



**IN THE COURT OF CIVIL JUDGE AND JUDICIAL MAGISTRATE
FIRST CLASS, AT KORATAGERE**

Dated on this 9th day of September 2026

PRESENT :

SRI. HARISHA K.M., *B.A.. LL.B*
Civil Judge & JMFC,
Koratagere.

O.S. No.255 of 2017

- PLAINTIFFS :**
1. Ramya.R. W/o Muniraju.M.A. D/o Ramakrishappa, Aged about 28 years, R/at Muthiyappanahalli Village, Kurughatta Post, Vemagar Hobli, Kolar Taluk and District.
 2. Sowmya.R. W/o Harish.K.S. D/o Ramakrishnappa, Aged about 25 years, R/at Kharadya, Honnagere Hobli, Nagamangala Taluk, Mndaya District.
 3. Raghunath.R. S/o Ramakrishanappa, Aged about 23 years, R/a Thyagadahalli Village, Mandigere Post, Kasaba Hobli, Nalamangala Taluk, Bengaluru Rural District.

(Rep.by Sri Raj Kumar Advocate)

vs.

- DEFENDANTS:**
1. Ramakrishnappa S/o Late Chikkamuthaiah, Aged about 48 years, R/at, Thimmasandra, Kolala Hobli, Koratagere Taluk, Tumakuru District.
 2. Puttamma W/o late Chikkamurthaiah, Aged about 85 years, R/at Thimmasandra, Kolala Hobli, Koratagere Taluk, Tumakuru District.



3. Rangamma W/o Dasanna, Aged about 65 years, R/at Vamachihalli Village, Kolala Hobli, Korataere Taluk, Tumakuru District.
 4. Jayalakshamma W/o Lakshminarasaiah, Aged about 60 years, R/at Daddipalya, K. Gollahalli post, Kengeri Hobli, Bengaluru South Taluk.
 5. Sarojamma W/o Linganna, Aged about 55 years, R/at Sunkadahalli, Kolala Hobli, Koratagere Taluk, Tumakuru District
 6. Raju.V.K. S/o Dasanna, Aged about 40 years, Residing behind Someshwara Temple, Kuvempunagara, Doddaballapura Town, Doddaballapura, Bengaluru Rural District.
- (D-1 and 5 : Exparte) (D-2 3 and 6 :
Rep. By Sri
B.H.Panchaksharaiah/D.G.Thimmaraju,
Advocates)

* * *

Date of institution of the suit	:	15.11.2017		
Nature of the suit		Partition and Separate possession		
Date of commencement of recording of evidence	:	10.07.2018		
Date on which the judgment was pronounced	:	09.09.2026		
Total duration	:	Year/s	Month/s	Day/s
		8	9	29

Sd/-
(HARISHA K.M.)
Civil Judge & JMFC,
Koratagere.



J U D G M E N T

The plaintiffs have filed this suit against the defendants seeking for partition and separate possession in the suit schedule property and declare the registered sale deed dated 27.07.2017 executed by defendant No.2 in favour of defendant No.6 is not binds on the plaintiffs share and for costs.

2. The description of the suit schedule property is as under :

“The land bearing Sy.No.56/2 total measuring 2 acres 30 guntas including 0.10 guntas Kharab situated at Thimmanayanahalli Village, Kolala Hobli, Koratagere Taluk, Tumakuru District is bounded by-

East	:	Land of Venkatappa.
West	:	Land of Somanna
North	:	Thimmasandra Gadi,
South	:	Land of Narasappa and Dasappa”

3. It is the case of the plaintiffs that, the plaintiffs are the children of defendant No.1 and grand children of defendant No.2. The defendant No.1 and defendant No.3 to 5 are the children of late Chikkamuttaiah and defendant No.2. The defendant No.6 is the son of defendant No.3. The plaintiffs and defendants are members of undivided family and the suit schedule property is their ancestral and joint family property. The grandfather fo the plaintiffs by name Chikkamuttaiah is the original owner of the suit schedule property. After demise, the



plaintiffs and defendants are in joint possession and enjoyment of the suit schedule property.

