

KARN020006462014



Presented on : 03-05-2014
Registered on : 03-05-2014
Decided on : 13-07-2026
Duration : 12 Years, 02 Months, 12 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 CJM,
Ramanagara.

DATED:- THIS THE 13th DAY OF JULY 2026

ORIGINAL SUIT No.243/2014

Plaintiff : Smt. Malathi
W/o Govinda Reddy,
aged about 31 years,
R/at Chowkalli Village,
Bidadi Hobli,
Ramanagara Taluk
and District.

(Rep. by Sri.R.P.R. Adv.,)

-V/s-

Defendants :1. Sri. Venkatachala Reddy
S/o late Subbaiah Reddy,
aged about 60 years,

2. Sri. Vinay Kumar
S/o Venkatachala Reddy,
aged about 26 years,



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3. Smt. Kavya
W/o Madan
D/o Venkatachala Reddy,
aged about 26 years,

4. Sri. Anjanappa
Dead by his Lrs.,

4(a) Smt. Shobha
D/o Anjanappa,
W/o Sukhesh,
aged about 35 years,

4(b) Smt. Saraswathi
D/o late Anjanappa,
W/o Chethan,
aged about 32 years,

Both are R/at
C/o Chethan
Indra Chandra Nilaya,
No.34, Bus Stand Road,
Annaiah Reddy Layout,
2nd Cross, Doddabanasavadi,
Ward No.27,
Bengaluru-43.

4(c) Smt. Bhagyalakshmi @
Saki D/o late Anjanappa,
W/o Girish,
aged about 30 years,
R/at Kenchagaranahalli,



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Bidadi Hobli,
Ramanagara Taluk
and District.

5. Smt. Rathnamma
D/o late Subbaiah Reddy,
aged about 49 years,
6. Sri. Manjunatha
S/o late Subbaiah Reddy,
aged about 45 years,
7. Sri. Mallesh
S/o late Subbaiah Reddy,
aged about 40 years,
8. Sri. Govardhan
S/o Venkataramanappa,
aged about 40 years,
9. Sri. Muthyalareddy
S/o late Krishnappa,
aged about 60 years,

Defendants No.1 to 9 are
R/at Chowkalli Village,
Bidadi Hobli,
Ramanagara Taluk
and District.

10. Smt. Sumithramma
W/o Muniraju,
aged about 45 years,



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R/at Thuralli House No.64,
Subramanya Post,
Utharahalli Hobli,
Bengaluru South Taluk.

11. Smt. L.B. Shylaja
W/o L.S. Balaraju,
aged about 46 years,
R/at Chowkahalli Village,
Bidadadi Hobli,
Ramanagara Taluk
and District.
12. Smt. L.B. Rajani
W/o L.A. Balaji Babu,
R/at House No.113/B,
Phase H. Criss,
Girinagara,
Bengaluru-560085.

**(D-1 by Sri. R.P.R.Adv.,
D-2 by Sri. B.B.K. Adv.,
D-3 by Sri. T.G. Adv.,
D-4 to 7 by Sri. K.M.C. Adv.,
D8 to 11: Exparte
D9, 12 by Sri. P.K. Adv.,
D10 by Sri. C.C.K. Adv.,)**

* * *

J U D G M E N T

This is a suit filed by the Plaintiff against the
Defendants for the relief of partition and separate



possession.

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

That one propositus Subbiah Reddy and his wife Subbamma had 6 children viz., defendant No.1 Venkatachala Reddy, deceased defendant No.4 Anjanappa, defendant No.5 Rathnamma, defendant No.6 Manjunath, late Saraswathi and defendant No.7 Mallesh. That plaintiff and defendant No.2 and 3 are the children of defendant No.1 Venkatachala Reddy. The defendant No.8 to 12 are not related to the family of the plaintiff and defendant No.1 to 7. The plaintiff and defendant No.1 to 7 are in joint possession and enjoyment of the suit schedule properties. On death of Subbaiah Reddy, the plaintiff and defendant No.1 to 7 have succeeded the suit properties as joint owners and they have been in possession of the same without any division. In the second week of March 2014 the plaintiff demanded the



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defendant No.1 to 7 for division of the suit properties before the Panchayath they were refused for the same. Hence the plaintiff verified the revenue records and she came to know that the 4th defendant has executed sale deed with respect to Item No.1 in favour of 8th defendant on 30.04.2004 said sale deed is not binding on the plaintiff. The plaintiff also noticed that 1st defendant has executed sale deed dated 15.01.2010 in favour of 9th defendant with respect to suit Item No.2 without having any exclusive right and as said sale deed is also not binding on the plaintiff. That plaintiff also came to know that suit Item No.8 measuring 35 guntas has also been gifted by defendant No.1 in favour of defendant No.4 on 12.11.2009 and said that 4th defendant has executed sale deed on 23.04.2014 in favour of 10th Defendant. As such, the said sale deeds are not binding on the plaintiff. It is further pleaded that suit Item No.5(a) has also been alienated without any legal necessity in favour of



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the 11th defendant. That in turn the 11th defendant has sold the said property in favour of the 12th defendant and these sale deeds are not binding on the plaintiff. Hence, plaintiff prayed for decree the suit.

