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**IN THE COURT OF THE SENIOR CIVIL JUDGE & J.M.F.C., AT  
: MAGADI.**

**Present:**

**Sri. Sandeep S. Reddy, B.A., LL.B.,  
Senior Civil Judge & JMFC, Magadi.**

**DATED : THIS THE 16<sup>th</sup> DAY OF MARCH 2026**

**OS No. 679/2022**

- Plaintiffs :**
1. Smt. Rajamma  
W/o Late Venkatarama,  
D/o Late Anjanappa,  
Aged about 73 years,  
R/at Kaggalipura Village  
and Post, Uttarahalli Hobli,  
Bengaluru South Taluk.
  2. Smt. Siddagangamma  
W/o Late Krishnappa,  
D/o Late Anjanappa,  
Aged about 68 years,  
R/at Bylakonenahalli Village,  
Lakshmipura Post,  
Dasanapura Hobli,  
Bengaluru North Taluk.

(By **Sri. N.S.**, Advocate)

**V/s**

- Defendants:**
1. Hanumanthappa  
S/o Late Anjeenappa,  
Aged about 75 years.

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2. Smt. Narasamma  
W/o Hanumanthappa,  
Aged about 70 years.
3. Rajanna  
S/o Hanumanthappa,  
Aged about 48 years.
4. Smt. Jayamma  
D/o Hanumanthappa,  
Aged about 43 years.
5. Lokesh  
S/o Hanumanthappa,  
Aged about 39 years.
6. Smt. Geetha  
D/o Hanumanthappa,  
Aged about 43 years.
7. Byrappa  
S/o Late Anjeenappa,  
Aged about 65 years.
8. Smt. B. Latha  
D/o Byrappa,  
Aged about 39 years.
9. B. Hemanth S/o Byrappa,  
Aged about 36 years.
10. Muniyappa  
S/o Late Anjeenappa,  
Aged about 60 years.

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11. Smt. M. Swetha  
D/o Muniyappa,  
Aged about 32 years.
12. Smt. M. Manjula  
D/o Muniyappa,  
Aged about 30 years.
13. M. Kiran  
S/o Muniyappa,  
Aged about 28 years.
14. Giriyappa  
S/o Late Anjeenappa,  
Aged about 58 years.
15. Smt. G. Mamatha  
D/o Giriyappa,  
Aged about 34 years.
16. Smt. G. Swetha  
D/o Giriyappa,  
Aged about 32 years.
17. Smt. G. Yashoda  
D/o Giriyappa,  
Aged about 30 years.
18. Smt. G. Kumari  
D/o Giriyappa,  
Aged about 28 years.

Defendants No. 1 to 18  
are R/at Kannali Village,  
Kodigehalli Post,  
Yeshwanthpura Taluk,  
Bengaluru North Taluk.

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19. M.D. Kowshik  
S/o B.S.S. Kowshik,  
Aged about 62 years,  
R/at No. 2414/64,  
10<sup>th</sup> Main Road,  
E-Block, 2<sup>nd</sup> Phase,  
Rajajinagara,  
Bengaluru-10.
20. N.C. Prakash  
W/o Channabasavaiah,  
Aged about 58 years.
21. Smt.T.M. Shobha  
W/o N.C. Prakash,  
Aged about 52 years.

Defendants No.20 & 21  
are R/at  
No.35, 3<sup>rd</sup> Cross,  
2<sup>nd</sup> Phase, 5<sup>th</sup> Block,  
Nagarabhavi,  
Bengaluru-72.

(D20 & 21 By Sri. **H.A.C**, Adv.)  
(D14 By Sri. **D.R.**, Adv.)  
(D1 to 13, 15 to 19 ex-parte)

Date of Institution of Suit	:	15.11.2022
Nature of Suit	:	Partition and separate possession
Date of commencement of evidence	:	20.03.2025

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Date of Judgment	:	16.03.2026		
Duration	:	<b>Year</b>	<b>Months</b>	<b>Days</b>
		03	04	01

**Senior Civil Judge & JMFC,  
Magadi.**

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

The plaintiffs have filed the aforesaid suit seeking for the relief of partition, declaration, permanent injunction and other consequential reliefs.

