



**IN THE COURT OF THE PRL. SENIOR CIVIL JUDGE
AND CJM AT RAMANAGARA**

Dated : This the 10th day of June, 2026

Present:-Sri.LOKESHA

B.A., L.I.B.,

Prl. Senior Civil Judge & CJM.,
Ramanagara.

R.A.No.137/2013

- Appellants** : 1. Sri. Mallaiah @ Nataiah
dead by his Lrs.,
- 1(a) Smt. Leelavathi
D/o Mallaiah @ Nataiah,
W/o Balakrishnaiah,
aged about 47 years,
R/at Kavalahosahalli Village,
Chandapura Road,
Anekal Taluk.
- 1(b) Smt. Jayasheela
D/o Mallaiah @ Nataiah,
W/o Thammaiah,
aged about 42 years,
R/at Kadaligowdanadoddi
Village,
Thimmasandra Post,
Kootagal Hobli,
Ramanagara Taluk.

V/s

- Respondents:** 1. Sri. Mariswamaiah
S/o late Marimallaiah,
aged about 63 years,



(Plaintiff No.1 in
O.S.No.312/1993)

2. Sri. Hanumaiah
S/o late Marimallaiah,
aged about 60 years,
(Plaintiff No.2 in
O.S.No.312/1993)

3. Sri. Shivappa
S/o late Marimallaiah,
aged about 55 years,
(Plaintiff No.3 in
O.S.No.312/1993)

Respondents No.1 to 3 are
R/at Thimmsandra Village,
Kootagal Hobli,
Ramanagara Taluk
and District.

4. Sri. Thammaiah @ Mallaiah
S/o late Marimallaiah,
Since dead by his Lrs.,
(Defendant No.2 in
O.S.No.312/1993
Respondent No.6 to 9 are
his Lrs.,)

5. Sri. Kempaiah
S/o late Marimallaiah
aged about 72 years,
(Defendant No.3 in
O.S.No.312/1993)
R/at Bommachanahalli



Village, Kasaba Hobli,
Ramanagara Taluk.

6. Smt. Sakamma
W/o late Thammaiah,
aged about years,
(Defendant No.4 in
O.S.No.312/1993)
7. Sri. M. Puttaswamy
S/o late Thammaiah
aged about years,

(Defendant No.5 in
O.S.No.312/1993)
8. Smt. Bhagya
D/o late Thammaiah,
aged about years,
(Defendant No.6 in
O.S.No.312/1993)
9. Smt. Mangamma
D/o late Thmmaiah
aged about years,
(Defendant No.7 in
O.S.No.312/1993)

Respondents No.6 to 9
are R/at No.17, 16th main
road, Srinagara,
Bangalore-560056.

10. Smt. Siddamma
W/o late Marimallaiah



Since dead
(Defendant No.8 in
O.S.No.312/1993)

11. Smt. Sannamma
W/o Lingaiah
aged about 50 years,
Defendant No.9
O.S.No.312/1993)
R/at Padarahalli Village,
Kasaba Hobli,
Ramanagara Taluk.
12. Sri. M. Shivanna
S/o Mallegowda,
Since deadc by his Lrs.,
(Defendant No.10 in
O.S.No.312/1993)
Respondent No.13 to 16
are his Lrs.,
13. Smt. Ningamma
W/o M. Shivanna,
aged about 90 years,
(Lrs., No.10(a) in
O.S.No.312/1993)
14. Sri. Ramesh
S/o late M. Shivanna
aged about 55 years,
(Lrs., No.10(b) in
O.S.No.312/1993)
15. Sri. Narayana
S/o late M. Shivanna,



aged about 60 years,
(Lrs No.10(c) in
O.S.No.312/1993)

16. Smt. Mangalagowri
D/o late M. Shivanna,
aged about 55 years,
(Lrs. No.10(d) in
O.S.No.312/1993)
Respondents No.13 to 16
are R/at Kadaligowdanadoddi
Village, Hamlet of Melehalli,
Kootagal Hobli,
Ramanagara Taluk,
Ramanagara District.