3. In response to the suit summons, defendant No.1 to 3 have appeared before this court through their counsel. The Defendant No.1 and 2 have filed their written statement by admitting all averments of the plaint by conceding to decree the suit and defendant No.1 and 2 have sought for decree the suit as sought for by the plaintiff. The Defendant No.10 to 11 have not appeared before this court and they have been placed ex-parte.

4. The Defendant No.6 has filed his written statement by denying all averments of the plaint and he has sought for dismissal of suit by contending that the plaintiff has not



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properly valued the suit and paid proper court fee and hence he has sought for dismissal of suit.

5. On the other hand, the Defendant No.7 has filed his written statement by denying all averments of the plaint and he pleaded about the prior partition between his mother Subbamma, Venkatachala Reddy, Anjanappa, himself and Manjunath. According to Defendant No.7 there was already partition among Subbaiah Reddy's wife and children Venkatachala Reddy, Anjanappa, Rathanamma, this defendant and Manjunath 35 years ago and in the said partition the defendant No.1 was allotted with 1 acre of land in Survey No.319 out of 4 acres of land and he was also allotted with 6 guntas in Survey No.135/2 out of 31 guntas and defendant No.1 was also allotted with 13 guntas in Survey No.132/2 and 1 acre 4 $\frac{1}{2}$ guntas in Survey No.137 and also 35 guntas in Survey No.131/1B2. According to this



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defendant No.7, defendant No.6 and 7 are jointly allotted with 30 guntas in Survey No.128/2 of Gopahalli Village and it was given to defendant No.4 exclusively. It is also his case that 6 guntas in Survey No.135/2 out of 31 guntas is also allotted to 5th defendant. According to this defendant 6 guntas in Survey No.135/2 is allotted to 5th Defendant and 1 acre of land in Survey No.319 is allotted to 6th defendants and also he was allotted with 1 acre 11 guntas in Survey No.129/5 and 6 guntas in Survey No.135/2 out of 31 guntas. According to this Defendant No.7, he is allotted with 3 acres of land in Survey No.319 of Gopahalli Village and also 6 guntas in Survey No.135/2 out of 31 guntas in the said partition and these defendants have been in possession of the said properties allotted to their share separately.

He further pleads that the defendant No.1 has alienated 1 acre of land in Survey No.119, allotted his share



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in favour of Sundaranna for sale consideration of ₹ 85,000/-. He further pleads that 1st defendant has also executed gift deed in favour of his daughter Veena and 7th defendant with respect to 1 acre of land allotted to him and also 7th defendant has been in possession of the said property. On 12.11.2009, Subbamma has executed gift deed with respect to 3 acres of land in Survey No.319 in favour of this defendant and he has been in possession of the same as owner thereof. He further pleads that suit Item No.2 fell to the share of plaintiff's father under the partition. For performance of the marriage of the 3rd defendant, the 1st defendant has sold 13 guntas of land in favour of the 9th defendant on 11.11.2009. And he has also executed sale agreement on 12.11.2009 in favour of 9th defendant and this 9th defendant has obtained the decree based on the sale agreement. He further pleads that 1 acre of land fell to the share of defendant No.6 is given to defendant No.7 in suit



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Item No.1 and Item No.5 measuring 25 $\frac{1}{2}$ guntas is given to defendant No.6 fell to the share of defendant No.7. It is further pleaded that in order to give trouble to this defendant, the plaintiff has filed this false suit and he has sought for dismissal of suit.

6. The Defendant No.9 also filed his written statement by denying all averments of the plaint. He pleads that on death of Subbaiah Reddy his wife and children Subbamma, Venkatachala Reddy, Anjanappa, Rathnamma, Manjunath and Mallesh were jointly enjoying the properties and subsequently they have divided the properties among themselves about 15 to 20 years ago and the katha was effected into their name with respect to the properties allotted to their share. It is further pleaded that defendants No.1 to 4 to clear the hand loan and marriage of the defendant No.3, in Survey No.132/23 measuring 13 guntas



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has been sold by the Defendant No.1 to 3 in favour of 9th Defendant on 11.11.2009, by virtue of the said deed khata has been changed to the name of 9th defendant with respect to said property. It is further pleaded that mother of defendant No.1, 4, 6 and 7 by name Subbamma has executed a sale agreement with respect to 1 acre 4 $\frac{1}{2}$ guntas in Sy.No.127 in favour of this defendant and he had filed suit for specific performance of contract in O.S.No.26/2014 and he has obtained the decree. Hence, the defendant No.9 sought for dismissal of suit.