2. The plaintiffs have stated in the plaint that the plaintiffs and defendant No.1 to 18 together constitute Hindu joint family and the suit schedule properties are joint family properties. The plaintiffs contends that the father of plaintiffs by name Anjanappa had four sons by name Hanumanthappa (defendant No.1), Byrappa (defendant No.7), Muniyappa (defendant No.10) and Giryappa (defendant No.14). He also had two daughters by name Smt.Rajamma (plaintiff No.1) and Smt.Siddagamma (plaintiff No.2). That the defendant No.2 is the wife of defendant No.1 and

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defendant No.3 to 6 are children of defendant No.1 & 2. The defendant No.8 & 9 are children of defendant No.7. The defendant No.11 to 13 are children of defendant No.10. The defendant No.15 to 18 are children of defendant No.14.

3. The plaintiffs have further stated in the plaint that during the life time of their father the Anjanappa had acquired the land bearing Sy.No.10 under the panchayath vibhaga patra on 10.11.1985, the said property is morefully described in the schedule to the plaint and hereinafter referred to as suit schedule property. That the suit schedule property is the joint family property and it is undivided. That the plaintiffs had sought for partition of the suit schedule property which were refused by defendants. Subsequently, it had come to the notice of plaintiffs that the sale deeds dt: 09.09.2002 and 09.10.2006 had been created by defendant No.1, 7, 10 & 14 with respect to the suit schedule property in favor of defendant No.19. That the defendant No.19 had in turn alienated the suit schedule property in favor of defendant No.20 & 21 under the registered sale deed dt:

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02.09.2014. That the plaintiffs were not aware about the illegal act done by defendant No.1 to 18 and they have filed the aforesaid suit challenging those sale deeds and also seeking for partition of the suit schedule properties.

4. Subsequent to service of summons defendant No.1 to 13 and 15 to 19 have remained ex-parte. The defendant No.14, 20 & 21 have appeared before the court. The defendant No.14 has not filed his written statement. Only defendant No.20 & 21 have filed the written statement.

5. The defendant No.20 & 21 in their written statement have denied all the plaint averments. In the written statement they contend that the suit schedule property was acquired by Anjanappa through the partition on 10.11.1985. They further contend that the property acquired through the said partition is the self acquired property of Anjanappa. They further deny all the other plaint averments. They contend that they are the absolute owners of the suit schedule property. They further contend that the plaintiffs have created the fictitious cause of action and there

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is no ground for filing of the aforesaid suit. That in the year 2002 Anjanappa and his children i.e. defendant No.1, 7, 10 & 14 along with the grand children of Anjanappa had executed a registered sale deed with respect to the suit schedule properties and since the date of execution of the sale deed the defendant No.19 and subsequently these defendants are in possession of the suit schedule properties. That subsequently defendant No.19 had purchased the suit schedule property on 09.10.2006 with respect to only 20 guntas of land i.e. remaining extent. The defendant No.19 is the absolute owner of the entire extent of land. That the plaintiffs have filed the aforesaid suit with a malafide intention. That the suit schedule property had been developed by the defendants by spending huge amount of money and plaintiffs have filed the aforesaid suit falsely.

6. Heard learned advocate for plaintiff and defendants.

7. This court after considering the aforesaid pleadings of plaintiffs and defendants have framed the following issues:

**ISSUES**

1. Whether the plaintiffs prove that they and defendant No.1 to 18 constituted joint Hindu family and suit property is joint family property of them ?
2. Whether the suit for partial partition is not maintainable ?
3. Whether the defendant No.20 and 21 proves that they are bonafide purchasers of suit land ?
4. Whether the plaintiffs are entitled for the relief's claimed the plaint ?
5. What order or decree ?
  