* * * * *

**FINDINGS ON I.A.NO.1/2024 AND I.A.NO.2/2025
FILED IN R.S.ANO.376/2015 PENDING BEFORE THE
HON'BLE HIGH COURT OF KARNATAKA**

I.A.No.1/2024 has been filed by the Smt. Jayamma, Smt. Chandramma, Smt. Shanthamma, Smt. Radha and Sri. Anand Kumar claims to be a legal representatives of deceased 1st Respondent Mariswamaiah. I.A.No.2/2025 has been filed by the Smt. Jayasheela D/o Mallaiah @ Nataiah Appellant herein to implead Smt. Vasanthamma being legal representative of deceased 1st Respondent Mariswamaiah along with applicants in I.A.No.2/2025.



2. Admittedly, the Plaintiff Sri. Mariswamaiah has filed a suit in O.S.No.312/1993 on the file of learned Civil Judge and JMFC., Ramanagara as against the Defendants for the relief of partition and separate possession and said suit came to be decreed on 30.07.2013 declaring that the Plaintiffs are entitled for 1/7th share in suit properties. The said Judgment and Decree was challenged by the Defendant No.1 Sri. Mallaiah @ Nataiah before this court in R.A.No.137/2013 and said appeal was also came to be dismissed by confirming the Judgment and Decree of O.S.No.312/1993. Undisputedly, the Plaintiffs had filed F.D.P.No.13/2015 on the file of learned Civil Judge and JMFC., Ramanagara for drawing up of final decree. The 1st Defendant has filed R.S.A.No.376/2015 before the Hon'ble High Court of Karnataka and same is pending for consideration.

3. On filing of I.A.No.1/2024 by Appellants and filing of I.A.No.2/2025 filed by one Smt. Jayasheela before the Hon'ble High Court of Karnataka as the relationship is disputed. There is a direction by the Hon'ble High Court of Karnataka to record the evidence



on I.A.No.1/2024 and I.A.No.2/2025 filed in R.S.A.No.376/2015 and to record the findings and to submit the record within three months from the date of receipt of copy of the order. The copy of the order of R.S.A.No.376/2015 has been received by the office of this court on 21.02.2026. Thereafter, case was posted for recording of evidence on I.A.No.1/2024 and I.A.No.2/2025 filed in R.S.A.No.376/2015.

4. The Plaintiffs had filed a suit before the trial court contending that suit properties were ancestral properties of one Sri. Marimallaiah. That said Sri. Marimallaiah had three wives viz., Smt. Ningamma, Smt. Thimmamma and Smt. Siddamma. IT was the case of the Plaintiffs that the Plaintiffs No.1 to 3 by name Sri. Mariswamaiah, Sri. Hanumaiah, Sri. Shivappa are the sons of Sri. Marimallaiah through his 3rd wife Smt. Siddamma. The Defendant No.2 Smt. Thammaiah and Defendant No.3 Sri. Kempaiah are the sons of Sri. Marimallaiah through his 2nd wife Smt. Thimmamma. It was also case of the Plaintiffs that the 1st Defendant Sri. Mallaiah @ Nataiah is only son of Sri. Marimallaiah through his first wife Smt. Ningamma. It was also case



of the Plaintiffs that there was a partition on 13.06.1996 among the brother of Sri. Marimallaiah and his sons and after the death of Sri. Marimallaiah the Defendant No.1 was the karta of the joint family and suit properties are joint family properties.

5. I.A.No.1/2024 has been filed by the Smt. Jayamma, Smt. Chandramma, Smt. Radha and Sri. Anand Kumar to implead them as legal representative of deceased 1st Respondent Sri. Mariswamaiah. In the application it is stated by the Applicants that 1st Respondent Sri. Mariswamaiah was died on 14.09.2024 leaving behind Smt. Jayamma as his wife and Smt. Chandramma, Smt. Radha, Smt. Shanthamma and Sri. Anand Kumar as his son and daughters. Therefore, they are to be impleaded on record. This application was resisted by the Appellant.

6. I.A.No.2/2025 has been filed in R.S.A.No.376/2015 by Smt. Jayasheela requesting the court to implead Smt. Vasanthamma being the daughter of Sri. Mariswamaiah through his first wife Smt. Sowbhagyamma along with Smt. Jayamma, Smt.