7. On the other hand, defendant No.12 has filed written statement by denying all averments of the plaint. He also pleads her case that after the death of Subbaiah Reddy, his wife and children viz., Subbamma, Venkatahala Reddy, Anjanappa, Rathnamma, Manjunatha, Mallesh divided the properties about 15 to 20 years ago and the katha was



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effected in their name with respect to the properties fell to their share. She further pleads that for performance of marriage of the 3rd defendant, the Defendant No.4, 6 and 7 have sold property measuring 30 guntas in Survey No.128/2 in favour of 11th defendant on 18.11.2006. Subsequently 11th defendant has sold the said property in favour of this defendant on 17.09.2009 and she has been in possession of the same. Hence, she has sought for dismissal of suit. The rest of the Defendants have not filed written statement.

8. In support of the case of the Plaintiff, the Plaintiff Smt. Malathi herself examined as PW.1 and relied upon the documentary evidence as per Ex.P1 to P27. On the other hand, the defendant No.6 Sri. Manjunath examined himself as DW.1. The Defendant No.12 examined herself as DW.2 and the Defendant No.9 examined himself as DW.3. The Defendant No.7 examined himself as DW.4.



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The Defendant No.3 Smt. Kavya examined herself as DW.5. The Defendant No.4(c) Smt. Bhagyalakshmi @ Sakki examined herself as DW.6. DW.1 has got marked in all 6 documents as Exhibit D1 to D6. Thereafter, case was posted for arguments. As per order dated 08.04.2026 evidence of DW.4 is discarded. It is to be noted that the defendant No.5, Smt. Rathnamma filed a written statement and she conceded to decree the suit by allotting her 1/5th share in the suit properties.

9. Based on the rival pleadings of both the parties, this court has framed the following Issues and Addl. Issues:-

ISSUES

1. *Whether the Plaintiff proves that the suit schedule properties are joint family properties of herself and Defendant No.1 to 7?*
2. *Whether the Plaintiff further proves that the registered sale deed dated:30.10.2004,*



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23.04.2014 and registered gift deed dated:12.11.2009 is not binding on her?

3. *Whether the Plaintiff is entitled for share in the suit schedule properties. If so, to what extent?*
4. *Whether the Plaintiff is entitled for declaratory relief as sought for?*
5. *Whether the Plaintiff is entitled for the reliefs as sought for?*
6. *What Order or Decree?*

ADDL. ISSUES DATED:01.06.2020

1. *Whether the Defendants No.9 and 12 proves that after the demise of Subbaiah Reddy his wife and children are already partitioned between them for all the properties and there is no joint family and properties are alive for partition?*

2. *Whether Defendant No.9 prove that he is agreement holder in respect of 1 acre 4 1/2 guntas of suit Sy.No.127 property and he has already filed a suit against Defendant No.1, 4, 6 and 7 and their mother Subbamma in O.S.No.26/2014 for specific performance of contract?*

3. *Whether the Defendant No.12 prove that he is absolute owner of the suit schedule Item No.5(a) property by virtue of registered sale deed dated:17.09.2009?*

ADDL. ISSUES DATED:18.01.2022

1. *Whether the Defendants No.7 proves that*



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portion of the suit schedule item No.1 i.e., an extent of 3.00 acres is his self acquired property as contended?

10. Heard the arguments of the learned counsel for Plaintiff and Defendants and perused the materials on record.

11. My findings to the above Points are as under:-

Issue No.1	:	In the Affirmative;
Issue No.2	:	In the Affirmative;
Issue No.3 to 5:		In the Affirmative;
Addl.Issue No.1		
dated:01.06.2020	:	In the Negative;
Addl.Issue No.2		
dated:01.06.2020	:	In the Affirmative;
Addl.Issue No.3		
dated:01.06.2020	:	In the Negative;
Addl.Issue No.1		
dated:18.01.2022	:	In the Negative;
Issue No.6	:	As per the final order for the following:-

R E A S O N S

12. Issue No.1 and 2 Addl.Issue No.1



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dated:01.06.2020:- In order to substantiate the case of the plaintiff, the plaintiff herself examined as PW.1. This PW.1 files her chief affidavit by reiterating the averments of the plaint. The Plaintiff has produced in all 27 documents as Exhibit P1 to P27. The case of the plaintiff that suit schedule properties are ancestral and joint family properties of herself and defendant No.1 to 7. The Defendant No.8 to 12 are not related to the family of the plaintiff and defendant No.1 to 7. According to the plaintiff all the suit properties are in joint possession and enjoyment of the plaintiff and defendant No. 1 to 7. It is to be noted that during pendency of the suit the plaintiff has got Item No.6 and 7 deleted from the plaint schedule. The plaintiffs have restricted their claim only with respect to suit Item No.1 to 5, 5A and 8, described in the plaint schedule.

