



**IN THE COURT OF III ADDL. DISTRICT AND SESSIONS JUDGE
AT TUMAKURU**

PRESENT :

Nagireddy.A BA.L., LL.B, LL.M.,
III Addl. District and Sessions Judge,
Tumakuru

Dated this the 20th day of June 2026

R.A.No.116/2025

Appellants : 1. Arunkumar.H.N,
S/o Nagaraja Rao,
Aged about 42 years.

2. Sanjaykumar H.N,
S/o Nagaraja Rao,
Aged about 39 years.

(Plaintiff before the trial court)

(By Sri.M.B.G, Adv.)

V/s

Respondents: 1. Nagaraja Rao,
S/o Late Annayappa,
Aged about 80 years.

2. Ravikumar,
S/o Late Ramakrishnamurthy,
Aged about 45 years.

3. Ramesh Sharma,
S/o Late Annayappa,
Aged about 60 years,



4. Smt.Nagalakshamma,
W/o Hanumantharayappa,
Aged about 55 years.

R.1 to 4 are residing at M.Gollahalli
Grama, Kora Hobli,
Tumakuru Taluk.

5. The Office of the Spl.Land Acquisition
Officer, Competent Authority,
Tumakuru Rayadurga and Tumakuru-
Railway Yojane, 1st Floor,
Wahab Compound,
Opp:Zilla Panchayathi, Tumakuru.

(Defendants before the trial court)

(R1 to 3 & 5 – Exparte and
R.4 by Sri.S.T, Adv.,)

Date and nature of the decree or order appealed against	Judgment and decree in OS.No.490/2020 dated 16.08.2025 passed by the learned Prl.Sr. Civil Judge & CJM, Tumakuru.		
Date of institution of the appeal	27.10.2025		
Duration of the Appeal:	Years	Months	Days
	-	07	23

(Nagireddy.A)

III Addl. Dist & Sessions Judge
Tumakuru



J U D G M E N T

Being aggrieved by the judgment and decree dated August 16, 2025 passed by the Senior Civil Judge, Tumakuru (hereinafter referred to as the '**Trial Court**') in O.S.No.490/2020, the plaintiffs have filed this appeal under Section 96 R/w Order 41 Rule 1 of Civil Procedure Code (CPC).

2. The parties would be referred to as per the ranks held by them in the suit before the Trial Court.

3. The plaintiffs' case is that Sanjeevamma, wife of Annayappa, had three sons: Nagaraj Rao (Defendant No.1), the late Ramakrishnamurthy (father of Defendant No.2), and Ramesh Sharma (Defendant No.3). The plaintiffs are the sons of Defendant No.1. Sanjeevamma, wife of Annayappa, has since passed away.

3.1 Ramanna, V. Rama Rao, Shamanna, and Ramadasappa are the sons of Puttaiah. They are the original Barabaluthi Registerdars of the suit schedule properties, namely Sy.



No.18, 22, and 65 of Gollahalli village. The property listed as Item No.2 was purchased by Sanjeevamma under a registered sale deed dated March 9, 1962. Specifically, Sy No.18/2, measuring 0.16 guntas, and Sy.No.65/2, measuring 0.10 guntas, along with survey number 22/2 measuring 1 acre and 33 guntas, were purchased by Sanjeevamma under a sale deed dated May 13, 1961. Additionally, land in Sy No.18, measuring 1 acre and 4 guntas, was purchased by Sanjeevamma under a registered sale deed dated October 14, 1963. Furthermore, Sy.No.18, measuring another 22 guntas, was purchased under a sale deed dated December 12, 1963. In total, all the properties listed in the suit were indeed purchased by Sanjeevamma, wife of Annayappa.

3.2 These properties have also been recorded in court proceedings before the Tahsildar of Tumakuru Taluk, as evidenced by INA (Kora) 36/1979-80, which confirms Sanjeevamma's legal rights over the properties in question.



Therefore, the plaintiffs contend that the suit schedule properties are their ancestral and joint family properties.

