



**IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC AT
GUBBI.**

PRESENT :

**SRI. KIRAN. S.P. B.B.M., L.L.B.,
Prl. Civil Judge & JMFC, Gubbi.**

Dated this the 1st day of June 2026

O.S. No.397/2015

PLAINTIFF:-

- 1.** Doddamma W/o Gowdaiah,
D/o late Doddabalaiah,
Dead by LR's -
 - 1.1) Gowdaiah
S/o late Dodda Appanna
Aged about 60 years
 - 1.2) Chitthaiah S/o Gowdaiah
Aged about 35 years
 - 1.3) Eeranna s/o Gowdaiah
Aged about 33 years
 - 1.4) Geetha D/o Gowdaiah,
Aged about 26 years,
R/at Dasharatha purada hatti, Sampige
Hosahalli post, Dandinah shivara hobli,
Turuvekere taluk.

Plaintiff No.1, 2, and 3 residing at Dodda
Rampura Gollarahatti, Kandikere hobli,
Thirthapura post, C.N. Halli taluk.

(By Sri. S.K., advocate)

-V/s-

**DEFENDANTS:-**

- 1) Ningamma
W/o late Doddabalaiah,
Aged about 70 years
- 2) Basavaraju S/o late Veeraiah
Aged about 45 years
- 3) Siddaramaiah S/o late Veeraiah
Aged about 40 years
- 4) Kumar S/o late Veeraiah,
Aged about 38 years

All are R/at Thippur village,
Kasaba hobli, Gubbi taluk.

(D.1, by Sri. H.D.B., advocate)
(D.2 to D.4 by Sri. K.R.K., advocate)

Date of institution of the suit	30.11.2015		
Nature of the suit	Partition and Separate Possession		
Date of commencement of Recording of evidence	12.01.2021		
Date on which the Judgment was pronounced	01.06.2026		
Total Duration	Year/s	Month/s	Day/s
	10	06	02

J U D G M E N T

The plaintiff has filed this suit against the defendants for the relief of partition and separate possession of plaintiff's half share in the suit schedule property by metes and bounds and for costs.



2. The brief facts of the plaintiff's case is that:

One late Eraiah had two sons and one daughter namely Doddabalaiah and Chikkabalaiah. Chikkabalaiah died issueless. Doddabalaiah died leaving behind his wife Ningamma, the defendant No.1 and daughter Doddamma, the plaintiff. The defendant No.2 to 4 are Legal heirs of purchaser of the suit schedule Property. The suit schedule property is the ancestral Joint family properties of the plaintiff and defendant No.1. The plaintiff and defendant No.1 are the members of Hindu undivided joint family. Plaintiff is the only daughter of late Doddabalaiah and Ningamma. Therefore the suit schedule property is the joint family property of plaintiff and defendant No.1 in which plaintiff and defendant No.1 are having equal share. The plaintiff and defendant No.1 have not partitioned suit schedule property so far. The father of the plaintiff during his life time sold the suit schedule property to one Gangamma under two registered sale deeds without any legal necessity. The defendant No.2 to 4 are the grandsons of said Gangamma. The plaintiff is having half share in the suit schedule property. The plaintiff never consented to sell the suit schedule property and she has not signed any sale deed executed by his father. Therefore the plaintiff approached the defendant No.2 to 4 and demanded to give her half share in the suit schedule property for which the defendants denied to part with the share of plaintiff. On these grounds plaintiff prays to decree the suit.

3. On service of suit summons to defendants, they have appeared before the court through their respective counsel and the