13. The defendant No.9, Mathyala Reddy is the



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purchaser of suit Item No.2 and 3 from defendant No.1 to 3 and defendant No.4, 6, 7 and Subbamma. That defendant No.11 is the purchaser of of suit Item No.5A, Sy.No.128/2 measuring 30 guntas and subsequently defendant No.11 sold the same in favour of defendant No.12.

14. Before going to discuss the fact in issue, it is necessary to note the admitted facts herein itself to narrow down the controversy between the parties to the suit. It is to be noted that the defendant No.4, 6 and 7 have not seriously disputed the relationship of the plaintiff and defendant No.1 to 7. It is an undisputed fact that late Subbaiah Reddy and his wife Subbamma had 6 children viz., 1st defendant Venkatachala Reddy, 4th defendant Anjanappa, 5th defendant Rathnamma, 6th defendant Manjunath and late Saraswathi, 7th defendant Mallesh. It is also not in dispute that 5th daughter late Saraswathi died without marriage. It is



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also not in dispute that plaintiff and defendant No.2 and 3 are the children of defendant No.1 Venkatachala Reddy. It is also not in dispute that during pendency of the suit the Defendant No.4 died and his legal heirs i.e., his wife and children Defendant No.4(a) to (c) are brought on record.

15. The argument of the learned counsel for the plaintiff is as follows:-

One Subbaiah Reddy had 6 children viz., 1st defendant Venkatachala Reddy, deceased 4th defendant Anjanappa, 5th defendant Rathnamma, 6th defendant Manjunath, late Saraswathi and 7th defendant Mallesh. He further submitted that the plaintiff and defendants No.2 and 3 are the children of 1st defendant Venkatachala Reddy. That originally suit properties were belonged to Subbaiah Reddy. And on his death the plaintiff and defendants No.1 to 7 succeeded the suit properties and they have been in joint



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possession of the same. He further submitted that during pendency of the suit the plaintiff has got suit Item No.6 and 7 deleted from the plaint schedule and the plaintiff is restricting her claim only with respect to suit Item No.1 to 5 and 5A and Item No.8 described in the plaint schedule. He further submitted that Exhibit P4 to 11, 15, 22 and 27 produced by the plaintiff establish the fact that all the suit properties are ancestral and joint family properties of plaintiff and defendants No.1 to 7. He further submitted that defendants No.1 to 3 have sold suit Item No.2 in favour of 9th defendant without any exclusive right. As such, said sale deed is not binding on the plaintiff. He further submitted that Subbamma and Defendants No.1, 4, 6 and 7 have executed sale agreement in favour of defendant No.9 and defendant No.9 has obtained fraudulent decree based on the alleged sale agreement for specific performance of contract. As such said decree is also not binding on the plaintiff and



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plaintiff is not party to the sale agreement executed in favour of defendant No.9 with respect to suit Item No.3. He further submitted that the defendants No.6, 9 and 12 have not proved that there was already partition among the wife and children of Subbaiah Reddy on death of Subbaiah Reddy. The PW.1 has been cross-examined by the learned counsel for Defendant No.9, nothing is elicited from her mouth to hold that there was already partition among wife and children of Subbaiah Reddy. Prior partition has not been proved by the defendant No.9. On 08.04.2026 evidence of DW.4 Mallesh has been discarded by this court, he has not tendered himself for cross-examination. That plaintiff has proved that all the suit properties are ancestral joint property. He further submitted that DW.3 Muthyala Reddythiala Reddy, who is The Defendant No.9 has categorically admitted that suit Item No.2 and 3 were belonged to Subbaiah Reddy. That this admission is



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sufficient to hold that suit Item No. 2 and 3 are ancestral properties and defendant No.1, 2, 3 and 4, 6, 7 have no exclusive right to alienate the suit Item No. 2 and 3 in favour of defendant No.9. By making these submission, the learned counsel for the plaintiff request the court to grant the decree in favour of the plaintiff.

16. Argument of the learned counsel for Defendant No.9 and 12 is as follows:-

That no document to show that suit properties were belonged to Subbaiah Reddy. In Exhibit P4 there is a mention that Venkatachala Reddy had purchased suit Item No.2 which has been sold in favour of defendant No.9. He further submitted that no cross examination by the plaintiff as to how the khata has been made out in the name of defendant No.1. That defendant No.9 is the purchaser of suit Item No.2 and 3 under Exhibit P16. That defendant No.12 alienated the suit Item No.5A during



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pendency of the suit. He further submits that the plaintiff has no knowledge about the survey number, extent, and boundary of the suit properties. PW.1 admits that suit Item No.2 is purchased by her father Venkatachala Reddy. That defendant No.1 has purchased suit Item No.2 and 3 after division of the properties among himself and his brother and mother. The 9th defendant had obtained a sale agreement by Subbamma and her sons with respect to suit Item No.3 and based on the sale agreement he had filed a suit for specific performance of contract and he has obtained decree for specific performance with respect to suit Item No.3. As such defendant No.9 is the bonafide purchaser of suit Item No.2 and 3. DW.5 has not been supported with pleading since DW.5 cannot be considered. DW.5 does not know the survey number, extent, and boundary. And she is party to Exhibit P16 sale deed. The Defendant No.9 is a bona-fide purchaser of suit Item No.3



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and suit Item No.3. As such, suit has to be dismissed with respect to suit Item No.2 and 3's concern. By making these submission, the learned counsel for defendant No.9 has sought for dismissal of suit as against defendant No.9 with respect to suit Item No.2 and 3 is concerned.