Chandramma, Smt. Radha, Smt. Shanthamma and Sri. Anand Kumar and legal representatives of deceased Mariswamaiah-1st Respondent. In the affidavit accompanying this application on I.A.No.2/2025 Smt. Jayasheela states that during pendency of the appeal, 1st Respondent was died on 14.09.2024. The proposed legal representatives No.1(b) Smt. Jayamma is 2nd wife of Mariswamaiah and proposed legal representatives No.1(a) Smt. Vasanthamma is the daughter of 1st wife of Sri. Mariswamaiah. The proposed legal representatives No.1(c) to (f) are the children of deceased 1st Respondent through 2nd wife and they are not impleaded on record prayed rejecting the I.A.No.1/2024 filed by the Smt. Jayamma and others.

8. In support of the application filed on I.A.No.1/2024 one Sri. Anand Kumar examined himself as RW.1. In support of I.A.No.2/2025 one Smt. Jayasheela examined herself as AW.1 and got marked Ex.D15 Transfer Certificate and one Smt. Vasanthamma examined as AW.2. In support of I.A.No.1/2024 Sri. Anand Kumar examined himself as RW.1. Ex.R1 has been marked through RW.1. Thereafter, case was posted



for arguments.

9. I have heard the learned counsel for the Appellants and Respondent No.1 Lrs., and perused the case records.

10. Based on I.A.No.1/2024 and I.A.No.2/2025, the following points would arise for the consideration of this court are :-

1. Whether applicants in I.A.No.1/2024 proves that Only Smt. Jayamma, Smt. Chndramma, Smt. Radha, Smt. Shanthamma and Sri. Anand Kumar are the legal representatives of deceased 1st Respondent Mariswamaiah?

2. Whether applicants in I.A.No.2/2025 filed in R.S.A.No.376/2015 proves that Smt. late Sowbhagyamma is the 1st wife of Sri. late Mariswamaiah and Smt. Vasanthamma(AW.2) is the daughter of Sri. late Mariswamaiah through his 1st wife Smt. Sowbhagaymma or Whether Smt. Chandramma is the legal representative of deceased 1st Respondent Sri. Mariswamaiah?



3. What order?

11. My answers to the above points is as under:-

Point No.1 :- Accordingly;

Point No.2 :- In the Affirmative;

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

REASONS

12. Point No.1 and 2:- Before going to discuss the fact on issue, it is necessary to know the admitted facts herein itself to narrow down the controversy between the parties in this case. Admittedly, the Plaintiffs had filed O.S.No.312/1993 on the file of learned Civil Judge and JMFC., Ramanagara as against the Defendants seeking decree for partition and separate possession with respect to the suit properties contending that suit properties are ancestral properties of late Sri. Marimallaiah. It was the case of the Plaintiffs that Sri. Marimallaiah had three wives viz., Smt. Ningamma, Smt. Thimmamma and Smt. Siddamma. That Plaintiffs No.1 to 3 are the children of Smt. late Siddamma and Sri. Marimallaiah. The Defendants No.2 and 3 are the sons of Sri. late Marimallaiah through his 2nd wife Smt. Thimmamma. The 1st Defendant Sri. Mallaiah is the son of Sri. late Marimallaiah through his 1st wife Smt.



Ningamma. Undisputedly, the said suit came to be decreed holding that the Plaintiffs are entitled for 1/7th share each in suit schedule properties. Admittedly, the said Judgment and Decree was challenged by the 1st Defendant Sri. Mallaiah in R.A.No.137/2013 on the file of this court and said appeal also came to be dismissed by confirming the Judgment and Decree dated:30.07.2013. The 1st Defendant has challenged the Judgment and decree of the trial court and Ist Appellate Court before the Hon'ble High Court of Karnataka in R.S.A.No.376/2015 and same is pending for consideration.

13. In support of I.A.No.1/2024 Sri. Anand Kumar examined himself as RW.1. This. RW.1 files his chief affidavit stating that during pendency of the final decree proceedings Appellant Sri. Mallaiah had filed R.S.A.No.376/2015 before the Hon'ble High Court of Karnataka. The 1st Respondent Sri. Mariswamaiah my father died on 14.09.2024. On his death, his Lrs., have filed this application and appellants filed objections to the said application contending that one Smt. Bhagyamma was the 1st wife Sri. Mariswamaiah she died leaving behind her only daughter Smt. Vasanthamma and without bringing said