defendant No.1 and 2 have not filed their written statement. The defendant No.3 and 4 has filed their written statement. It is the contention of the defendant No.3 and 4 that there is no cause of action for the suit and suit is not maintainable one. The suit is barred by limitation. The suit schedule property Sy. No.185 was purchased by Gangamma w/o Veeranna (mother of defendant No.2 to 4 from plaintiff's father Doddabalaiah S/o Chikkanna under the registered sale deed dated:16-11-1977. Under this registered sale deed, Said Doddabalaiah sold 1-00 acre to Gangamma for him and also on behalf of his minor daughter Doddamma. Again under the registered sale deed dated:22-3-1979, in Sy. No.185, property measuring 5-11 acres was sold by Doddabalaiah on behalf of his minor daughter also in favour of Gangamma the mother of defendant No.2 to 4 and delivered the possession of the property. Thus Gangamma, the mother of defendant No.2 to 4 became the absolute owner of total property 6-11 acres in Sy. No.185 of Thippur, Kasaba hobli, Gubbi taluk having purchased the same from Doddabalaiah, the father of plaintiff. The alienation made by father cannot be questioned by plaintiff now after lapse of 37 years. Therefore the suit is barred by limitation. The Purchaser Gangamma was in possession and enjoyment of the suit schedule property since from the date of purchase as absolute owner. Subsequently, under Panchayathi palupatti dated:15-04-1993, the defendant No.2 to 4 who are the legal heirs of Gangamma have partitioned the suit schedule property. In said partition 2nd defendant got 2-00 acres to his share. The 3rd defendant had got 2-07 acres to his share. The 4th defendant had got 2-04 acres to his share in Sy. No.185. Accordingly the defendant No.2



to 4 are in possession and enjoyment of their respective share in the suit schedule property separately from 1993. At the time when property was sold by plaintiff's father, the plaintiff was minor. The plaintiff's father sold the properties for discharge of debts and also for other legal necessities. Doddabalaiah sold the property to Gangamma for him and also on behalf of his minor daughter. Therefore the sale made by father in the year 1977 and 1979 cannot be questioned by plaintiff at this stage. Therefore suit is barred by limitation and suit is not maintainable. The plaintiff is not entitled to any relief. The suit is liable to be dismissed. The plaintiff is having no right, title, interest or possession over the suit schedule property. On these grounds they pray to dismiss the suit.

4. From the above said contentions of the plaintiff and contentions taken in the written statements and basing on the materials available on records, my predecessor-in-office was pleased to frame the following:

ISSUES

- 1. Whether the plaintiff proves that the suit schedule property is the ancestral property of plaintiff and defendant No.1 and they are in joint possession over the suit schedule property?***
- 2. Whether the plaintiff further proves that, she and defendant No.1 are members of the Hindu undivided joint family?***



3. *Whether the plaintiff is entitled to the relief of partition and separate possession as prayed for?*

4. *What order or decree?*

5. During the pendency of the suit plaintiff is reported to be dead. The legal representatives of plaintiff were brought on record. In order to prove the plaint averments, One of the legal representative of plaintiff by name Eeranna got examined as PW.1 and got marked as many as 3 documents as per Ex.P-1 to Ex.P-3. Two of the witnesses are examined as PW.2 and 3 with respect to claim of the plaintiff and closed plaintiff's side evidence. On the other hand the defendant No.3 got examined himself as DW.1 and got marked 36 documents as Ex.D-1 to Ex.D-36 and got examined one witness as DW.2 and closed their side of evidence.

6. Heard the arguments.

7. After considering the oral and documentary evidence and after hearing the arguments, the findings to the above issues are as follows:

<i>Issue No.1</i>	<i>:</i>	<i>In the Negative</i>
<i>Issue No.2</i>	<i>:</i>	<i>In the Negative</i>
<i>Issue No.3</i>	<i>:</i>	<i>In the Negative</i>
<i>Issue No.4</i>	<i>:</i>	<i>As per final order, for the following:</i>