4. It is further stated that, Chikkamuttaiah was died in the year 2007. After he demise, the defendant No.2 obtained the khatha, pahani in her name on 20.12.2016 without the knowledge of the plaintiffs. Thereafter, the defendant No.2 has executed registered sale deed dated 27.07.2017 in favour defendant No.6. The said sale deed is not binding on the plaintiffs share. Hence, the plaintiffs demanded the defendants for partition. But, they refused to do so. Hence, this suit. The cause of action for the suit arose one month back, when the defendants are refused to effect partition.

5. After service of summons, the defendants No.2, 3 and 6 appeared through their counsel and filed written statement. The defendant No.1, 4 and 5 are not appeared before the court. Hence, they have been placed exparte. The defendant No.2, 3 and 6 in their written statement have contended that during life time of Chikkamuttaiah, the defendant No.1 residing separately along with his second wife and he is lead life by loon. Hence, there is no good relationship between him and his father. At that time, the defendant no.3 is take care of her father and mother.



The defendant No.2 and her husband Chikkamuttaiah were residing in Thimmasandra village since 1997. The Chikkathimmaiah was died in the year 2008. At that time also, the defendant No.2 was residing in Thimmasandra village and lead her life. Defendant No.1 had three wives out of them, his second and third wife are residing in Ganganagar, Bengaluru and Kengeri Upanagara, Bengaluru respectively. The defendant No.2 got changed the khatha of the suit schedule property in her name and thereafter, she has sold the same in favour of defendant No.6 through registered sale deed dated 27.07.2017 and she has utilize the said sale consideration amount for clearance of loan and medical expenses of her husband.

6. It is further contended that the plaintiff has not include all the family properties and all the joint family members. Hence, this suit is liable to dismiss. The plaintiffs and defendant No.1 are colluded with each other and have filed this suit. The defendant No.1 has filed in O.S.No.144/2018 for the relief of partition against defendant No.2, 3 and 6. Hence, prayed to dismiss the suit.

7. On the basis of above pleadings, **my learned Predecessor-**



in-office has framed the following issues :

1. Whether the plaintiffs prove that the suit schedule property is ancestral and joint family property of plaintiffs and defendants ?
2. Whether the defendants No.2 and 3 prove that for their legal necessity and family benefit have sold suit schedule property in favour of defendant No.6?
3. Whether defendant No.6 proves that he is bonafide purchaser in possession of the suit schedule property ?
4. Whether the plaintiffs are entitled to the relief of partition as claimed?
5. What order or decree ?

8. In order to prove their case, the plaintiff No.3 himself is examined as PW-1 and 13 documents are marked at Ex.P-1 to 13 and closed their side evidence. On the other hand, defendant No.6 himself is examined as DW.1 and no documents were marked.

9. Heard arguments both sides. Perused the records.

10. Having heard the arguments, considering the pleadings, evidence on record, facts and circumstances of the case and law applicable to the case, my answers to the above issues are as follows :

Issue No.1 : In the **affirmative**



Issue No.2. : In the **Affirmative**,
Issue No.3 : Deleted
Issue No.4 : In the **Negative**,
Issue No.5 : As per the final Order
for the following :

REASONS

11. ISSUES No.1 and 2 : These issues are interlinked to each other and hence, they are taken up together for common discussion. It is the specific case of the plaintiffs that the suit schedule property originally belongs to their grandfather late Chikkamuttaiah. The plaintiffs and defendants are the members of undivided joint family and the suit schedule property is their ancestral and joint family property and they are in joint possession of the same. After demise of said Chikkamuttaiah, the khatha of the suit schedule property got changed in the name of defendant No.2 and she has executed Registered sale deed dated 27.07.2017 in favour of the defendant No.6 with intention to defeat and defraud the right of the plaintiff over the suit schedule property.

12. In order to prove their case, plaintiff No.3 himself examined as PW-1 by filing affidavit in lieu of chief-examination and reiterating the plaint averments. In support of his oral evidence, the PW.1 has produced 13 documents got marked at



Ex.P-1 to 13. On the other hand, the defendant No.6 himself is examined as DW.1 by filing affidavit in lieu of examination in chief and reiterated the written statements averments and no documents were marked.

