



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.56/2017

Dated: 01st day of July 2026

PLAINTIFF: -

1. Shankramma D/o Muniyappa
Age: 50 years occ: Agri.
R/o Gunjalli village Tq:Sindhanur

(Represented by: Sri.BS, Advocate)

- Vs -

DEFENDANTS:-

1. Duragappa S/o Mukappa
Age: 60 years occ: Agri. Died by Lrs.
 - 1) a) Hanumantha S/o Durugappa
Age: 36 years, Agri. R/o Gunjalli village,
Tq: Sindhanur
 - 1) b) Basavaraj S/o Durugappa
Age:23 years, Agri. R/o Gunjalli village,
Tq. Sindhanur
 - 1) c) Shivaraj S/o Durugappa
Age: 20 years, Agri. R/o Gunjalli village,
Tq: Sindhanur
 - 1) d) Mahadevamma W/o Mallappa
Age: 30 years, Agri.& household
R/o Tadakal village Tq: Manvi
 - 1) e) Smt. Glemma W/o Mariyappa
Age: 28 years, Agri. & household
R/o Nagarbenchi village Tq: Lingasagur



- 1) 1) Smt. Bheemamma W/o Hulugappa
Age: 26 years, Agri. & household
R/o Vaddarkal village Tq: Gangavathi
- 1) g) Smt. Galemme W/o Galeppa
Age: 22 years, Agri. & household
R/o Pagadadinni village Tq: Sindhanur
- 2) Mukappa S/o Sharanappa
Age: 26 years, Agri
- 3) Mareppa S/o Sharanappa
Age: 25 years, Agri.
- 4) Shankrappa S/o Sharanappa
Age: 24 years, Agri.
- 5) Ramesh S/o Sharanappa
Age: 20 years, Agri.
- 6) Pamavva W/o Sharanappa
Age: 55 years, Agri.
- 7) Hanumappa S/o Mukappa
Age: 56 years, Occ: Agri.,
Deft. No. 1 to 7 are Gunjalli Tq; Sindhanur.
8. Huligemma W/o Durugappa
Age: 50 years occ: Agri.
R/o Markumbi Tq: Gangavathi.
9. Galemme W/o Anthoneppa
Age: 35 years occ: Agri
R/o Virupapur Tq: Sindhanur
10. Renukamma W/o Dyavappa
Age: 30 years occ: agri
R/o Mullur Tq: Kushtagi



11. Gangamma W/o Durugappa
Age: 28 years occ: agri.
R/o Kunnatagi village Tq: Sindhanur
 12. Hussainappa S/o Nagappa
Age: 26 years occ: Agri.
R/o Gunjalli Tq: Sindhanur
 13. Hanumamma W/o Durugappa
Age: 42 years occ: Household
R/o Kunnatagi Tq: Sindhanur.
 14. Nagappa S/o Shivappa
Age: 50 years occ: Agri.
 15. Nagappa S/o Venkappa
Age: 48 years occ: Agri.
 16. Ramanna S/o Venkappa
Age: 45 years occ: Agri.
 17. Gangamma W/o Beerappa
Age: 40 years occ: Agri.
 18. Beerappa S/o Hanumappa
Age: 38 years occ: Agri.
 19. Amarappa S/o Hanumappa
Age: 35 years occ: Agri
 20. Beerappa S/o Shivappa
Age: 33 years occ: Agri.
 21. Suresh S/o Shivappa
Age: 32 years oce: Agri.
- Deft. No. 14 to 21 are Kurkunda Tq:Sindhanur.

(D1 (a, c, d, e, g), D2 to 7, 9 to 11 exparte)
(D1(b) by: Sri.VC advocate)
(D8 abated)



(D14 to 21 by: Sri.VAP advocate)

Date of Institution of the suit	:	10.07.2017		
Nature of the suit	:	Partition and Separate Possession.		
Date of the commencement of recording of evidence	:	13.08.205		
Date on which the Judgment is pronounced	:	01.07.2026		
Total duration	:	Year/s	Month/s	Day/s
		08	11	21

J U D G M E N T

This suit filed by the plaintiff, for the relief of partition and separate possession of her 1/3rd share in respect of suit properties and cost of the suit.