8. The plaintiffs in order to prove their case, have got examined the witness PW1 and got marked the documents Ex. P1 to 10 and closed their side. The defendants have not led their evidence.
9. My findings for the above points are as under:

Issue No.1: In the Negative

Issue No.2: In the Negative

Issue No.3: In the Negative

Issue No.4: In the Negative

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Issue No.5: As per final order

For the following;

**REASONS**

10. **Issue No.1 to 4 :-** The plaintiffs have taken the contention that they were entitled for a share in the suit schedule property. They have further taken the contention that the suit schedule property is a joint family property and that they are joint family members. They contend that the sale deed dt: 09.09.2002 executed by defendant No.1 to 18 in favor of defendant No.19 does not bind the share of plaintiff. They also contend that the sale deed dt: 09.10.2006 executed by defendant No.1 to 18 in favor of defendant No.19 does not bind their share. They further contend that the registered sale deed dt: 02.09.2014 executed by defendant No.19 in favor of defendant No.20 & 21 does not bind the share of plaintiffs.

11. The plaintiffs contend that the suit schedule property is the joint family property. They contend that Anjanappa i.e. father

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of plaintiffs had acquired the suit schedule property through a panchayath vibhaga patra on 10.11.1985.

12. The plaintiffs further contend that the defendant No.1 to 18 had executed the registered sale deed in favor of defendant No.19 agreeing to sell the suit schedule property to defendant No.19. The said sale deed as per the case of the plaintiffs was executed on 09.09.2002.

13. The plaintiffs in order to prove the aforesaid issues had got examined plaintiff No.1 as PW1 and got marked the documents Ex.P1 to 10. Ex.P1 is the genealogical tree, Ex.P2 to 7 are the RTCs, Ex.P8 is the sale deed dt: 09.09.2002, Ex.P9 is the sale deed dt: 09.10.2006 and Ex.P10 is the sale deed dt: 05.03.2014.

14. The Ex.P8 is the sale deed dt: 09.09.2002, the said Ex.P2 pertains to the sale deed executed by defendant No.1 to 18 in favor of defendant No.19. The said sale deed pertains to the suit schedule property measuring to an extent of 2 acres and 20 guntas including 19 guntas of karab. The said Ex.P8 was executed on 09.09.2002. The Sec. 6 of Hindu Succession Act was amended

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in the year 2005. The female coparceners were given right as per Sec. 6 of Hindu Succession Act only from 20.12.2004. The alienations made prior to 20.12.2004 with respect to the joint family properties were protected by Sec. 6 of Hindu Succession Act.

15. The plaintiffs are daughters of Late Anjanappa. The said Anjanappa was also the executant of Ex.P8. Prior to the amendment of Sec. 6 of Hindu Succession Act in the year 2005 the female members of the joint family were entitled to a nominal partition in the share fallen to their father. In the present case the plaintiff's father Anjanappa had himself executed Ex.P8 document. The plaintiffs cannot claim share in the property sold by their father.

16. The plaintiffs are aged about 73 years and 68 years. The plaintiffs have not led evidence with respect to the date of their marriage. Hence, it is difficult to ascertain the applicability of the amendment made by the State of Karnataka with respect to Sec. 6 of Hindu Succession Act.

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17. Under these circumstances, when the father has himself alienated a portion of the suit schedule property to the defendant No.19 along with defendant No.1 to 18 who were legitimate coparceners as on the date of execution of Ex.P8. Hence, the plaintiffs cannot contend that Ex.P8 does not bind on the share of plaintiffs.

18. The Ex.P9 on the other hand was executed by defendant No.1 to 6 in favor of defendant No.19 with respect to 20 guntas of land in the suit schedule property. On perusal of Ex.P9 which is also sought by plaintiffs to be declared as not binding on the share of plaintiffs. There is a clear recital to the effect that there was a partition in the joint family on 29.07.2002 and the aforesaid 20 guntas of land fell to the share of defendant No.1. The relevant portion of the said recital reads as under:

