



IN THE COURT OF ADDL. CIVIL JUDGE AND JMFC.,
KUNIGAL

Present:

Sri.Manjunath Shivapooji B.A., L.L.B.,

Addl. Civil Judge & JMFC., Kunigal.

Dated 3rd day of July, 2026

O.S.NO.268/2024

Plaintiff

: Sri.Harisha B.K
S/o. Late Kariyappa @ Karigowda
Aged about 49 years,
R/o. Bandihalli village,
Huliyurudurga Hobli,
Kunigal Taluk, Tumakuru District.

[Rep. by Sri.M.G Advocate]

V/s

Defendants

- : 1. Smt. Ningamma
W/o.Late Kariyappa @ Karigowda
Aged about 90 years,
2. Sri.Ramesha
S/o.Late Kariyappa @ Karigowda
Aged about 52 years,



The defendant No.1 and 2 are
R/o. Bandihalli village,
Huliyurudurgaa Hobli, Kunial Taluk,
Tumakuru District.

3. Smt. Sundamma
D/o.Late Kariyappa @ Karigowda
W/o. Late Ramaiah
Aged about 55 years,
R/o. Agara village, Kanakapura main road,
Karadigudde, Tataguni Post,
Bangalore South,
Bangalore-560082.
4. Sri. Thimmaiah
H/o.Late Varadamma
Aged about 60 years,
5. Sri. Shivaraja
S/o.Thimmaiah and Late Varadamma
Aged about 35 years,
6. Smt.Roopa
D/o.Thimmaiah and Late Varadamma
Aged about 30 years,

The defendant No.4 to 6 are
R/o. Tatageri village, Kanakapura main road,
Tataguni post,
Bangalore South, Bangalore-560082.

7. Sri. Savitha
D/o.Late Ramaiah and Late Sarojamma
W/o. Bettaswamy
Aged about 34 years,



R/o. Agara village, Kanakapura main road,
Karadigudde, Tataguni post,
Bangalore South,
Bangalore-560082.

8. Smt.Shobha
D/o.Late Ramaiah and Late Sarojamma
W/o. Late Shivaraju
Aged about 32 years,
R/o. D.Hosahalli village,
Huliyurudurga Hobli, Kunigal Taluk,
Tumakuru District.

[D-1 By Sri.J.R Advocate]

[D- 2, 4 to 6 exparte]

Date of Institution of Suit	23.04.2024		
Nature of the Suit	Partition and Separate Possession		
Date of Commencement of Evidence	17.01.2026		
Date of pronouncement of Judgment	03.07.2026		
Total Duration	Years	Months	Days
	02	02	10

JUDGMENT

The plaintiff has filed the present suit for the relief of partition and separate possession of plaintiff share in the suit schedule properties.



Description of the suit schedule property:-

1. The property bearing old Sy.No.185/1 new Sy.No.185/5 measuring 0-02 gunta assessed Rs.0.10 paisa, situated at Bandihalli village, Huliurudurga Hobli, Kunigal Taluk, Tumakuru District bounded by;

East: Land of Bhoopathi,

West: Land of Thimmamma W/o. Thimmegowda,

North: Land of Varadaiah S/o. Late Honnagirigowda

South: Land of Girisha S/o. Late Sakamma

2. The property bearing old Sy.No.122/3 new phoded Sy.No.122/13 measuring 0-03 gunta assessed Rs.0.15 paisa, situated at Bandihalli village, Huliurudurga Hobli, Kunigal Taluk, Tumakuru District bounded by;

East: Land of Ganganna of Doddakoppalu

West: Land of Raja S/o.Hottappa

North: Land of Shivanna S/o.late Varadaiah

South: Land of Naganna S/o.Bakalegowda

3. The property bearing Sy.No.165/1 measuring 0-28 gunta assessed Rs.1.40 paisa, situated at Bandihalli village, Huliurudurga Hobli, Kunigal Taluk, Tumakuru District bounded by;



East: Land of Parvathamma W/o. Late Shivanna
West: Land of Rajesh S/o. Late Puttaswamy
North: Land of Naganna S/o. Late Bakalegowda
South: Hemavathi Channal