Smt. Vasanthamma the Lrs., application has been filed. That there is no relationship with Smt. Sowbhagyamma and Sri. Mariswamaiah and also with Smt. Vasanthamma and they have no legal status. There is no material documents in support of the application filed to implead Smt. Vasanthamma as legal representative of deceased 1st Respondent. This RW.1 has produced Genealogical Tree marked at Ex.R.1. Ex.R1 Genealogical Tree was issued by Deputy Tahasildar, Kootagal Hobli, Ramanagara Taluk. From perusal of Ex.R1 it reveals that Smt. Jayamma is the wife of Sri. late Mariswamaiah. Smt. Chandramma, Smt. Radha, Smt. Shanthamma and Sri. Anand Kumar are the children of late Mariswamaiah and Smt. Jayamma. In other words Ex.R1 establishes the fact that Smt. Jayamma, Smt. Chandramma, Smt. Radha, Smt. Shanthamma and Sri. Anand Kumar, who are the applicants in I.A.No.1/2024 are legal representatives of Mariswamaiah. It is not been disputed by the Appellant.

14. I have also perused the cross-examination of RW.1 Sri. Anand Kumar. RW.1 has categorically admits that age of all applicants mentioned in I.A.No.1/2024 filed in R.S.A.No.376/2015 are all true and correct. He further



admits that they had filed an application to bring the Lrs., of Mariswamaiah on 21.11.2024 in F.D.P.No.13/2015. He further admits that R.S.A.No.376/2015 has been filed before the Hon'ble High Court of Karnataka by Mallaiah @ Nataiah. He also further admits that in R.S.A.No.376/2015 legal representatives of Sri. Mallaiah @ Nataiah have filed objections to the Lrs., application filed on 21.11.2024. He further admits that on 27.11.2024 itself they voluntarily filed Lrs., application on 27.11.2024. It was suggested that the said application filed by them hurriedly. It is denied by RW.1. It is significant to note that there is a suggestion to this RW.1 by the learned counsel for the Appellants that he has no personal knowledge about the marital status of his father Sri. Mariswamaiah before the marriage of Sri. Mariswamaiah and his mother Smt. Jayamma RW.1 replied that his mother Smt. Jayamma is the only wife of his father. It is suggested to RW.1 by the learned counsel for the Appellants that before his marriage with Smt. Jayamma the said Sri. Mariswamaiah got married Smt. Sowbhagyamma. It is denied by RW.1. When a specific suggestion is posed to RW.1 by the learned counsel for the Appellants that Smt. Vasanthamma D/o Smt. Sowbhagyamma is residing at Chikkegowanadoddi Colony,



along with her husband. RW.1 feigned his ignorance. It is significant to note that RW.1 categorically admits that Ex.R1 Genealogical Tree has been obtained only after death of his father, which is registered on 18.11.2024. He further admits that only after obtaining Ex.R.1 Genealogical Tree, I.A.No.1/2024 has been filed before the Hon'ble High Court of Karnataka in R.S.A.No.376/2015. RW.1 further admits that Genealogical Tree obtained during the lifetime of his father has not been produced before the court. Specific question is posed to RW.1 by the learned counsel for the Appellants that there is no impleadment for through to take steps for DNA test to prove the relationship with Smt. Vasanthamma. RW.1 replied that he does not no as to who is Smt. Vasanthamma and why he should takes steps for D.N.A test.

15. It is to be noted that the Applicants in I.A.No.1/2024 has not produced Genealogical Tree and during lifetime of Sri. Mariswamaiah. As I have already discussed above, Ex.R1 Genealogical Tree has been obtained recently immediately before filing of I.A.No.1/2024 and fact that Sri. Mariswamaiah had first wife by name Smt. Sowbhagyamma has been suppressed by Smt.



Jayamma and others, who are applicants in I.A.No.1/2024.