2. The plaint in brief:

It is averred in the plaint that plaintiff and defendant No. 1 to 13 are the successors to the one Earappa and Bheemamma both died leaving behind their 4 sons by name Mukappa, Muniyappa, Balappa, Basappa and all the above 4 persons and their wife died long back leaving behind these defendant No. 1 to 13 and plaintiff, the last son Basappa died issueless the present plaintiff is Devadasi and she is the daughter of second son Muniyappa and the defendant No. 14 to 21 are the now ROR holders and they are the successors on the basis of Vibhag and pothivirasat and on the basis of two sale deeds bearing doct. No. 1999/86-87 and 2000/86-87 and the alleged two deeds are executed by the defendant No. 1 in favor of late ancestors of defendants and these two sale deeds are not binding on the plaintiffs 1/3 share and these sale deeds are fit to be cancelled plaintiff 1/3rd share and the suit schedule properties are joint



ancestral properties of plaintiff and defendants and the agriculture land bearing sy No. 191/ hissa 5 meg: 1 acre & sy No. 191/* hissa 4 meg: 3 acre & sy No. 191/ hissa 3 meg: 2 acre & sy No. 191/* hissa 2 meg: 3 acres & sy No. 191/* hissa 1 meg: 18 acres 03 gunta all situated at Kurukunda village within the Gunjalli Hobali Tq: Sindhanur which are ancestral properties of plaintiff and defendants. That the suit schedule properties are joint family and ancestral properties. Hence the plaintiffs and defendants constitute has Hindu joint family and they are in joint constructive possession of the suit schedule properties and same are liable for partition by metes and bounds. The plaintiff submits that, the plaintiff and defendants are in joint constructive possession and ownership. And plaintiff and defendants share in the profit accruing out of above said properties. The defendants are mis managing the suit schedule property and is not giving any agriculture produce to the plaintiff, since for the last one year as there is a some difference arose between themselves in managing the jointness in the undivided Hindu joint family above said properties. The plaintiff submits that, the defendants ancestors have illegally got the suit schedule land to the defendants ancestors under registered document No. 1999/86-87 and 2000/86-87. Only in ordered to harras cause loss deprive and defeat the legitimate share of the plaintiff over the suit lands. The above said sale deed is illegal and void not binding on the plaintiff as the defendants knowing fully well that, the suit land is being the joint family property had purchased the from defendants by colluding each other to cause loss to the plaintiff. The suit schedule properties joint and ancestral properties and plaintiff and defendants being the joint family members has every right, share to get her share. The plaintiff is having common interest and unit of possession in the suit schedule properties, that all the suit schedule property is joint family properties and they are standing in the name of defendants



nominally, as such no suitable and lawful partition was taken place earlier at any point of time. The defendants have fraudulently and without the consent, assent of plaintiff got executed sham two sale deeds. That the two sale deeds is against the right and title share of the plaintiff. And the above said two sale deeds are not at all binding on the plaintiff. The said deeds are a collusive, nominal and is not binding on the plaintiff share. That the alleged above deeds are against the detrimental right of the plaintiff lawful share as a successors and inheritance rights in the suit schedule properties. The alleged above deeds only but there was no lawful and by metes share to the plaintiff. Hence the alleged deeds is against the lawful share of plaintiff and against the law of partition on the basis of inheritance and succession. Therefore the alleged deeds are to be declared as null and void and not binding on the plaintiff. The defendants without giving any lawful share to the plaintiff and same is liable to be set aside as for the shares of plaintiff. Therefore it is just and proper to make partition by metes and bounds as per law to the extent of 1/3rd share. The plaintiff submits that, all the schedule properties are joint family properties and they are standing in the name of defendants nominally, as such no suitable and lawful partition was taken place earlier at any point of time. The defendants had fraudulently and without the consent, ascent of plaintiff got executed sham sale deed. That the alleged above sale deed is against the detrimental right of the plaintiff lawful share as a successors and inheritance rights in the suit schedule properties, and plaintiff also approached defendants to give her share in the suit schedule property. But the defendants have dragged the matter by giving false assurance. The plaintiff submits that, the cause of action for the above suit arose on when the defendants are trying to restrict the plaintiff from entering the plaint schedule property on 29-3-2017 the suit schedule properties are



