

KARN020000382025



Presented on : 10-01-2025  
Registered on : 10-01-2025  
Decided on : 29-04-2026  
Duration : - 1 Year, 03 months, 19 days

**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL  
JUDGE AND C.J.M., AT RAMANAGARA.**

**PRESENT:-**

**SRI. LOKESHA B.A., LL.B.,  
Prl.Senior Civil Judge and C.J.M.,  
Ramanagara.**

**DATED:- THIS THE 29<sup>th</sup> DAY OF APRIL, 2026**

**ORIGINAL SUIT No.17/2025**

- Plaintiffs :1. Smt. Lakshamma  
W/o late Billigiriyappa,  
D/o late Venkatappa  
@ Chikkahudugappa,  
aged about 59 years,  
R/at Kethaganahalli Village,  
Bidadi Hobli,  
Ramanagara Taluk,  
Ramanagara District.
2. Smt. Gowramma  
W/o Kempaiah,  
D/o late Venkatappa  
@ Chikkahudugappa,  
aged about 57 years,  
R/at Mudenahalli Village,  
Medamaranahalli Post,  
Harohalli Hobli,



- 2 -

**O.S.No.17/2025 J**

Harohalli Taluk,  
Ramanagara District.

**(Rep. by Sri. R.S.K. Adv.,)**

**-V/s-**

- Defendants :1. Smt. Basamma  
W/o late Venkatappa  
@ Chikkahudugappa,  
aged about 83 years,
2. Sri. V. Shivanna  
S/o late Venkatappa  
@ Chikkahudugappa,  
aged about 55 years,
3. Smt. Sujatha  
W/o V. Shivanna,  
aged about 49 years,
4. Smt. Lavanya  
D/o V. Shivanna,  
W/o Shreyas,  
aged about 29 years,
5. Sri. Rathan Gowda  
S/o V. Shivanna,  
aged about 26 years,

The Defendants No.1 to 5 are  
R/at Byramangala Village,  
Bidadi Hobli,



- 3 -

**O.S.No.17/2025 J**

Ramanagara Taluk  
and District.

6. Sri. Rajesh Kumar  
S/o late Ganesh Mal G.n.  
aged about 47 years,  
R/at No.A-1604,  
ETA Garden No.9/95,  
Binnimill,  
Magadi Road,  
Bangalore North Taluk,  
Bangalore-560023.
7. Sri. Ramesh Chand  
S/o Badri Lal,  
aged about 58 years,  
R/at No.E706,  
Eata Garden,  
Near Binnimill Circle,  
Magadi Road,  
Bangalore North Taluk,  
Bangalore-560023.

**(D-1, 3 to 5 by Sri. V.M.S. Adv.,  
D-2 by Sri. S.K. Adv.,  
D-6 by Sri. D.G. Adv.,  
D-7 by Sri. B.P.R. Adv.,)**  
\* \* \*

**J U D G M E N T**

The suit is filed by the Plaintiffs against the Defendants



for the relief of partition and separate possession.

**2. The case of the Plaintiffs in brief runs as follows:-**

That late Venkatappa @ Chikka Hudugappa and his wife Basamma the 1<sup>st</sup> Defendant herein had three children viz., 1<sup>st</sup> Plaintiff Lakshamma, 2<sup>nd</sup> Plaintiff Gowramma, 2<sup>nd</sup> Defendant Shivanna. Late Venkatappa @ Chikka Hudugappa succeeded suit property from his ancestors and he was cultivating the same. On death of Venkatappa, the defendant No.2 Sri. Shivanna colluding with the revenue officials has got the khata changed into his name without consent of the Plaintiffs. When the Plaintiffs verified the revenue records, they came to know that, the defendants No.2 to 5 have sold suit properties in favour of 6<sup>th</sup> Defendant, under registered sale deed dated:16.03.2017. The said sale deed is not binding on the Plaintiffs. When the Plaintiff demanded the defendants No.2 to 5 for division of the suit properties they have refused to give share to the



plaintiff. Hence plaintiffs filed the suit and prayed for decree the suit.

3. After registering suit, summons was ordered to be issued to the Defendants. Though the Defendants have appeared before this court through their counsel, but they have not chosen to file written statement. Hence, case was posted for plaintiff evidence.

4. In support of the plaintiffs case, the plaintiff No.1 examined as PW.1 and got marked in all 9 documents as Exhibit P1 to 9, as Defendants No.1 to 7 have not filed written statement the cross of PW.1 taken as nil.

5. Based on the plaint averments the following points would arise for the consideration of this court:-

*1) Whether the Plaintiffs prove that the*



- 6 -

**O.S.No.17/2025 J**

*suit schedule properties are the ancestral and joint family properties of themselves and Defendants No.1 to 5?*

*2) Whether the Plaintiffs are entitled for 1/4th share each in suit schedule properties?*

*3) What Order or Decree?*

6. I have heard the arguments of the learned counsel for the Plaintiffs and perused the materials on record.

7. My answers to the above points are as under:-

Point No.1 and 2 : In the Affirmative;

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

### **REASONS**

**8. Point No.1 and 2:-** The Plaintiffs before this court seeking the relief of partition and separate possession in respect of the suit schedule properties. In order to establish the case of the plaintiffs, the plaintiff No.1 Smt. Lakshamma



