



**IN THE COURT OF Prl.CIVIL JUDGE & J.M.F.C., AT
CHIKKANAYAKANAHALLI**

Present: Sri. Yashwanth Kumar K., B.A., LL.B.,
Prl.Civil Judge and J.M.F.C.,
Chikkanayakanahalli.

Dated this the 03rd day of August, 2026

O.S.No.208/2019

Plaintiffs : A.G.Sridhara S/o M.Gangadraiah,
Aged about 46 years,
R/at: Aralikere,
Handanakere Hobli,
C.N.Hally Taluk,
Tumakuru District.

(By Sri.B.K.S, Advocate)

V/s

Defendants : 1. M.G.Gangadharaiah S/o
Muniyappa
(Dead his LRs already on record)

2. A.G.Sunanda W/o Lokesh,
D/o M.Gangadharaiah,
Aged about 39 years,
R/at: Bisilehalli, Gandasi Hobli,
Arasikere Taluk, Hassan District.

3. A.G. Sumangala W/o Mallikarjunaiah,
D/o M.Gangadharaiah,



Aged about 35 years.

R/at: Lakshmipura, Handanakere Hobli,
C.N.Hally Taluk, Tumkuru District.

4. M.Kumaraiah @ Kumarswamy,
S/o Muniyappa,
Aged about 65 years,
R/at: Aralikere, Handanakere Hobli,
C.N.Halli Taluk. Tumkuru District.

(Exparte-D1 to 4)
(D1 Lrs on record)

Date of Institution of suit	20.11.2019		
Nature of the suit Date of commencement of	Partition and separate possession		
recording of evidence	02.07.2025		
Date on which Judgment was pronounced	03.08.2026		
Total Duration	<u>Year/s</u> 06	<u>Month/s</u> 11	<u>Day/s</u> 13

(Yashwanth Kumar.K.)
Prl.Civil Judge & JMFC.,
Chikkanayakanahalli



JUDGMENT

The plaintiff has filed suit against the defendants for the relief of partition and separate possession of plaintiffs 1/4th share in the share of 1st defendant half share in the suit schedule properties with metes and bounds and enquiry for mesne profits.

2. **The brief acts of the plaintiff's case are that:-**

Defendant No.1 is the father of the plaintiff and defendant No.2 and 3. The defendant No.4 is the brother of 1st defendant. The suit schedule properties are joint family properties of plaintiff and defendants constituted Hindu undivided joint family as coparceners having equal share interest in the suit schedule properties. The suit schedule properties are the ancestral joint family properties of Plaintiff and Defendants and the Revenue Documents are stands in



the name of Defendants No.1 and 4. The Plaintiff having 1/4th share in the share of Defendants No.1 in all the Suit Schedule Properties with metes and bounds. The suit schedule properties are fertile lands giving huge income to the joint family. The defendant No.1 and 4 by taking advantage of revenue documents standing in their name making attempt to alienate the suit schedule properties to defeat the legal right of the plaintiff. When the plaintiff demanded share the defendant denied and refused to allot the share of the plaintiff. Hence, the plaintiff constrained to file the present suit.

3. After institution of suit, the suit summons was duly served to the defendants. They remained absent, hence placed exparte.



4. In order to prove the case of the plaintiff, the plaintiff himself examined as PW1 and got marked Ex.P1 to P28 documents.

5. Heard counsel for the plaintiff.

6. The following points arose for consideration

1. Whether the plaintiff made out that the suit schedule properties are ancestral Hindu undivided joint family properties?

2. Whether the plaintiff made out the income of joint family properties for entitlement of mesne profits?

3. Whether the plaintiff is entitled for share as prayed?

4. What Order?

7. My answer to the above points as follows:

Point No.1 : In the Affirmative.

Point No.2 : In the Affirmative



Point No.3 : In the Affirmative

Point No.4 : As per final order
for the following

REASONS

8. **Point No.1 to 3:-** These points taken together for common discussion to avoid repetition of facts and circumstances of the case.

9. In order to prove the case of the plaintiff, the plaintiff himself examined as P.W1 filed his affidavit in lieu of chief examination by reiterating the entire plaint averments. The substance of oral evidence of plaintiff PW1 is that, he and Defendant No.2 and 3 are the children of Defendant No.1. The Defendant No.4 is the brother of Defendant No.1. The suit schedule properties are the ancestral joint family properties of plaintiff and defendants. The Katha was standing in the name of defendants No.1 and 4. The plaintiff having equal share over



the suit schedule properties, when he demanded to the defendants No.1 and 4, they refused to allot the share of the plaintiff.