3.3 Additionally, land in Sy No.22/1, measuring 25½ guntas, has been acquired for the Tumakuru-Rayadurga Railway Project by Defendant No.5. Defendant No.5 has issued a notice to Defendant No. 4. Subsequently, the plaintiffs filed an objection to the notice, requesting that Defendant No.5 not release the compensation amount to Defendant No.4. They claim that Defendant No.4 is unlawfully asserting rights over the property listed as Item No.2 based on an alleged gift deed purportedly executed in her favor in 2008, which they assert is not legally binding on them.

3.4 It is contended that Defendant No.4, in response to the notice issued by Defendant No.5, is claiming compensation regarding Item No.2 without any legitimate right, title, or interest in the property. Consequently, the plaintiffs have compelled to file this suit seeking a declaration that the suit



schedule properties are ancestral and joint family properties belonging to themselves as well as Defendants No.1 to 3. They are also seeking a partition and separate possession of these properties into equal shares among the plaintiffs and Defendants No.1 to 3. Furthermore, they pray to establish that any encumbrances created on the suit schedule properties are not binding upon their shares.

4. Defendant No.4 has filed her written statement denying the material allegations made in the plaint and has called upon the plaintiffs to prove their claims. She asserts that the property in dispute, referred to as suit item No.2, originally belongs to her mother, Sanjeevamma, wife of D.R. Chikkaramaiah. Her mother purchased the property from R. Leelavathi, wife of N.P. Ramakrishnamurthy, under a registered sale deed dated May 12, 1980. Subsequently, her mother executed a gift deed in her favor on April 10, 2008. Based on this gift deed, she changed her name in the revenue



records, thereby becoming the owner and in possession and enjoyment of suit item No. 2. Defendant No.4 contends that the plaintiffs and defendants No.1 to 3 are members of the Brahmin community, while she belongs to the Scheduled Caste. She contends that the suit filed by the plaintiffs is not maintainable. Furthermore, she states that suit item No.2 has been acquired by defendant No.5 for the formation of the Rayadurga Railway line, and an award notice has been issued in her favor. She alleges that the plaintiffs and defendants No.1 to 3 are colluding with each other to file this suit in an attempt to harass her. Accordingly, she prays for dismissing the suit with costs.

5. The defendants No.1 to 3 have absent before the trial court and even before this court.

6. On the basis of the aforesaid pleadings, the trial court has framed the following issues and recasted issues;



- "1) Whether the plaintiffs prove that plaintiffs and defendants No.1 to 4 are constitutes Hindu Joint Family?
- 2) Whether the plaintiffs prove that suit schedule properties are originally belonged to their grandmother Sanjeevamma W/o Annayappa?
- 3) Whether the plaintiffs prove that suit schedule properties are the ancestral and joint family properties of plaintiffs and defendants No.1 to 4?
- 4) Whether the defendant No.4 proves that plaintiffs and defendants No.4 are belongs to different sects as contended in her written statement para No.17?
- 5) Whether the plaintiffs prove that gift deed made in favour of defendant No.4 on 10.04.2008 is not binding on their share in the suit schedule properties?
- 6) Whether the plaintiffs are entitled for partition and separate possession in suit schedule properties as sought for?
- 7) What order or decree?"

Issues No.1 and 3 Recasted as under

1. Whether the plaintiffs prove that the plaintiffs and defendant No.1 to 3 are constitutes Hindu Joint Family?



2. Whether the plaintiffs prove that suit schedule properties are the ancestral and joint family properties of plaintiffs and defendants No.1 to 3?

7. During the course of trial, the plaintiff No.2 got examined himself as PW.1 and got marked 9 documents as Ex.P1 to P9. On the other hand, the Spl.Power of Attorney Holder of defendant No.4 examined himself as DW.1 and got marked 12 documents as Ex.D1 to 12.

8. Upon hearing arguments of both parties and appreciating the oral and documentary evidence, the trial court has answered issue No.1 to 3, 5 and 6 and recasted issues No.1 and 3 in the Negative and holding that issue No.4 does not survive for its consideration, dismissed the suit of the plaintiffs. It is the above said judgment and decree which have been challenged in this appeal on the following grounds;

1) The impugned judgment and decree passed by the trial court is contrary to law, facts and evidence on record. The trial court has



failed to appreciate the pleadings and evidence in a proper perspective manner.

