



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

Dated this the 18th day of June 2026

PRESENT :

**Sri. KIRAN S.P. B.B.M., L.L.B.,
Prl. Civil Judge and JMFC, Gubbi**

O.S. No.49/2019

PLAINTIFFS :- 1. Gangabhyraiah S/o late Boraiah
Dead by his Lrs.
Prabhakar S/o late Gangabhyraiah,
Aged about 29 years,
R/o Old A.D.Colony, Bangalow Palya,
Gubbi Town.

(By Sri. H.R., Advocate)

-V/S-

DEFENDANT :- 1. Venkatamma
W/o late Lingaiah,
Aged about 70 years,

2. Lakshamma
D/o late Lingaiah
W/o Chikkanna,
Aged about 60 years,
Def. No.1 and 2 are R/o Maranakatte,
Behind Police station, Gubbi.

3. Giriyamma
W/o Murthy
D/o late Lingaiah
Aged about 52 years,



R/o Navanahalli, Urdigere Hobli,
Tumkur Taluk.

4. **Manjunatha S/o late Lingaiah,**
Dead by his Lrs.
- 4(a) **Suma W/o late Manjunatha**
Aged about 30 years
- 4(b) **Bhargava S/o late Manjunatha**
Aged about 10 years
- 4(c) **Bhuvanesh S/o late Manjunatha**
Aged about 08 years
- 4(b) and (c) are minors R/by Natural
guardian mother 4(a) Suma.
All are R/o Old A.D. Colony, Bangalow
Palya, Gubbi Town.

(Def. 1, 3, 4(a) to (c) by Sri. B.S.L., advocate)
(Defendant No.2 Exparte)

Date of institution of the suit	28-01-2019		
Nature of the suit	Partition & Separate possession suit		
Date of commencement of Recording of evidence	24.05.2022		
Date on which the Judgment was pronounced	18.06.2026		
Total Duration	Year	Month	Days
	07	04	20

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



JUDGMENT

The plaintiff has filed this suit for the relief of partition and separate possession of his ½ share over the suit schedule property and such other reliefs.

02. The brief facts of the plaintiff's case are that:

One late Boraiah had four sons namely Chikkabhyraih, Chikkalingaih, Lingaiah died leaving behind wife Venkatamma (defendant No.1) and two daughters namely Lakshmamma (defendant No.2) and Giriyamma (defendant No.3) and a son by name Manjunatha (defendant No.4) and Gangabhyraiah (the plaintiff) Chikkabhyraiah and Chikkalingaiah (sons of late Boraiah) have filed a suit for partition and separate possession in O.S.No.207/2003 on the file of Principal Civil Judge, Gubbi against their brothers Lingaiah and Gangabhyraiah. Said suit O.S. No.207/2003 was decreed on 02.08.2010. Preliminary decree was drawn. Thereafter plaintiffs of O.S. No.207/2003 namely Chikkabhyraiah, Chikkalingaiah have filed final decree petition in FDP No.1/2011. In said proceedings, plaintiffs and Defendant No.1 died and their LR's brought on record. Final decree was drawn. As per the Final decree passed in FDP No.1/2011, suit schedule property 1-00 acre was allotted jointly to the plaintiff and defendants of this case. Now the plaintiff is unwilling to continue jointly with defendants; he demanded his legitimate half share in the suit schedule property that was allotted jointly to plaintiff and defendants. The defendants refused to give half share to the plaintiff and they are claiming exclusive ownership over



the property. Hence the suit for partition and separate possession of plaintiff's half share in the suit schedule property. On these grounds he prays to decree the suit.

03. After service of suit summons to the defendants, the defendant 1, 3, 4(a) to (c) have appeared before the court through their counsel, but they have not filed their written statement. The defendant No.2 remained absent; hence she is placed as *exparte*.

04. In support of the case, the legal representative of plaintiff has examined as PW-1 and has marked six documents as Ex.P-1 to Ex.P-6 in support of his case.

05. Heard counsel for plaintiff.

06. On the basis of the above pleadings of the plaintiff, the following points have been arisen for the consideration of this court;

1. Whether the plaintiff is entitled for the suit claim?
2. What order or decree?

07. The findings of this court on the above points are as follows;

Point No.1:	In the affirmative,
Point No.2:	As per final order, for the following;

REASONS



08. POINT No.1:- In support of the case, the legal representative of plaintiff has examined as PW-1 and filed affidavit in lieu of examination in chief by reiterating the plaint averments. On the other hand, the defendants have not taken pain to contest the suit.

09. Ex.P-1 to 6 are the certified copies of plaint, Judgment and decree of OS No.207/2003 and petition and order Sketch prepared in FDP No.1/2011. On perusal of said documents it reveals that the husband of defendant No. 1 and father of defendant No.2 to 4 by name Lingaiah and plaintiff were allotted together the suit schedule property as per order passed by this court in FDP No.1/2011. The plaintiff has filed the suit for the relief of partition. In the instant suit the defendants have not taken pain to contest the suit. All the documents produced by the plaintiff show that the suit schedule property was allotted together to the plaintiff and Lingaiah. The evidence of PW-1 remained unchallenged and there is no contra evidence to disbelieve the evidence of PW-1.

10. The plaintiff has filed the suit based upon oral evidence of PW-1 and documentary evidence as per Ex.P-1 to Ex.P-6. The said documents are not disputed by the defendants. Hence, the contentions of PW-1 are successfully proved by pleadings as well as documentary evidence. The plaintiff has proved his contention by producing cogent material piece of evidence before the court. Further, the evidence of PW-1 along with documentary evidence marked at Ex.P-1 to Ex.P-6 makes it



clear that the plaintiff is entitled for $\frac{1}{2}$ share in the suit schedule property. Accordingly point No.1 is answered in the **affirmative**.

11. POINT No.2 : For the foregoing reasons, this court proceeds to pass the following;

ORDER

The Suit of the plaintiff is hereby decreed with cost.

The plaintiff is entitled for $\frac{1}{2}$ share in the suit schedule property.

The defendants is entitled together for $\frac{1}{2}$ share in the suit schedule property on payment of requisite court fee.

Draw Preliminary Decree Accordingly.

In view of the judgment rendered by Hon'ble Apex Court in the case of Kattukandi Edathil Krishnan V/s. Kattukandi Edathil Valsan in Civil Appeal No.6406/2010 vide judgment dated 13.06.2022, the office is directed to suo-moto register separate final decree proceedings and both the parties are directed to appear in the said final decree proceedings on 05.08.2026 without further notice.

(Orders dictated to the stenographer on-line computer, computerized by her, revised, corrected and then pronounced by me in open court on this 18th day of June 2026)



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

ANNEXURE

1. List of witnesses examined on behalf of Plaintiffs:

PW-1 - Prabhakar

2. List of documents marked on behalf of Plaintiffs:

Ex.P-1	-	Certified copy of plaint in O.S. No.207/2003
Ex.P-2	-	Certified copy of Judgment in O.S. No.207/2003
Ex.P-3	-	Certified copy of Decree in O.S. No.207/2003
Ex.P-4	-	Certified copy of Petition in FDP No.01/2011
Ex.P-5	-	Certified copy of order in FDP No.01/2011
Ex.P-6	-	Certified copy of Survey sketch and report

3. List of witnesses examined on behalf of Defendant:

- NIL -

4. List of documents marked on behalf of Defendant :

- NIL -

Sd/-
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Gubbi.