16. Smt. Jayasheela applicant in I.A.No.2/2025 has been examined and she files her chief affidavit stating that she has filed I.A.No.2/2025 under Order 22 Rule 4(5) of CPC., in R.S.A.No.376/2015. It is further stated that Smt. Sowbhagyamma was the first wife of 1st Respondent Sri. Mariswamaiah and he had daughter by name Smt. Vasanthamma through his wife Smt. Sowbhagyamma. He further states that Smt. Jayamma is the 2nd wife of Sri. Mariswamaiah, Smt. Chandramma, Smt. Radha, Smt. Shanthamma and Sri. Anand Kumar M. are the children of Sri. Mariswamaiah through his 2nd wife Smt. Jayamma. He specifically deposed that Sri. Mariswamaiah had deserted his wife Smt. Sowbhagyamma and his daughter Smt. Vasanthamma from long ago and as such Smt. Sowbhagayamma was settled at Madapura in her parents house and she died in the year 2023. She further states that the said Smt. Jayamma and her children have suppressed the fact that Sri. Mariswamaiah had 1st wife by name Smt. Sowbhagyamma and their daughter by name Smt. Vasanthamma through his first wife for their Lrs., application filed as I.A.No.1/2024 and as such said



application has to be dismissed.

17. This AW.1 Smt. Jayasheela has produced transfer certificate of Smt. Vasantha issued by Head Master, Higher Primal School, Madapura Village, Kasaba Hobli, Ramanagara Taluk and has been marked at Ex.D55. In Ex.D55 the father name of Smt. Vasanthamma is shown as Sri. Mariswamaiah and her date of birth is mentioned as 17.05.1978. As per Ex.D55, this transfer certificate has been received on 09.06.2009, place of birth is mentioned as Shivanagowdanadoddi. As per Ex.D55 Smt. Vasanthamma joined to the school in the year 1984-85 on 01.06.1985. I have also perused the cross-examination of AW.1 Smt. Jayasheela. This AW.1 has been cross-examined by the learned counsel for the RW.1. AW.1 Smt. Jayasheela states that she is studied up to 8th standard. She does not know to read English. She further deposes that she has filed objections to the I.A.No.1/2024 filed in R.S.A.No.376/2015. She deposes her ignorance for the suggestion that Respondent has filed counter objections to the application filed by her. It is suggested to AW.1 Smt. Jayasheela what ever stated in the chief affidavit has not been stated in objections filed by her. It is denied by AW.1. AW.1 has



denied the suggestion that there is no consistency with respect to chief evidence averments and objections filed by her. AW.1 admits that she has not produced any document to show that Smt. Sowbhagyamma is the first wife of Sri. Mariswamaiah.

18. It is true that death certificate of Sri. Mariswamaiah has been confronted to this witness and as it is admitted by the witness death certificate of Sri. Mariswamaiah has been marked as Ex.R2. AW.1 admits that in Ex.R2 name of wife of Sri. Mariswamaiah is mentioned as Smt. Jayamma name of Smt. Siddamma has not been mentioned. It is true that AW.1 admit that all the legal heirs of Sri. Mariswamaiah are residing at Thimmasandra and she is residing at Kadaligowdanadoddi and Thimmasandra. It is suggested to AW.1 by the learned counsel for the Respondents that normally in village, there would be three or four persons in a similar name. It is admitted by AW.1. It suggested to Sri. Mariswamay mentioned in Ex.D55 is altogether different than deceased Sri. Mariswamaiah in this case. It is denied by AW.1. It is true that AW.1 admits that she has no document to show that the Sri. Mariswmaiah and Smt. Sowbhagyamma were



lived together. AW.1 denied the suggestion that there is no relationship between Sri. Mariswamaiah and Smt. Sowbhagyamma. It is denied the suggestion that Smt. Jayamma is the only wife of Sri. Mariswamaiah and she is not the daughter of Sri. Mariswamaiah

19. Smt. Vasanthamma examined herself as AW.2. This AW.2 as also been cross-examined by the learned counsel for the Respondent at length. AW.2 Smt. Vasanthamma during the course of her cross-examination that the suit has been filed as against father of Smt. Jayasheela and Smt. Leelavathi. She admits that her mother Smt. Sowbhagyamma is not alive and she died on 06.04.2023 and her death certificate has not been produced. She further admits that, she has not produced document to show that her mother Smt. Sowbhagyamma is the wife of Sri. late Mariswamaiah. It is suggested to AW.2 by the learned counsel for the Respondents that in Ex.D55 name of Smt. Sowbhagyamma is not mentioned. AW.2 replied that her father name is mentioned. It is to be noted that in Ex.D55, which is transfer certificate there is no separate column to mention the name of mother of the student. Therefore, non mentioning of name of mother in