13. Ex.P.1 G-Tree affidavit reveals that one Chikkamuttaiah is the original prepositor of the family of the plaintiffs and defendants and he had wife by name Puttamma i.e., defendant No.2. They had 6 children i.e., Rangamma (defendant No.3), Siddagangamma, (died without issues), Jayalakshamma (defendant No.4), Sunandamma (died without issues), Sarojamma (defendant No.5), Ramakrishanappa (defendant No.1) and the plaintiffs are the children of defendant No.1. Ex.P.2 M.R. Extract reveals that the Sy.No.56 was phoded as Sy.No.56/1 to an extent of 2 acres 20 guntas entered in the name of Venkatappa S/o Chikkathimmaiah and Sy.No.56/2 measuring 2 acres 20 guntas entered in the name of defendant No.2. Ex.P.3 and 4 are the RTC extracts for the year 2016-2017 in respect of suit Sy.No.56/2 are stands in the name of defendant No.2 under phodi vibhajane. Ex.P.5 M.R.extract reveals that the khatha of the suit survey number has been changed in the name of defendant No.6 from the name of



defendant No.2 on the basis of sale deed dated 27.07.2017. Ex.P.6 RTC extract for the year 2017-18 in respect of suit Sy.No.56/2 stands in the name of defendant No.6. Ex.P.7 and 8 RTC extracts for the years 1991-92 to 2001-2002 are reveals that the suit schedule property originally belongs to ancestors of the plaintiff and defendants. Ex.P.9 certified copy of Registered sale deed dated 27.07.2017 executed by defendant No.2 and 3 in favour of defendant No.6 in respect of suit schedule property. Ex.P.10 to 13 RTC extracts for the year 2013-2014 to 2016-2017 in respect of Sy.No.56 measuring 2 acres 20 guntas out of 5 acres originally belongs to Chikkamuttaiah S/o Rangappaiah, who is the grandfather of the plaintiffs and husband of the defendant No.2 and father of defendant No.1, 3 to 5 and after demise, the khata of the same has been mutated in the name of defendant No.2.

14. As discussed above, the suit Sy.No.56/2 measuring 2 acres 20 guntas originally stands in the name of Chikkamuttaiah vide M.R.No.1/1993-1994 under Pavathivarasu and after he demise, the katha of the same has been changed in the name of his wife Puttamma i.e. defendant No.2. As per the recitals of Ex.P.9, the defendant No.2 and 3 for clearance of hand loans



obtained by the defendant No.2 for her medical expenses, they have sold the suit schedule property infavour of defendant No.6.

15. According to the case of the plaintiffs, after demise of Chikkamuttaiah, the defendant No.2 got changed the katha of the suit schedule property and she has sold the suit schedule property in favour of defendant No.6. As per the recitals of Ex.P.9, the defendant No.2 and 3 have sold the suit schedule property in favour of defendant No.6 for clearance of hand loans which was obtained defendant No.2 for her medical expenses. Recitals of legal necessity inside sale is admissible as evidence, but they do not serve as proof by themselves without independent backing.

16. It is important to note that the PW.1 in his cross examination at para No.1 and 2 stated that ನಾನು 7 ತಿಂಗಳು ಮಗುವಾಗಿದ್ದಾಗ 1 ನೇ ಪ್ರತಿವಾದಿ ನಮ್ಮನ್ನು ಬಿಟ್ಟು ಹೋಗಿರುತ್ತಾನೆ. ಚಿಕ್ಕತಿಮ್ಮಯ್ಯ ಮೃತಪಟ್ಟ ನಂತರ 2 ನೇ ಪ್ರತಿವಾದಿ ತನ್ನ ಅತ್ತೆ ಮನೆಯಲ್ಲಿ ವಾಸ ಮಾಡುತ್ತಿದ್ದರು. ನನ್ನ ತಾಯಿಗೆ ಸೇರಿದ ಮನೆ ತಿಮ್ಮನಾಯಕನಹಳ್ಳಿಯಲ್ಲಿ ಇದ್ದು, ಅವರ ಜೀವಿತಾವಧಿಯಲ್ಲಿ ಸದರಿ ಮನೆಯನ್ನು ಮಾರಾಟ ಮಾಡಿರುತ್ತಾರೆ. ಆ ರೀತಿ ಮಾರಾಟ ಮಾಡಿದ ನಂತರ ನನ್ನ ತಾತನ ಕುಟುಂಬದವರು 3 ನೇ ಪ್ರತಿವಾದಿ