“ಮೇಲ್ಕಂಡ ನಮ್ಮಗಳ ಪೈಕಿ ಹನುಮಂತಪ್ಪ ಆದ ನಾನು ಆಂಜಿನಪ್ಪ ರವರ ಮಗನಾಗಿರು ತೇನೆ. ನನ್ನ ತಂದೆಯವರಾದ ಆಂಜಿನಪ್ಪ ರವರು ಮತ್ತು ಹನುಮಂತಪ್ಪ ಆದ ನಾನು ಸಹ ಸೇರಿ ತಾರೀಖು 29-7-2002ರಲ್ಲಿ ಮಾಡಿಕೊಂಡಿರುವ ಪಂಚಾಯ್ತಿ ಪಾಲುವಟ್ಟಿ ಯ ಪಂಚಾಯ್ತಿ ವಿಭಾಗಪಟ್ಟಿಯ ಮೂಲಕ, ಸದರಿ ವಿಭಾಗಪಟ್ಟಿಯ ಎ- ಷೆಡ್ಯೂಲಿನಲ್ಲಿ ವಿವರಿಸಿರುವ - ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು, ತಾವರೆಕೆರೆ ಹೋಬಳಿ, ಚನ್ನೇನಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ 10ನೇ

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ನಂಬರು ಪೈಕಿ ಇಪ್ಪತ್ತು ಗುಂಟೆ ವಿಸ್ತೀರ್ಣವುಳ್ಳ ಋಷಿಕಿ ಜಮೀನು ನನ್ನ ತಂದೆಯವರಿಂದ ಹನುಮಂತಪ್ಪ ಆದ ನನ್ನ ಹಿಸ್ಸೆಗೆ ಬಂದು, ನನ್ನ ಹಿಸ್ಸೆಗೆ ಸೇರಿದ ಜಮೀನನ್ನು ನನ್ನ ಸಂಪೂರ್ಣ ಸ್ವಾಧೀನಕ್ಕೆ ಪಡೆದುಕೊಂಡಿರುತ್ತೇನೆ. ಮತ್ತು ಸದಾರಿ ಜಮೀನಿನ ಖಾತೆಯು ಸಹ ಎಂಆರ್.16/2002-2003ನೇ ನಂಬರು ಮೂಲಕ ಹನುಮಂತಪ್ಪ ಆದ ನನ್ನ ಹೆಸರಿಗೆ ದಾಖಲಾಗಿರುತ್ತೆ.