17. The argument of the learned counsel for the Defendants No.1 to 5 is as follows:-

That defendant No.1 to 3 had filed affidavit before this court relinquishing their right with respect to suit Item No.1 is concerned in favour of defendant No.7 Sri Mallesh on 20.01.2026 and same is kept in abeyance by this court and it has to be considered by this court. He further submitted that defendant No.5 has also relinquished her right in favour of defendant No.7 and filed affidavit to the effect on 17.03.2026. And it has to be considered by this Court. By making these submission, the learned counsel



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for Defendant No.1 to 5 request the court to consider the affidavit filed by Defendant No.1 to 5 relinquishing their right with respect to Suit Item No.1 in favour of defendant No.7.

18. Keeping in view the rival submissions made by the learned counsel for the both parties in my mind, now I advert to the documents produced by the plaintiff. The Plaintiff has produced in all 27 documents as Exhibit P1 to 27. Exhibit P1 is the genealogical tree issued by the Village Accountant of Bidadi Circle, which has not been disputed by the defendants. Exhibit P4 is the RTC of Survey No.132/2A i.e. suit Item No.2 for the year 2009. It is true that in column No.9 of Exhibit P4, name of 1st defendant Venkatachala Reddy is finds mentioned and in column No.10 mentioned as M.R.7/1985-86. By relying upon the Exhibit P4, the learned counsel for the 9th defendant would



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repeatedly argued that suit Item No.2 is property purchased by Venkatachala Reddy and it is his self acquired property. Exhibit P5 is the RTC of Survey No.132/2 for the year 2014. So, as per this Exhibit P5, the katha has been changed to the name of defendant No. 2 based on the sale deed executed on 15.01.2010 executed by defendant No.1 to 3. Exhibit P6 is the RTC of Survey No.127 i.e. Item No.3 for the year 2009-10. As per Exhibit P6, Katha of suit Item No.3 was stood in the name of 1st defendant mother Subbamma and khata was changed into her name by virtue of IHC 32/2000-01. So Exhibit P6, RTC establishes the fact that the khata was made out in the name of Subbamma by way of inheritance on death of her husband in the year 2000-2001. Exhibit P8 is the RTC of Survey No.135/2 i.e. suit Item No.4, which indicates the fact that khata of suit Item No.4 was stood in the name of Subbamma in the year 2010. In column number 10, mode



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of acquisition is mentioned as (ಕ್ರಯ). Exhibit P7 is the RTC of Survey No.127 i.e. suit Item No.3, which indicates the fact that khata of suit Item No. 3 was stood in the name of Subbamma. As per Exhibit P9, Katha of suit Item No.4 also was stood in the name of Subbamma. Exhibit P10 is the RTC of Survey No.129/5 i.e. Suit Item No.5, which indicates the fact that, khata of suit Item No.5 was also stood in the name of Subbamma as on the date of filing of the suit and Katha has been changed into her name by virtue of IHC 32/2000. Exhibit P11 is the RTC of Survey No.129/5 which also reflects in the name of Subbamma with respect to suit Item No. 5 is concerned.

19. Exhibit P2 is the sale deed dated 30.10.2004 executed by Subbamma and her children Venkatachala Reddy, Anjaneya, Manjunath in favour of 8th defendant Govardhan with respect to 1 acre of land in Survey No. 319. Under this Exhibit P2, 1 acre of land in Survey No.319



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i.e. portion of suit Item No.1 has been sold in favour of 8th defendant by Subbamma and her children. In this sale deed, there is no recital as to how they acquired the property, whether it is joint family or their self acquired property. It is to be noted that 8th defendant has not contested the case of the plaintiff. Exhibit P3 is the certified copy of the sale deed dated 23.04.2014 executed by Defendant No.4 and his wife and children Devaki, Shobha, Saraswathi and Bhagyalakshmi. Under this Exhibit P3, defendant No.4 and his wife and children have sold 35 guntas of Survey No.131/1B1 i.e., suit Item No.8 in favour of Sumithrama i.e. Defendant No.10. The Defendant No.10 also not contested the case of plaintiff. However, by virtue of Exhibit P3, suit Item No.8 has been sold in favour of Defendant No.10 based on the gift deed executed by the executed in favour of Anjaneya by Defendant No.1. So, Defendant No.8 and 10 have not contested the case of the



plaintiff.