2) The trial court has erred in holding that the plaintiffs have failed to establish that the suit schedule properties are the joint and ancestral in nature. Though, the documents produced by them clearly established that the properties originally belonged to their grandmother and that the same continued in joint possession and enjoyment of the family members.

3) The trial court has committed a serious error in accepting the false and fabricated claim of defendant No.4, who is a complete stranger to the family and has no right, title or interest in over the suit schedule properties.

4) The trial court has erred in relying upon the sale deed dated May 12, 1980 and Gift Deed dated April 10, 2008 produced by the defendant No.4 which have not at all been proved in accordance with law.

5) The trial court has failed to appreciate the vital admissions elicited during the course of cross-examination of DW.1 who is the husband of defendant No.4 which supports the plaintiffs version that the sale deed dated March 09, 1962 executed in favour of Sanjeevamma W/o Annayappa.



6) The trial court has ignored the material discrepancies, the defence of the defendant No.4 particularly with respect to the identity of the person Smt.Sanjeevamma. The trial court has failed to consider that Smt.Sanjeevamma referred by the plaintiffs and Sanjeevamma shown in the sale deed of 1980 are two different persons which goes to the root of the case.

7) DW.1 during his cross-examination has clearly admitted that Sanjeevamma W/o Chikkaramaiah is still alive. However, he did not make any efforts to examine before the court to prove the defence.

8) The documentary evidence produced by the plaintiffs i.e. Registered Sale Deed dated March 09, 1962 clearly establishes that the property originally stood in the name of plaintiffs grandmother. Therefore, the subsequent claim of the defendant No.4 over the same property is legally untenable as such, the plaintiffs have established better title of Sanjeevamma who is their grandmother.

9) The trial court has failed to apply the settled principles governing partition suits namely that in the absence of proof of exclusive ownership or prior partition, a property standing in the name of a family member is presumed to be part of the joint family estate.



9. On the other hand, the defendant No.4 is supporting the impugned judgment and decree passed by the trial court .

10. Having heard and perused the materials placed on record, the following **points** that arise for my determination;

1. Did the plaintiffs establish that the suit schedule properties are ancestral and joint family properties belonging to themselves and defendants No.1 to 3?
2. Whether the plaintiffs are entitled for partition and separate possession of their equal share in the suit schedule properties?
3. whether the trial court erred in concluding that the plaintiffs failed to prove that the Gift Deed dated April 10, 2008, executed by Sanjeevamma, wife of Chikkaramaiah, in favor of Defendant No.4, is not binding on the plaintiffs' share in the suit schedule properties?



4. Whether interference of this court is called for in the impugned judgment and decree passed by the trial court ?

5. What order or decree?

11. My answers to the above **points** are as under:

Point No.1 : In the **Negative**

Point No.2 : In the **Negative**

Point No.3 : In the **Negative**

Point No.4 : In the **Negative**

Point No.5 : As per the final order for the following;

REASONS

12. **Point No.1 and 2:-** Since both points are interconnected to each other, they are taken together for common discussion to avoid repetition of facts.

13. In order to substantiate their case, plaintiff No.2 has entered into the witness box and examined himself as PW.1 and produced as many as 9 documents at Ex.P1 to 9.

14. At the outset, it should be noted that during the cross-examination of PW.1, there was no suggestion challenging the



authenticity of Ex.P1, the genealogical tree submitted by the plaintiffs. According to this document, the late Annayappa and the late Sanjeevamma had three sons: Nagaraj Rao, who is Defendant No. 1 in this case; the deceased Ramakrishnamurthy, father of Defendant No.2; and Ramesh Sharma, who is Defendant No.3. The plaintiffs are the sons of Defendant No.1. In light of this evidence, it is clear that the plaintiffs have successfully established their relationship with Defendants No.1 to 3.

15. The plaintiffs claim that the suit properties are their ancestral and joint family properties. They assert that these properties were originally granted to their grandmother, Sanjeevamma, wife of Annayappa. However, they also contend that their grandmother purchased these properties through four sale deeds dated March 9, 1962, May 13, 1961, October 14, 1963, and December 12, 1963. Therefore, the plaintiffs shall



first establish that their grandmother purchased the properties through the aforementioned sale deeds.