REASONS

8. ISSUE No.1 and 2 : These two issues are interlinked each other. Hence they are taken together for common discussion in order to avoid the repetition of facts and circumstances. It is noticed that there is no dispute with respect relationship between plaintiff and defendant No.1. It is noticed that plaintiff is the daughter of one Doddabalaiah and defendant No.1. The defendant No.2 to 4 are the legal heirs of purchaser of the suit schedule property by name one Gangamma. There is no dispute that the father of plaintiff has sold the suit schedule property to said Gangamma through two registered sale deeds dated:16.11.1977 and dated:22.03.1979. It is noticed that suit schedule Sy. No.185 to an extent of 1 acre was purchased by the mother of defendant No.2 to 4 from the father of plaintiff through registered sale deed dated:16.11.1977 and she has purchased remaining portion in said survey number to an extent of 5 acres 11 guntas from the father of plaintiff through the registered sale deed dated:22.03.1979. Said sale deeds are marked as Ex.D-1 and Ex.D-2. By virtue of the said sale deeds the katha of suit schedule property was made out in the name of mother of defendant No.2 to 4 and thereafter, the suit schedule property was divided between the defendant No.2 to 4 through partition deed dated:15.04.1993, which is marked as Ex.D-4. It is pertinent to note here that by virtue of the partition deed katha of suit schedule property was made out in the name of defendant No.2 to 4 to extent of their respective shares.



9. It is the contention of the plaintiff that the suit schedule property is the ancestral joint family property of plaintiff and defendant No.1. The plaintiff and defendant No.1 are the members of Hindu undivided joint family. The plaintiff is the only daughter of Doddabalaiah and defendant No.1. Therefore, the suit schedule property is the joint family property of plaintiff and defendant No.1 in which they are having equal right over suit schedule property. The plaintiff and defendant No.1 have not partitioned the suit schedule property so far. It is the further contention of the plaintiff that the father of plaintiff has sold the suit schedule property to one Gangamma without any legal necessity. The plaintiff No.1(3) is examined as PW.1 and he admitted that plaintiff and defendant No.1 are residing together. PW.1 stated that he doesn't know the financial position of the family at time of alienation. There is no pleading to the effect that the father of plaintiff has neglected to maintain the family or that he has addicted to the bad habits. The father of plaintiff being the kartha of the family is having the every right to alienate the joint family property and the said alienation is binding on the other coparceners provided that the alienation is for the benefit of the joint family or for legal necessity of the family. It is noticed that the sale deeds were executed in the year 1977 and 1979 after lapse of 36 years the plaintiff has filed the present suit. In the said sale deeds it is recited that the suit schedule property was sold to meet their domestic purpose and legal necessities. It is evident on record that the suit schedule property was the joint family property of plaintiff, defendant No.1 and father of plaintiff by name Doddabalaiah and the father of plaintiff being kartha of the family has executed the sale deed in favour



of mother of defendant No.2 to 4 through two registered sale deeds. As the sale is for the legal necessity of the family, said alienation is binding on the plaintiff. Accordingly issue No.1 and 2 are answered in the **Negative**.

10. ISSUE No.3: The plaintiff failed to prove issue No.1 and 2 hence she is entitled for any relief in this suit. Accordingly issue No.3 is answered in the **Negative**.

11. ISSUE No.4: For the foregoing reasons, this court proceeds to pass the following:

ORDER

The Suit of the plaintiff is hereby dismissed with costs.

Draw decree accordingly.

(Dictated to the stenographer, transcribed by her, corrected and then pronounced by me in the open court on this the 1st day of June 2026)

Sd/-
(KIRAN S.P.)
Prl. Civil Judge & JMFC.,
Gubbi.

ANNEXURE

1. List of witnesses examined on behalf of Plaintiff:

PW.1 : Eeranna



PW.2 : Chitralingaiah

PW.3 : Eerabilyappa

2. List of documents marked on behalf of Plaintiff:

Ex.P-1 & 2 : RTC extracts

Ex.P-3 : G-tree

3. List of witnesses examined on behalf of Defendants:

DW.1 : Siddaramaiah

DW.2 : Shanthakumar A.S.

4. List of documents marked on behalf of Defendant :

Ex.D-1 : Registered sale deed dated:16.11.1977

Ex.D-2 : Registered sale deed dated:22.02.1979

Ex.D-3 : Mutation register extract

Ex.D-4 : Panchayath Palupatti

Ex.D-5 : Mutation register extract

Ex.D-6 to 9 : Four Certified copies of RTC extracts

Ex.D-10 to 22 : Thirteen Certified copies of RTC extracts

Ex.D-23 to 27 : RTC extracts

Ex.D-28 to 34 : Seven Tax receipts

Ex.D-35 & 36 : Two Patta books

Sd/-
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