4. The property bearing Sy.No.236/1 measuring 0-38 gunta assessed Rs.2.00 paisa, situated at Bandihalli village, Huliurudurga Hobli, Kunigal Taluk, Tumakuru District bounded by;

East: Land of Girisha S/o. Late Sakamma
West: Land of Varadaiah S/o.late Honnagirigowda
North: Land of Raghu S/o.Late Ashwath
South: Land of Parvathamma W/o.Late Shivanna

5. The property bearing Sy.No.165/2p1 measuring 0-17 gunta assessed Rs.0.65 paisa, situated at Bandihalli village, Huliurudurga Hobli, Kunigal Taluk, Tumakuru District bounded by;

East: Land of Ravi S/o.late Ramanjaiah
West: Land of Ravi S/o.late Ramanjanaiah
North: Land of Parvathamma W/o.late Shivanna
South: Land of Varadaiah S/o.late Honnagirigowda



2. The Plaintiff's case in brief is as follows:

The plaintiff, defendant No.2, 3 deceased Varadamma and deceased Sarojamma are children of defendant No.1. The defendant No.4 to 6 are legal heirs of deceased Varadamma. The defendant No.7 and 8 are legal heirs of deceased Sarojamma. The properties which are more fully described at the foot of this plaint schedule are the ancestral properties of the plaintiff previously belong to Kariyappa @ Karigowda. After the demise of Kariyappa @ Karigowda the plaintiff and children have inherited the suit schedule properties and other properties and in possession and enjoyment of the same. There is no partition or legal division between all the children of late. Kariyappa @ Karigowda S/o.late Hyamegowda in respect of the suit schedule properties by metes and bounds in any manner. There is a joint nucleus between the plaintiff and also the defendants. The plaintiff being the son of late. Kariyappa @ Karigowda having legitimate share in all the



suit schedule properties as per law of succession.

3. Further submitted that, the plaintiff approached the defendant No.2 and demanded to affect partition in the suit schedule properties. The defendant No.2 refused to affect partition and allot the legitimate share of the plaintiff in the suit schedule properties and again canvassing in the locality to alienate the suit schedule properties just to defraud the legitimate claim and share of the plaintiff. Further the defendant No.2 behind back of the plaintiff just to harass and defraud the right of the plaintiff availed the loan from K.G.B Nidasale branch, by hypothecating the suit schedule properties. The defendant No.2 is not having any exclusive right to alienate or create any charge over any portion of the suit schedule properties. Hence, without any alternative way the plaintiff approached before this Hon'ble court and filed this suit against the defendants for the relief of partition and such other reliefs.



4. Upon the service of summons, defendant No.2, 4 to 6 have not appeared before the court hence, they placed *exparte*. The defendant No.1, 3, 7 and 8 have appeared before the court and filed their written statement by admitting the case and contention of plaintiff and prayed to allot their share to plaintiff.

5. Based on the pleadings of both parties has framed the following issues;

Issue No.1: Whether the plaintiff proves that, himself and defendants are constitute Hindu joint family ?

Issue No.2: Whether plaintiff proves that suit properties are the ancestral and joint family properties of plaintiff and defendants?

Issue No.3: Whether the plaintiff proves that, the defendant No.1 and 2 have executed registered relinquishment deed on



08.03.2022 with respect to Sy.No.274 in his favour and he is the absolute owner and in possession ?

Issue No.4: Whether the plaintiff is entitled to the relief sought for?

Issue No.5: What order or decree?

6. In order to prove the contentions, the plaintiff has got examined himself as PW-1 and got marked documents at Ex.P1 to 16. On the other hand, defendants have not led any evidence.