- 7 -

**O.S.No.17/2025 J**

examined herself as PW.1. This PW.1 files her chief evidence by reiterating the averments of the plaint. Plaintiff has produced in all 9 documents as Exhibit P1 to 9. Exhibit P1 is the RTC of Sy.No.108/1 from the year 1997-98 to 2001-02. This Ex.P1 establish the fact that the suit item No.1 was belonged to Plaintiffs father Venkatappa. As per Ex.P2, the 2<sup>nd</sup> Defendant Shivanna got the khata changed into his name vide M.R.No.1/2000-01. Ex.P4 is RTC of Sy.No.108/2, from the year 1997-98 to 2001-02, which establish the fact that suit item No.2 was belonged to Plaintiffs' father Venkatappa. Ex.P7 is sale deed dated:16.03.2017 executed by Defendants No.2 to 5 in favour of 9<sup>th</sup> Defendant Rajesh Kumar, under which both suit properties have been alienated by the Defendants No.2 to 5 in favour of 6<sup>th</sup> Defendant for valuable consideration of Rs.42,02500/-. In this Ex.P7 suit properties are described as ancestral properties of 2<sup>nd</sup> Defendant Shivanna. Ex.P8 is sale deed dated:17.12.2024



executed by 6<sup>th</sup> Defendant Rajesh Kumar in favour 7<sup>th</sup> Defendant Ramesh Chand. Ex.P9 is Genealogical Tree, which establish the fact that Plaintiffs are the daughters of Venkatappa and 1<sup>st</sup> Defendant Basamma.

9. The revenue records produced by the plaintiffs at Exhibit P1 to 5 proves the fact that suit Item No.1 and 2 are the ancestral property of Plaintiffs and defendant No.2. Ex.P7 sale deed also establish the fact that suit properties are ancestral properties of Plaintiffs and Defendant No.2. Ex.P7 is sufficient to hold that Defendant No.2 to 5 had no exclusive right to sell the suit properties. The right and interest of the Plaintiffs is also involved in the suit properties. For the forgoing reason, it can be conclude that suit properties are ancestral and joint family properties of Plaintiffs and 2<sup>nd</sup> Defendant. Therefore, Ex.P7 and 8 sale deeds are not binding on the Plaintiffs. They do not affect the



right of the Plaintiffs over the suit properties.

10. It is to be noted that plaintiffs being the daughters of late Venkatappa and 1<sup>st</sup> Defendant Smt. Basamma are entitled for share by birth equal to the share of defendant No.2 Shivanna. The plaintiffs are not signatories to the sale deed executed by defendant No.2 to 5 in favour of defendant No.6. The plaintiffs being the daughters of Venkatappa are entitled for 1/4th share each in suit property Item No.1 and 2. The defendant No.2 being the son of late Venkatappa is entitled for 1/4th share in suit properties. The 1<sup>st</sup> Defendant Smt. Basamma being the wife of Venkatappa is also entitled for 1/4th share in suit properties. The 1/4th share of the defendant No.1 in suit Item No.1 and 2 shall be allotted to the 7<sup>th</sup> defendant by equitable partition in the final decree proceedings. Therefore, I come to conclusion that plaintiffs have proved that suit Item No.1 and 2 are ancestral



properties. **With these reasons I answer Point No.1 and 2 in Affirmative.**

**11. Point No.3:-** In view of my answers to the above Point No.1 and 2, I proceed to pass the following:-

**ORDER**

*The suit filed by the plaintiffs for partition and separate possession is decreed.*

*The plaintiffs are entitled for 1/4th share each in suit property Item No.1 and 2.*

*The defendant No.2 is entitled for 1/4th share in suit properties.*

*The 1<sup>st</sup> Defendant is also entitled for 1/4th share in suit properties.*

*The 1/4th share of the defendant No.1 in suit Item No.1 and 2 shall be allotted to the 7<sup>th</sup> defendant, who is the purchaser by equitable partition in the final decree*



*proceedings.*

*Draw Preliminary Decree accordingly.*

*Considering the relationship between the parties, parties are directed to bear their own costs.*

*As per the decision of the Hon'ble Apex Court in the case of Kattukandi Edathil Krishnan and Anr., Vs. Kattukandi Edathil Valsan and Ors., passed in Civil Appeal Nos.6406/6407 of 2010, dated:- 13.06.2022 and Circular No.DJA-1/105/2008, dated:-21.10.2022 of the Hon'ble High Court of Karnataka, Bengaluru, office is directed to register F.D.P. and put up the order sheet after expiry of appeal period.*

*(Judgment is dictated to the Stenographer directly on the computer, the same is corrected, signed and then pronounced by me in the open court on this 29<sup>th</sup> day of April 2026).*

**(LOKESHA),  
PRL.SENIOR CIVIL JUDGE & CJM.,  
RAMANAGARA.**



**ANNEXURE**

**1. List of Witness/s examined on behalf of the Plaintiffs:-**

P.W.1 : Smt. Lakshamma

**2. List of documents exhibited on behalf of the Plaintiffs:-**

Ex.P1 : Certified copy of RTC;  
Ex.P2 & 3 : Computerized RTC extracts;  
Ex.P4 : Certified copy of RTC;  
Ex.P5 & 6 : Computerized RTC extracts;  
Ex.P7 : Digital Copy of Sale Deed  
dated:16.03.2017;  
Ex.P8 : Digital Copy of Sale Deed  
dated:17.12.2024;  
Ex.P9 : Genealogical Tree.

**3. List of Witness/s examined on behalf of the Defendants:-**

- Nil -

**4. List of documents marked on behalf of the Defendants:-**

- Nil -

**PRL. SENIOR CIVIL JUDGE & CJM.,  
RAMANAGARA.**