ಮನೆಯಲ್ಲಿ ವಾಸಮಾಡುತ್ತಿದ್ದರು. 1 ನೇ ಪ್ರತಿವಾದಿ ನನ್ನ ತಾಯಿಯನ್ನು ಮದುವೆ ಮಾಡಿಕೊಂಡ ನಂತರ ನನ್ನ ಅಜ್ಜಿ ತಾತನ ಜೊತೆ ನನ್ನ ತಂದೆ ತಾಯಿ ವಾಸ ಮಾಡುತ್ತಿರಲಿಲ್ಲ ಎಂದರೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ. This cross examination goes to show that, when the plaintiffs are minors the defendant No.1 left his village without taking care of plaintiffs and his aged parents i.e., defendant No.1 and Chikkathimmaiah and defendant No.2 and her husband residing in the defendant No.3 house, hence, the defendant No.2 has obtained loans from defendant No.6 for the clearance of hand loans and hence, the defendant No.2 and 3 have sold the suit schedule property without option for the medical expenses of 2nd defendant. This cross examination corroborates with the recitals of Ex.P-9 Sale Deed.

17. At this juncture, I would like to relying decision of **Hon'ble High court of Karnataka** reported in **ILR 1996 KAR 1883 (Muniyappa Vs. Ramaiah)** held that, "*Manager's powers of alienation of joint family property – his powers & privileges – even if not for family necessary held sale voidable and not void and also Manager's got every right to alienate the suit property during life time as per Sec.242 of Hindu Law by Mulla.*"



18. The principles laid down in the decision is aptly applicable to the present case on hand. In the instance case also, the defendant No.2 being the Manager, she has sold the suit schedule property in favour of defendant No.6, for her legal necessities and family benefit. Hence, the said sale deed is binding on the plaintiffs and defendant No.1, 4 and 5.

19. For the aforesaid reasons, this court is of the considered opinion that the plaintiffs prove that the suit schedule property is ancestral property of themselves and defendant No.1 to 5 and defendant No.2 and 3 prove that they have sold the suit schedule property in favour of defendant No.6 for legal necessity and family benefit. Hence, I answer **issues No.1 and issue No.2** in the **affirmative**.

20. **Issue No.iv:** As discussed above, the plaintiff proves the suit schedule property is their ancestral property and defendants No.2 and 3 proves they have sold the suit schedule property in favour of defendant No.6 under Ex.P.9 for legal necessity and family benefit and the said sale deed dated 27.07.2017 is binding on the plaintiffs and other defendants and suit schedule property is not available for partition. Hence, the plaintiffs are not entitled for partition and separate possession



as sought for. Accordingly I answer **issue No.iv in the negative.**

21. ISSUE No.5 : In the light of the discussion, reasons, findings and answers under issues No.1 and 2, I proceed to pass the following :

ORDER

The suit of the plaintiffs is hereby dismissed.

Considering the relationship between the parties, no order as to costs.

Draw decree accordingly.

(Dictated to the Stenographer, directly computerized by her, thereafter corrected, revised, signed by me and then pronounced in the open Court on **9th day of September 2026**)

Sd/-
(HARISHA K.M.)
Civil Judge & JMFC,
Koratagere.

: ANNEXURES :

List of witnesses examined for plaintiff/s:

PW.1 : Raghunath

List of documents exhibited for plaintiff/s:

Ex.P-1 : Genealogical tree

Ex.P-2 : Mutation

Ex.P-3 & 4 : RTC extracts

Ex.P-5 : Mutation

Ex.P-6 & 8 : RTC Extracts



Ex.P-9 : Certified copy of sale deed date
27.07.2017

Ex.P-10 : RTC Extracts

List of witnesses examined for defendant/s:

DW-1 : Raju.V.K.

List of documents exhibited for defendant/s:

- N I L -

Sd/-

Civil Judge & JMFC,
Koratagere.