Ex.D55 is of no consequences. AW.2 has denied the suggestion that her mother Smt. Sowbhagyamma is not the wife of Sri. Mariswamaiah. It is true that AW.2 admits that no document has been produced to show that her father has thrown out the AW.2 and her mother at her age of 10 to 12 years. AW.2 has denied the suggestion that she is deposing before the court as instructed by Smt. Leelavathi and Smt. Jayasheela. She further denied the suggestion that Jayamma is the only wife late Mariswamaiah and only Sri. Anand Kumar, Smt. Chandramma, Smt. Shanthamma, Smt. Radha, Smt. Malligamma and Smt. Jayamma are the legal heirs of deceased Sri. Mariswamaiah.

20. It is to be noted that, Ex.D55 transfer certificate of Smt. Vasanthamma proves the fact that Smt. Vasanthamma is the daughter of late Mariswamaiah. Ex.D55 probabalize the case of the AW.1 and 2 as the relationship of Smt. Sowbhagyamma, Smt. Shanthamma with late Mariswamaiah. Ex.D55 has not been disproved by the Respondent No.1 other Lrs. It is true that no marriage invitation card of Smt. Sowbhagyamma with Sri. Mariswamaiah has been produced. It is to be noted that AW.2 Smt. Vasanthamma is now aged about 48 years and



she was born in the year 1978. Smt. Chandramma, Smt. Radha, Smt. Shanthamma and Sri. Anand Kumar, who are the children of late Mariswamaiah through Smt. Jayamma are younger than Smt. Vasanthamma. This fact is also very relevant which leads to infer that Smt. Sowbhagyamma was the 1st wife of late Mariswamaiah. The normal course of human conduct is to be kept in mind coupled with the fact that in the year 1950-60 especially among the rural folk, this concept of printing invitation cards was not prevalent. Even person who were present at the time of marriage could not be examined because of lapse of time. It is in these circumstances what the court would look into is only circumstantial evidence.

21. Ex.D55 establish the fact that Smt. Vasanthamma AW.2 is the daughter of late Mariswamaiah. So, it can be conclude that in Ex.R1 Smt. Jayamma and her children have intentionally suppressed the name of Smt. Sowbhagyamma and Smt. Vasanthamma as wife and daughter of late Mariswamaiah. So, it can be held that Ex.R1 is incomplete document. Therefore, this court come to conclusion that late Sowbhagyamma is the 1st wife of late Mariswamaiah and AW.2 Smt. Vasanthamma is the



daughter of late Mariswamaiah through his 1st wife Smt. Late Sowbhagyamma and Smt. Jayamma is the 2nd wife of late Mariswamaiah. Therefore, I come to conclusion that applicants in I.A.No.1/2024 have failed to prove that only Jayamma, Chandramma, Radha, Shanthamma and Anand Kumar are the legal representatives of late Mariswamaiah. On the other hand applicants in I.A.No.2/2025 proved that Smt. Vasanthamma is the daughter of late Mariswamaiah through his 1st wife Smt. Sowbhagyamma. Therefore, I.A.No.1/2024 is to be disposed off accordingly. The 2nd wife and children of late Mariswamaiah are also legal representatives of late Mariswamaiah, this application is to be allowed. With these reasons **I answer Point No.1 Accordingly and Point No.2 in Affirmative.**

22. Point No.3:- In view of my answer to Point No.1 and 2, I proceed to pass the following:-

ORDER

IA.No.1/2024 filed by the applicants Jayamma and others filed in R.S.A.No..376/2015 is disposed off accordingly.

I.A.No.2/2025 filed by the applicants Smt. Jayasheela filed in



R.S.A.No.376/2015 is hereby allowed.

It is held that, Smt. Vasanthamma D/o late Mariswamaiah is also legal representative of late Mariswamaiah-1st Respondent.

Smt. Jayamma, Smt. Chandramma, Smt. Radha, Smt. Shanthamma and Sri. Anand Kumar are also legal representatives of late Mariswamaiah-1st Respondent.

(Order is partly dictated to the Stenographer transcribed by her and partly directly dictated to the Stenographer on computer and same is corrected signed and pronounced by me on this day of 10th June 2026.)

(Lokesha)
Prl. Civil Judge and CJM.,
Ramanagara.