16. It is important to note that the plaintiffs have produced only one sale deed, dated March 9, 1962. Upon perusing this document, we can find that Sanjeevamma, wife of Annayappa, purchased property item No.2, which is Sy.No. 22/1, measuring 0-10 guntas of Tari and 0-30 guntas of Kharab, from Savithramma, G.R. Narasimhamurthy, Raghunatha Rao, and B.R. Bheemaraju. As the trial court correctly pointed out, the plaintiffs did not produce the other sale deeds dated May 13, 1961, October 14, 1963, and December 12, 1963 to support their claim that their grandmother purchased the lands bearing Sy.No. 18/2, measuring 0-16 guntas, Sy.No. 65/2, measuring 0-10 guntas, Sy.No. 22/2, measuring 1 acre 13 guntas, Sy.No. 18, measuring 1 acre 4 guntas, and Sy.No. 18, measuring 0-22 guntas.



17. Therefore, as correctly pointed out by the trial court, the plaintiffs have failed to establish that their grandmother purchased the other properties through the three sale deeds mentioned earlier. As a result, the findings of the trial court in this regard are not open to criticism.

18. The second contention of the plaintiffs is that the suit properties were originally granted to their grandmother, Sanjeevamma, wife of Annayappa. In support of this claim, they primarily rely on the grant order at Ex.P5 and the mutation at Ex.P6. A perusal of Ex.P5 reveals that the Tahsildar of Tumakuru, in INA (Kora) 36/1979-80, granted the land bearing Sy. No.18, measuring 3 acres and 24 guntas, Sy. Nos.22/1 and 22/2, measuring 2 acres and 33 guntas, and Sy. No.65/2, measuring 0.10 guntas, in M. Gollahalli village to Sanjeevamma, wife of Annayappa. This order was made on September 5, 1985. Subsequently, the mutation was registered in the name of Sanjeevamma in M.R. No. 1/1985-86.



19. The learned counsel for the appellant has argued vigorously that, while granting the aforementioned land to Sanjeevamma, the Tahsildar also recognized the sale deeds dated May 13, 1961, October 14, 1963, and December 12, 1963, executed in her favor. Therefore, he contends that the plaintiffs' failure to produce the sale deeds should not undermine their case. However, this argument is unconvincing; since the best evidence is available to the plaintiffs, they should have presented it before the court to substantiate their claim. Moreover, regarding Ex.P5 and Ex.P6, it is important to note that, apart from these two documents, the plaintiffs have not submitted any additional evidence to demonstrate that Sanjeevamma's name has been maintained in the revenue records since 1985-86.

20. The documents submitted by the plaintiffs, including Ex.P2 (RTC extract of Sy. No.18/1), show the name of plaintiff No.1. Similarly, Ex.P3 (RTC extract of Sy. No.22) indicates that plaintiff



No.1 is listed as both the khatedar and cultivator, while the RTC extract for Sy. No.22/1 at Ex.P7 appears in the name of defendant No.4. Regarding the RTC extract for Survey No.22/2 at Ex.P8, it lists the name of plaintiff No.1. The plaintiffs have not clarified how their names appear in Ex.P2, Ex.P3, and Ex.P8. Consequently, the RTC extracts suggest that plaintiff No.1's name was included based on a Gift Deed dated June 27, 2019. If plaintiff No.1 acquired the properties in Sy. No.22/2 through this Gift Deed, it raises questions about his assertion that this property is ancestral and part of a joint family estate.

21. Furthermore, concerning the RTC for Sy No.18/1, the khatedar column is blank, with only plaintiff No.1's name appearing in column No.12(2). Additionally, the plaintiffs have not provided any document regarding the property listed as item No.4. Thus, they have also failed to demonstrate the existence of item No.4 through document. They have produced a legal notice at Ex.P9, which was issued to defendant No.5 to



prevent the disbursement of compensation to defendant No.4. However, this document does not pertain to the property listed as item No.4.

22. It is essential to highlight that upon reviewing the document provided by DW.1, it shows that according to Ex.D2, the name Leelavathamma is listed in the RTC extract for Sy.No.22/1 for the years 1973-74 to 1975-76. According to Ex.D1, Leelavathamma sold Sy.No.22/1 to Sanjeevamma, the wife of D.R. Chikkaramaiah. Following this, a mutation was made under her name in MR No.3/1980-81 as evidenced by Ex.D7. Subsequently, her name was recorded in the RTC extracts at Ex.D3 to D6. As a result, the name of Sanjeevamma, the wife of D.R. Chikkaramaiah, has been included in the RTC extract from the year 1983-84 until 2001-02.