20. Exhibit P16 is the certificate copy of the sale deed dated:11.11.2009 executed in favour of defendant No.9 Muthyala Reddy executed by Venkatachala Reddy, defendant No.1 and his wife Smt. Prabhavathi and their children Vijaykumar and defendant No.3 Kavya. Under this Exhibit P16, defendant No.1 to 3 have sold property bearing No.132/2A measuring 13 guntas i.e., suit Item No.2 in favour of defendant No.9. In this Exhibit P16 there is a recital to the fact that it was self-acquired property of the vendors. But, this said it has not been pleaded. There is no document to show that suit Item No.2 was self-acquired property of defendant No.1. Exhibit P19 is the gift deed executed by defendant No.1 in favour of the 4th defendant Anjaneya with respect to suit Item No.8 is concerned. So, the question to be decided whether the defendant No.1 had exclusive right to execute Exhibit P19



gift deed in favour of 4th defendants.

21. Keeping in view the documents produced by the Plaintiff, now I bestowed my serious attention towards oral testimony of PW.1. It is to be noted that though the Defendant No.6 has not disputed the relationship of Plaintiff with Defendant No.1 some suggestions have been made with respect to non production of the documents to show that the Plaintiff is the daughter Venkatachala Reddy, which is not relevant suggestion and said suggestion is beyond pleadings of the 6th Defendant. It is true that PW.1 admits that her father has not filed any suit before any court seeking partition. PW.1 deposes that she has produced RTC extract to show that suit properties are ancestral properties. It is further suggested to PW.1 by the learned counsel for the 6th Defendant that there is a recitals in Ex.P19 gift deed dated:12.11.2009 that the said



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property is self acquired of the 1st Defendant. PW.1 has deposed her ignorance for the said suggestion. It is also suggested to PW.1 by the learned counsel for the Defendant No.6 that her father and her junior uncle have orally partitioned the properties. PW.1 feigned her ignorance for the said suggestion. It is true that PW.1 deposes that she does not know the survey number and extent of the properties. It is significant to note that the 6th Defendant has taken up the contention in his written statement that there is already been partition among wife and children of Subbaiah Reddy. There is no specific suggestion to PW.1 by the learned counsel for the 6th defendant with respect to properties allegedly allotted to 1st Defendant Venkatachala Reddy, 4th Defendant Anjanappa, 7th Defendant Mallesh and 6th Defendant, under orall partition as pleaded in the written statement. There is a vague suggestion to PW.1 that though the share is given to



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the father of the PW.1, suit has been filed only to give trouble to Defendant No.9 and 12 which is denied by PW.1.

22. The learned counsel for the 7th Defendant has also cross-examined PW.1. During the course of her cross-examination, PW.1 deposes that she does not know the survey numbers of the suit properties. She further deposes that suit properties were belonged to her grandfather. It is suggested to PW.1 that in the year 1985-86 itself her father and his brother had divided the property as such her father had purchased two properties separately. It is denied by PW.1. It is also suggested to PW.1 by the learned counsel for th 7th Defendant that father of the PW.1 was allotted with 1 acre of land out of 4 acres in Sy.No.319/4. It is denied by PW.1. It is also suggested to PW.1 by the learned counsel for the 7th Defendant that Sy.No.131 and 132 are self acquired properties of her father and she had not right over the same. It is categorically denied by PW.1. It is also



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suggested to PW.1 that in the partition father of PW.1 was allotted with 6 guntas in Sy.No.135/2 and 1 acre in Sy.No.127. The said suggestion has been categorically denied by PW.1. It is significant to note that, what ever the suggestion made to PW.1 by the learned counsel for the Defendant No.6 and 7 have not been supported with any documentary evidence.

23. I have also perused the oral testimony of 6th defendant Manjunath, who categorically admits during the course of his cross-examination that all the suit properties are ancestral properties. He further admits that he has not produced any document to show that there was already partition with respect to suit item No.1 to 3, 5, 5(a) and 8. I have also carefully gone through the oral testimony of Sri. Muthyala Reddy 9th Defendant, who examined as DW.3. This DW.3 has also categorically admitted during the course of his cross-examination that originally suit item



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No.2 and 3 were belonged to Subbaiah Reddy. He further admits that he has not produced any document to show that family member of the 1st Defendant, they have already divided the properties since 15-20 years ago. He further admits that he also not produced any document to prove the properties allotted to each sons of the Subbaiah Reddy.

