, Ex.P2, 4, 5 and 7 are the RTC extracts., pertaining to sy.no.82 totally measuring 10 acres 06 guntas situated at Yarajanti village, Tq: Lingasugur, Ex.P-8 is the computerized RTC., extract for the year 2026-27 pertaining to sy.no.89*/2 totally measuring 4 acres 27 guntas situated at Yarajanti village, Ex.P-9 is the computerized RTC., extract for the year 2026-27 pertaining to sy.no.82*/* totally measuring 10 acres 06 guntas situated at Yarajanti village.

18. In support of case, plaintiff No.1 examined himself as PW-2 and one more supporting witness by name Shivarajagouda examined as PW-3. On the other hand, the



defendants did not cross examined the PW-2 and PW-3. The evidence of PW-2 and PW-3 remained unchallenged.

19. On considering the oral and documentary evidence, suit properties are jointly standing in the name of defendant No.1 to 5. Hence, it can be hold that they are the ancestral, co-parcenary and joint family properties of the plaintiffs and defendants. Moreover the defendants have not appeared and they have not contest the matter. Hence, they placed exparte. Therefore, the conduct of the defendants is to be taken into consideration.

20. **It is relevant to quote the provisions of order 8 Rule 10 CPC., which read thus:** *"where any party from whom a written statement is required under Rule 1 or 9 fails to present the same within the time permitted or fixed by the Court, as the case may be, the court shall pronounced judgment against him, or make such order in relation to the suit as it things fit and on the pronouncement of such judgment, a decree shall be drawn up"*. Moreover, the evidence of the PW-1 to PW-3 remained unchallenged and undisputed. Hence, this court is of the considered opinion that, the plaintiffs have satisfactorily proved the suit properties are the ancestral, co-parcenary and joint family properties of the plaintiffs



and defendants. Moreover genealogical tree clearly disclosed the relationship between the parties. Therefore, the plaintiffs being the co-parceners to the family of the defendants. On perusal there is no earlier partition took place in between the plaintiffs and defendants. For the reasons stated above this court is of the opinion that, the plaintiffs are together entitled for 1/4th share of their deceased father by name Shivappa in the suit properties. Therefore, **this court answered the points No. 1 & 2 are in the Affirmative.**

21. **POINT NO. 3:** For the discussions made and the findings given to the above points, the suit of the plaintiffs is deserves to be decreed in part. In the result, this court proceed to pass the following :

O R D E R

The suit of the plaintiffs is hereby partly decreed.

The plaintiff No.1 and 2 are together entitled to get 1/4th share in the suit schedule properties.

The defendant No.1 and 2 are together entitled to get 1/4th share in the suit schedule properties.

The defendant No.3 is entitled to get 1/4th share in the suit schedule properties.



The defendant No.4 to 7 are together entitled to get 1/4th share in the suit schedule properties.

Considering the relationship between the parties to the suit, there shall be no order as to costs.

Draw preliminary decree accordingly.

(Dictated to stenographer, directly on the computer, corrected by me, & then pronounced in open court on this the **1st day of August, 2026.**)

**(Ambanna. K.)
Prl., Civil Judge & JMFC,
Lingasugur.**

ANNEXURE

1) List of witnesses examined for the plaintiff:

PW 1 : Timmaiah S/o Shivappa,
PW 2 : Ramanna S/o Shivappa,
PW 3 : Shivaraj Gowda S/o Basayya,

2) Documents marked for the plaintiff:

Ex.P.1 and 7 : Certified copies of RTC., extracts.
Ex.P.8 and 9 : Computerized RTC., extracts.

3) Witnesses examined for the defendants:

-Nil-

4) Documents exhibited for the defendants:

-Nil-

**(Ambanna. K.)
Prl., Civil Judge & JMFC,
Lingasugur.**