ಮೇಲ್ಕಂಡಂತೆ ವಿವರಿಸಿರುವ ಪ್ರಕಾರ ತಾರೀಖು 29-2-2002ರಲ್ಲಿ ಪಂಚಾಯ್ತಿ ಪಾಲುವಟ್ಟಿಯ ವಿಭಾಗಪಟ್ಟಿಯ ಮೂಲಕ ಅಂಜಿನಪ್ಪ ರವರಿಂದ ಹನುಮಂತಪ್ಪ ಆದ ನನ್ನ ಹಿಸ್ಸೆಗೆ ಬಂದಿರುವ ನನ್ನ ಹೆಸರಿನಲ್ಲಿ ಖಾತೆಯಿರುವ ಅಲಾಗಾಯಿತಂದ ಈ ತಹಲ್‌ವರೆಗೆ ಒಟ್ಟು ಕುಟುಂಬದ ಸದಸ್ಯರಾದ ಹನುಮಂತಪ್ಪ ಆದ ನನ್ನ ಮತ್ತು ಹನುಮಂತಪ್ಪ ರವರ ಪತ್ನಿ ನರಸಮ್ಮ ಹಾಗೂ ಹನುಮಂತಪ್ಪ ರವರ ಮಕ್ಕಳು 1ನೇ ಹೆಚ್.ರಾಜಣ್ಣ, 2ನೇ ಹೆಚ್.ಜಯಮ್ಮ, 3ನೇ ಹೆಚ್.ಲೋಕೇಶ್, 4ನೇ ಹೆಚ್.ಗೀತಾ, ಸಹ ಆದ ನಮ್ಮೆಲ್ಲರ ಸಂಪೂರ್ಣ ಹಕ್ಕು ಭಾಧ್ಯತೆಗಳಿಗೆ ಮತ್ತು ಮಾಲೀಕತ್ವಕ್ಕೆ ಒಳಪಟ್ಟಿರುವ, ನಮ್ಮೆಗಳೆಲ್ಲರ ಸ್ವಾಧೀನಾನುಭವದಲ್ಲಿರುವ, ನಮಗೆ ಪ್ರಿತಾರ್ಜಿತವಾದ ಜಮೀನಾಗಿರುತ್ತೆ. ಈ ಜಮೀನಿಗೆ ಮೇಲ್ಕಂಡ ನಾವುಗಳು ಮಾತ್ರ ಸಂಪೂರ್ಣ ಹಕ್ಕುದಾರರು ಮತ್ತು ಮಾಲೀಕರು ಸಹ ಆಗಿರುತ್ತೇವೆ. ಈ ಜಮೀನಿನ ಮೇಲೆ ಮೇಲ್ಕಂಡ ನಮ್ಮ ಗಳ ವಿನಹ ಬೇರೆ ಹಕ್ಕುದಾರರು, ವಾರಸುದಾರರು, ಜೀವನಾಂಶ, ಭಾಗಾಂಶ ಹೊಂದತಕ್ಕವರು ಯಾರೂ ಇರುವುದಿಲ್ಲ. ಈ ಜಮೀನನ್ನು ನಾವು ನಮ್ಮ ಇಷ್ಟಾನುಸಾರ ಅನುಭವಿಸಲು ಮತ್ತು ಈ ಜಮೀನನ್ನು ನಾವು ನಮಗೆ ಇಷ್ಟ ಬಂದ ಪ್ರಕಾರ ಕ್ರಯ ವ್ಯಾಜಿ ಪರಭಾರಿ ಮಾಡಲು ಕಾನೂನು ಪ್ರಕಾರ ನಾವುಗಳು ಮಾತ್ರ ಸಂಪೂರ್ಣ ಹಕ್ಕುಳ್ಳವರಾಗಿರುತ್ತೇವೆ. “

19. The said panchayath palupatti had taken place on 29.07.2002. The said panchayath palupatti had taken place during the life time of the father of plaintiffs Late Anjanappa. The said partition is reflected in the Ex.P9 document. The plaintiffs have not challenged the said partition dt: 29.07.2002 at all. The Ex.P9 and its execution was known to plaintiffs as on the date of filing of the suit. The plaintiffs have not challenged the said

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partition deed dt: 29.07.2002. Under these facts and circumstance and evidence available on record, the plaintiffs have failed to prove Issue No.1 to 4. Hence, ***I answer Issue No.1 to 4 in the Negative.***

20. **Issue No.5:** For the aforesaid reasons, I proceed to pass the following:

**ORDER**

***Suit of the plaintiffs is hereby dismissed with costs.***

***Draw decree accordingly.***

*(Dictated to the Stenographer directly on the computer, typed by him and corrected by me and then pronounced in the open court on this the 16<sup>th</sup> day of March, 2026.)*

**(Sandeep S. Reddy)  
Senior Civil Judge & JMFC.,  
Magadi.**

**ANNEXURE**

**List of witnesses examined on behalf of plaintiffs :**

PW1 : Smt.Rajamma

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**List of documents produced on behalf of plaintiffs :**

Ex.P1 : Genealogy  
Ex.P2 to 7 : RTCs  
Ex.P8 : C.C. of sale deed dt: 09.09.2002  
Ex.P9 : C.C. of sale deed dt: 09.10.2006  
Ex.P10 : C.C. of sale deed dt: 05.03.2014

**List of witnesses examined on behalf of Defendants :**

NIL

**List of documents produced on behalf of Defendants :**

NIL

**(Sandeep S. Reddy)**  
**Senior Civil Judge & JMFC.,**  
**Magadi.**

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Separate judgment signed and pronounced in open court.

**ORDER**

Suit of the plaintiffs is hereby dismissed with costs.

Draw decree accordingly.

**Senior Civil Judge & JMFC.,  
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