situated within the jurisdiction of this court. Therefore, the plaintiff constrained to file the suit.

3. On issuance of summons, defendants No.14 to 21, defendant No.1(b) have appeared through their counsel. The remaining defendants are not appeared before this court and they placed exparte. But the defendants have not filed written statement.

4. In order to prove their case, plaintiff herself examined as PW-1 and got marked Ex.P1 to Ex.P25 and closed her side evidence. The defendants side evidence taken as nil and case posted for arguments.

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 plaintiff proves that, the suit schedule properties are joint family properties of her and defendants?
- 2) Whether the plaintiff is entitled for 1/3rd share as prayed in the plaint?
- 3) 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 : In the Affirmative.
Point No.3 : As per final Order for the following:

REASONS

8. **POINT No.1 & 2:-** It is the specific case of the plaintiff that, the plaintiff and defendants are the members of Hindu Undivided Joint Family recognized by Hindu Mitakshara Law. The plaintiff and defendants are the manager of Hindu un-divided joint family. The plaintiff is claimed that the suit properties are ancestral properties. In support of her contention she has produced RTC extracts and mutation extract as per Ex.P14 to Ex.P25. The Ex.P1 to Ex.P25 reveals that suit properties is ancestral properties of defendants and the plaintiffs acquired the interest in the above properties.

9. However, the defendant No.1(b), defendant No.14 to 21 have not appeared before court to resist the plaintiffs claim. The plaint pleadings and evidence of the plaintiff remained unchallenged and un-rebutted. Therefore, an adverse inference has to be drawn against defendants. Similarly, contents of chief examination evidence remained unchallenged. Hence, an adverse inference has to be drawn against defendants. Therefore, this court having no alternative has to presume that case of the plaintiff is true and correct. Therefore, after considering documentary evidence and oral evidence it is proved that plaintiffs are entitled for relief as sought for. Therefore, this court opinion that the oral evidence coupled with documentary evidence shows that the suit schedule properties is joint family properties of plaintiffs and defendants, accordingly point No.1 answered in affirmative.



10. **POINT NO.2:-** The plaintiff entitled equal share irrespective of the date of birth of her father. Therefore, the plaintiff is entitled 1/3rd share in the suit schedule properties. Accordingly, Point No.2 is answered in the affirmative.

11. **POINT No.3:-** In view of foregoing reasons and answered Point No.1 and 2 as above, I pass the following:

ORDER.

Suit of the plaintiff is decreed as follows;

The plaintiff is entitled for 1/3rd share over the suit schedule properties.

It is declared that the registered sale deed document No.1999/1986-87 and No.2000/1986-87 to be null and void and not binding upon the plaintiff share.

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 13.06.2022 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 19.08.2026 without waiting notice.

(Dictated to the Stenographer directly on computer, computerized by him and corrected and then pronounced by me in open court on 1st day of July 2026)

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

ANNEXURE

1. List of witnesses examined on behalf of plaintiff.

PW-1 : Smt. Shankramma

2. List of documents marked on behalf of plaintiffs.

Ex.P1 and 2 : Certified copies registered sale deeds

Ex.P3 to 13 : Certified copies of mutation extracts

Ex.P14 to 25 : RTC extracts

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.,
Sindhanur.