24. It is significant to note that, as the Defendant No.6, 9 and 12 have raised a specific defence about the prior partition among Subbamma and her sons 1st Defendant Venkatachala Reddy, deceased 4th Defendant Anjinappa, 6th Defendant Manjunath and 7th Defendant Mallesh, onus would shifts on them. The plea of the Defendant No.6, 9 and 12 with respect to prior partition is concerned remains as plea only without there being any documentary proof. It is for the Defendant No.6, 9 and 12, to establish the prior partition among sons of Subbaiah



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Reddy. The defence of the Defendant No.6, 9 and 12 falsifies by their admission made during the course of cross-examination that suit item No.1 and 2 are ancestral properties. The admission by Defendant No.6 and 9 is an unequivocal admission. Unless it is withdrawn by the Defendant No.6 and 9, this admission can be taken as conclusive proof and it binds the party. It is true that 9th Defendant has produced sale agreement dated:12.11.2009 executed by Subbamma, 1st Defendant Venkatachala Reddy, deceased 4th Defendant Anjinappa, 6th Defendant Manjunath and 7th Defendant Mallesh in his favour with respect to the suit item No.3 is concerned.

25. It is true that based on this agreement of sale, the 9th Defendant had filed a suit in O.S.No.26/2014 for decree for specific performance of contract and said suit came to be decreed in favour of 9th Defendant. In this Ex.D2 sale agreement itself there is a clear recitals to effect that, suit



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item No.3 is ancestral property. Under such circumstances, the Ex.D2 sale agreement and Ex.D1 copy of the Judgment does not confer any title of the 9th Defendant as suit item No.3 is ancestral property, in which the Plaintiff has also got 1/4th share in 1/6th share of her father. Therefore, Ex.D1 and 2 are not binding on the Plaintiff. So, the Defendants No.1 to 3 had no exclusive right to sell the suit item No.2 under Ex.P16 in favour of 9th Defendant. Therefore, Ex.P16 sale deed is not binding on the Plaintiff. The Defendant No.9 taken up a contention that suit item No.2 has sold for marriage expenses of 3rd Defendant, which has not been proved. Moreover, DW.3 Muthyala Reddy deposes that he does not know the year in which 3rd Defendant marriage is performed. Under such circumstances, the contention of the 9th Defendant that suit item No.2 has been alienated for marriage expenses of 3rd Defendant cannot be accepted as proved by the 9th



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Defendant. From the above discussion it becomes very clear that suit item No.1 to 5, 5(a) and 8 are ancestral and joint family properties of Plaintiff and Defendants No.1 to 7. Therefore, Ex.P16 gift deed is not binding on the Plaintiff. The gift deed executed by Defendant No.6 in favour of deceased Defendant No.4 Anjinappa is also not binding on the Plaintiff. For these reasons I come to conclusion that the Plaintiff has proved that suit item No.1 to 5, 5(a) and 8 are ancestral and joint family properties of herself and Defendants No.1 to 7. **With these reasons I answer Issue No.1 in the Affirmative. Addl. Issue No.1 dated:01.06.2020 in the Negative.**

26. Addl. Issue No.2 dated:01.06.2020:- The 9th Defendant taken up a contention that Subbamma and Defendants No.1, 4, 6 and 7 have executed sale agreement in his favour with respect to item No.3 is concerned. In order to establish the same, the 9th Defendant has



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produced sale agreement at Ex.D2. It is true that this Ex.D2 has not disputed by Defendants No.1 to 7. However, as per Ex.D1 9th Defendant has obtained decree for specific performance of contract with respect to suit item No.3 is concerned. As the Plaintiff is not signatory to Ex.D2 sale agreement, the Ex.D2 is not binding on the Plaintiff. Moreover, the Judgment of O.S.No.26/2014 also not binds the Plaintiff as suit item No.3 is also ancestral property as admitted by DW.3 Muthyala Reddy during the course of his cross-examination. **Hence, I answer Addl.Issue No.2 dated:01.06.2020 in the Affirmative.**

27. Addl. Issue No.3 dated:01.06.2020:- The 12th Defendant taken up a contention that she has purchased suit item No.5(a) from Defendant No.11, in whose favour sale deed has been executed by Defendants No.4, 6 and 7 on 18.11.2006. It is to be noted that though the Defendant No.12 examined herself as DW.2 she has not produced any



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document to show that suit item No.5(a) was exclusive property of 1st Defendant. DW.2 Smt. Rajani admits that she has not obtained any document to show to whom suit item No.5(a) was belonged to. Moreover, the learned counsel for the Defendant No.12 has not cross-examined the PW.1. The evidence of PW.1 as against Defendant No.12 has not been questioned by the Defendant No.12. Therefore, the evidence of PW.1 as against Defendant No.12 is to be accepted as fully established. Therefore, the sale deed executed in favour of 12th Defendant is not binding on the Plaintiff. The Gift Deed executed by the 1st Defendant in favour of 4th Defendant Anjinappa is also not binding on the Plaintiff. Therefore, the Defendant No.12 did not acquire any exclusive title over the suit item No.5(a). However, during the course of arguments, the learned counsel for the Defendant No.12 submitted that during the pendency of the suit, sold the suit item No.5(a) in favour of



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third party. **Hence, I answer Addl. Issue No.3 dated:01.06.2020 in the Negative.**