10. To substantiate his oral evidence, the plaintiff relied Ex.P1 to P25 documents. Ex.P1 is the affidavit of genealogical tree of the plaintiff and defendants family described as per the relations stated in the plaint. Since the defendants have placed exparte, the relationship Siddaiah been the plaintiff and defendants remained unchallenged thereby stands proved. Ex.P2 is the death certificate of one Muniyappa who is the father of defendant No.1 and 4. ExP3 is the RTC in respect of item No.1 of suit schedule property stands in the name of defendant No.4. Ex.P4 is the RTC pertaining to Sy No.109/5 Item No.2 of suit schedule property standing jointly in the name of defendant No.1 and 4. Ex.P-5 is the RTC pertaining to Sy.No.107/1 standing jointly in the



name of defendant No.4 and defendant No.1. Ex.P6 is the RTC pertaining to Sy.No.110/5 in respect of Item No.4 of suit schedule property standing jointly in the name of Defendant No.1 and 4. Ex.P7 is the RTC pertaining to Sy.No.112/5 pertaining to item No.5 of suit schedule property standing in the name of defendant No.1 and 4 jointly. Ex.P8 is the RTC pertaining to Sy.No.111/3 in respect of item No.6 of suit schedule property jointly standing in the name of Defendant No.1 and 4. Ex.P10 is the RTC pertaining to Sy.No.113/2 in respect of item No.7 of suit schedule property stands in the name of defendant No.1 and 4 jointly. Ex.P21 is the RTC pertaining to Sy.No. 111/2 in respect of Item No.8 of Suit Schedule Property stands in the name of Defendant No.1 and 4 jointly. Ex.P12 is the demand register in respect of item No.9 of suit schedule property. Ex.P13 is the demand register in respect of item No.10 of suit schedule property. These



documents clearly discloses that all the suits schedule properties are jointly standing in the name of defendant No.1 and 4, who are the brothers. The documentary evidence clearly corroborated with the oral evidence of plaintiff, which are remained unchallenged since the defendants are placed exparte. Thereby, the case of the plaintiff is stand proved with cogent material evidence.

11. During pendency of the suit, the father of the plaintiff and defendant No.2 and 3 died the leaving behind the plaintiff on defendant No.2 and 3 as per the genealogical tree affidavit Ex.P1 the wife of the defendant No.1 was predecease thereby the plaintiff and defendant No.2 and 3 are only the legal heirs of defendant No.1 the plaintiff and defendant No.2 and 3 being the legal heirs of defendant No.1 succeeded the suit schedule properties and the plaintiff has made out that the suit schedule properties are Hindu undivided joint family



properties. Thereby, the plaintiff is entitled for share along with defendants No.2 and 3.

12. The plaintiff sought for mesne profits, but the plaintiff has not given any particulars of profits deriving from the suit schedule properties. Moreover, the plaintiff stated that they are in joint possession and enjoyment over the suit schedule property. Therefore, the plaintiff is not entitled for mesne profits.

13. During pendency of the suit, the defendant No.1 died. The plaintiff sought an 1/4th out of half share over the suit schedule properties. Since the defendant No.1 deceased during dependency of the suit leaving behind the plaintiff and defendant No.2 and 3, the plaintiff and defendant No.2 and 3 are entitled for 1/3rd share each out of half share over the suit



schedule properties and half share to the defendant No.4.

Accordingly, Point No.1 to 3 answered in Affirmative.

14. Point No.4: In view of the above reasons, this court proceeds to pass the following:

ORDER

Suit of the Plaintiff is hereby decreed.

The Plaintiff and Defendant No.2 and 3 are entitled 1/3rd share out of half share in all the suit schedule properties, the half share to be allotted to the Defendant No.4.

No order as to cost, since the parties are joint family members.

Draw preliminary decree accordingly.

(Dictated to the stenographer and typed by her on computer, corrected by me and then pronounced by me in the open court this the 03rd day of August, 2026)



**(YASHWANTH KUMAR.K.),
Prl.Civil Judge and J.M.F.C.,
Chikkanayakanahalli.**

ANNEXURE

List of witnesses examined for plaintiff/s:-

PW.1 : A.G.Sridhara

List of exhibits marked for plaintiff/s:-

Ex.P1 : G-Tree
Ex.P2 : C/c of G-Tree
Ex.P3-10 : RTC extracts
Ex.P11 : Hakku Badalavane
Ex.P12 : Demand Register extract
Ex.P13 : Demand Register extract
Ex.P14 : RTC extract in Sy No.69/5
Ex.P15 : RTC extract in Sy No.109/5
Ex.P16 : RTC extract in Sy No.107/1
Ex.P17 : RTC extract in Sy No.110/5
Ex.P18 : RTC extract in Sy No.112/5
Ex.P19 : RTC extract in Sy No.111/3



Ex.P20 : RTC extract in Sy No.113/2
Ex.P21 : RTC extract in Sy No.111/2
Ex.P22 : RTC extract in Sy No.69/5
Ex.P23 : RTC extract in Sy No.109/9
Ex.P24 : RTC extract in Sy No.109/12
Ex.P25 : RTC extract in Sy No.107/1
Ex.P26 : RTC extract in Sy No.110/5
Ex.P27 : RTC extract in Sy No.112/5
Ex.P28 : RTC extract in Sy No.113/3

List of witnesses examined for defendant/s:-

-Nil-

List of exhibits marked for defendant/s:-

-Nil-

**(YASHWANTH KUMAR.K.),
Prl.Civil Judge and J.M.F.C.,
Chikkanayakanahalli.**