23. Sanjeevamma executed a Gift Deed for this property in favor of defendant No.4, as shown in Ex.D12. Based on Ex.D12, the mutation of the property was recorded in the name of



defendant No.4, as seen in Ex.D8. Therefore, her name is also present in the RTC extract as indicated in Ex.P7.

24. Consequently, the documentary evidence presented by DW.1 suggests that since 1973-74, Plaintiffs grand mother Sanjeevamma's name has not been entered in the RTC extract for the property related to suit item No.2. In this regard, there is no explanation provided by the plaintiff. It seems that although the name of Sanjeevamma, the wife of Annayappa, was mutated as per MR No.1/1985-86, it has not been updated in the RTC.

25. It is important to note that the plaintiffs claim that their grandmother, Sanjeevamma, wife of Annayappa, purchased the suit properties under various sale deeds. Additionally, they claim that these properties were granted to her as per Ex.P5. In such circumstances, the properties in question become her self-acquired and separate properties according to Section 14 of the Hindu Succession Act.



26. Following her death, her sons inherited the properties in accordance with Section 15 of the Hindu Succession Act. Therefore, the properties succeeded by the plaintiffs' father and his brothers from their mother, Sanjeevamma, are considered their separate properties. As a result, the plaintiffs cannot seek partition of the properties in question while their father, the defendant No.1, is still alive. Furthermore, these properties cannot be classified as ancestral or joint family properties among the plaintiffs and defendants No.1 to 3. For this reason, the suit should be dismissed, as the plaintiffs lack the legal right to seek a declaration or partition of the properties listed in the suit. These properties do not qualify as ancestral or joint family properties. Accordingly, **point No.1 and 2 are held in the Negative.**

27. **Point No.3** :- As previously noted, Sanjeevamma, wife of D.R. Chikkaramaiah, executed a Gift Deed on April 10, 2008, in favor of her daughter, the defendant No.4, as per Ex.D12.



Following this, she had her name updated in the revenue records, as shown in Ex.D8, and her name has since been recorded in the RTC extract concerning the property listed as suit item No.2.

28. It is important to highlight that, as mentioned earlier, Sanjeevamma acquired the item No.2 property from Leelavathamma through a Registered Sale Deed dated May 12, 1980, at Ex.D1. Subsequently, the mutation was recorded in Sanjeevamma's name in M.R No.3/1980-81, as per Ex.D7. Her name has been consistently reflected in the RTC extract since the 1983-84.

29. Given that the plaintiffs have not succeeded in proving that the suit properties, including item No. 2, are their ancestral and joint family properties, the Gift Deed executed in favor of defendant No.4 is legally binding upon them. Hence, it cannot be said that the trial court has erred in holding that the gift deed



of defendant No.4 is binding on the plaintiffs. Accordingly, **point No.3** is held in the **Negative**.

30. **Point No.4:-** I have perused the judgment and decree passed by the trial court. The trial court has considered the oral and documentary evidence presented by both parties in a proper perspective manner, and has appropriately dismissed the suit. Therefore, I see no valid reason to interfere with the trial court's findings in dismissing the plaintiffs' suit. Accordingly, **point No.4** is held in the **Negative**.

31. **Point No.5 :-** In view of the reasons while answering the point No.1 to 4, I proceed to pass the following;

ORDER

Appeal filed by the appellant under Sec.96 of CPC R/o Order 41 Rule 1 of CPC is hereby **dismissed** with cost.



The impugned judgment and Decree dated 16.08.2025 passed by the learned Prl. Sr. Civil Judge & CJM, Tumakuru in O.S No.490/2020 is hereby **confirmed**.

Draw decree accordingly.

Send the Trial Court records along with the copy of this Order forthwith.

(Dictated to the Stenographer, after transcription, typed, printout taken by her, corrected, signed and then pronounced on this the 20th day of June 2026)

(Nagireddy.A)

III Addl. Dist. & Sessions Judge,
Tumakuru