28. Addl. Issue No.1 dated:18.01.2022:- The 7th

Defendant has taken up a contention that 3 acres of land in Sy.No.319 out 4 acres 2 ½ guntas is belonged to 6th Defendant in which the Plaintiff has no right over the same. However, during the pendency of the suit, the Defendants No.1 to 5 have filed their affidavit relinquished their right in favour of 7th Defendant in respect to item No.1 is concerned and said affidavit is taken on record and is kept in abeyance. The 7th Defendant has produced gift deed dated:12.11.2009 executed by Subbamma mother of the Defendant No.7 in his favour. As per this Ex.P3 3 acre land in Sy.No.319 was gifted by Subbamma. Whether Subbamm had no exclusive right to execute the Ex.D3 gift deed in favour of 7th defendant. It is to be noted that 7th



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defendant Sri. Mallesh examined himself as DW.4 and he has not tendered himself for cross-examination, as such his evidence has been discarded as per the order dated:08.04.2026. Therefore, the contention of the 7th Defendant that he is the owner of the 3 acres of land in Sy.No.319 by virtue of Ex.D3 cannot be accepted and considered by this court. **Hence, I answer Addl. Issue No.1 dated:18.01.2022 is in the Negative.**

29. Issue No.3 to 5:- I have already discussed above, the Plaintiff has proved that suit item No.1 to 5, 5(a) and 8 are ancestral and joint family properties of herself and Defendants No.1 to 7. The Defendant No.6, 9 and 12 have failed prove the prior partition. As the suit item No.1 to 5, 5(a) and 8 are ancestral joint family properties, they are to be divided among the Plaintiff and Defendants No.1 to 3, 4 to 7. The Plaintiff and Defendants No.2 and 3 together



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would get 1/6th share in suit schedule item No.1 to 5, 5(a) and 8. The share of Defendants No.1 to 3 can be allotted to the Defendant No.9 in suit item No.2 and 3 in final decree proceedings.

30. As the Defendants No.1 to 5 have filed their affidavit relinquishing their share in item No.1 in favour of Defendant No.7 their share could be allotted to Defendant No.7 in final decree proceedings. The Defendant No.4(a) to (c) are entitled to 1/6th share. The Defendant No.5 to 7 are entitled to 1/6th share each in suit item No.1 to 5, 5(a) and 8 of suit schedule properties. The Defendant No.7 and 9 could work out their claim of share of Defendants No.1 to 3 and 5 in final decree proceedings to the extent mentioned above. **With these reasons, I answer Issue No.3 to 5 in Affirmative.**

31. Issue No.6:- In view of my answers to the above



Issues, I proceed to pass the following:-

ORDER

The suit filed by the Plaintiff is hereby decreed.

The Plaintiff and Defendants No.1 to 3 are entitled 1/6th share in the suit item No.1 to 5, 5(a) and 8.

The Defendants No.4(a) to (c) are entitled to 1/6th share in the suit item No.1 to 5, 5(a) and 8.

The Defendants No.5 to 7 are entitled to 1/6th share each in the suit item No.1 to 5, 5(a) and 8.

It is made it clear that the share of Defendants No.1 to 3 can be allotted to the Defendant No.9 in suit item No.2 and 3 in final decree proceedings.

Considering the relationship among the parties, I direct the parties to bare their own costs.

Draw Preliminary Decree accordingly.

As per the decision of the Hon'ble Apex Court in the case of



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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 partly dictated to the Stenographer transcribed by her and partly dictated by me in the laptop through Adalat-ai dicta-phone and then corrected and pronounced by me in the Open Court on this 13th day of July, 2026).

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

ANNEXURE

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

P.W.1 : Smt. Malathi.

2. List of documents exhibited on behalf of the Plaintiff:-

Ex.P9 : Genealogical Tree;
Ex.P2 : Certified copy of the sale deed
dated:30.10.2004;
Ex.P3 : Certified copy of the sale
deed dated:23.04.2014;
Ex.P4 to 15 : RTC extracts;
Ex.P16 : Certified copy of sale deed
dated:11.11.2009;



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Ex.P17 : Certified copy of sale deed
dated:08.11.2006;
Ex.P18 : Certified copy of sale deed
dated:17.09.2007;
Ex.P19 : Certified copy of gift deed
dated:12.11.2009;
Ex.P20 to 27 : RTC extracts.

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

D.W.1 : Sri. Manjunath;
D.W.2 : Smt. L.B. Rajani;
D.W.3 : Sri. Muthyala Reddy;
D.W.4 : Sri. Mallesh;
D.W.5 : Smt Kavya;
D.W.6 : Smt. Bhagyalakshmi.

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

Ex.D1 : Certified copy of Judgment
and Decree of O.S.No.26/2014;
Ex.D2 : Certified copy of sale agreement;
Ex.D3 : Original Gift Deed
dated:12.11.2009;
Ex.D4 to 6 : RTC extracts.

PRL. SENIOR CIVIL JUDGE &
C.J.M., RAMANAGARA.