7. My answer to the aforesaid issues is as under :-

Issue No.1: *In the Affirmative*

Issue No.2: *In the Affirmative*

Issue No.3: *In the Affirmative*

Issue No.4: *In the Affirmative*

Issue No.5: As per the final order,
for the following:

**::REASONS::**

8. Issue No.1 : In this case the plaintiff has contended that himself and defendants are the joint family members. To prove the said fact the plaintiff examined himself as PW.1 and produced the G-tree that document got marked as Ex.P1. In this case, the defendant No.1, 3, 7 and 8 have admitted the relationship between plaintiff and defendants. The defendant No.2, 4 to 6 have not appeared before the court and placed *exparte*. Therefore, this court has no hesitation to hold that, there is no dispute is existed with regard to relationship between plaintiff and defendants. The plaintiff has properly established the relationship between himself and defendants. Accordingly, ***Issue No.1*** is answered in the ***Affirmative***.

9. Issue No.2: The plaintiff has contended that, suit schedule properties are ancestral and joint family properties of plaintiff and defendants. To prove the said fact the PW.1 has



produced the RTC of suit schedule properties and those documents are got marked as Ex.P2 to 5, 11, 13, 16. The Ex.P6 to 10 are the mutation extracts. The defendants have not cross examined the PW.1. Therefore, the contention took by plaintiff has remained unchallenged. This court has gone through the Ex.P2 to 10 and it appears that, the suit schedule properties are stands in the name of defendant No.2 based on Ex.P6 to 10. Therefore, this court by considering the oral and documentary evidence has comes to the conclusion that, the suit schedule properties are ancestral and joint family properties of plaintiff and defendants. Accordingly, ***Issue No.2*** is answered in the ***Affirmative.***

10. Issue No.3:- The plaintiff has contended that, the defendant No.1 and 2 have executed relinquishment deed dated: 08.03.2022 in favour of plaintiff with respect to Sy.No.274 to the extent of 1 acre 5 gunta. The defendants while executing the said



relinquishment deed have received Rs.3,75,000/- from the plaintiff and relinquished their right in Sy.No.235. To prove the said fact the plaintiff has produced the said relinquishment deed and that document got marked as Ex.P15. In this case there are no contrary evidence against the contention of plaintiff with regard to relinquishment deed dated: 08.03.2022. Therefore, this court has no hesitation to hold that, the defendant No.1 and 2 have executed the relinquishment deed dated: 08.03.2022. Accordingly, ***Issue No.3*** is answered in the ***Affirmative***.

11. Issue No.4:- In this case, while answering issue No.1 to 3 this court comes to the conclusion that, the plaintiff and defendants are the joint family members and the suit schedule properties are the ancestral and joint family properties of plaintiff and defendants and answered issue No.1 and 2 in the affirmative.



12. In this case the defendant No.1, 3, 7 and 8 have filed written statement and contended that, they have no objections to decree the suit. Further they have pleaded that their share may be allotted to plaintiff.

13. Therefore, when the plaintiff has succeeded to prove his case and is entitled to the relief sought in the suit. Therefore, by considering the relationship between plaintiff and defendants and by considering the written statement of defendant No.1, 3, 7 and 8 the plaintiff is entitled 4/6th share in the suit schedule properties by metes and bounds. The defendant No.2 is entitled 1/6th share in the suit schedule properties by metes and bounds. The defendant No.4 to 6 together are entitled 1/6th share in the suit schedule properties by metes and bounds. Accordingly, ***Issue No.4*** is answered in the ***Affirmative*** .



14. **Issue No.5:-** In view of discussions made for Issue No.1 to 4, I proceed to pass the following;

::ORDER::

The suit of the plaintiff is hereby decreed.

The plaintiff is entitled 4/6th share in the suit schedule properties by metes and bounds.

The defendant No.2 is entitled 1/6th share in the suit schedule properties by metes and bounds.

The defendant No.4 to 6 together are entitled 1/6th share in the suit schedule properties by metes and bounds

Draw preliminary decree accordingly.

[Dictated to the stenographer directly on computer and then corrected by me and thereafter pronounced in the open court on this the **3rd day of July, 2026**]

Sd/-

[Manjunath Shivapooji]
Addl Civil Judge and JMFC,
Kunigal.



:ANNEXURE::

List of witnesses examined for the plaintiff:

PW.1 : Harish B.K

List of documents exhibited for the plaintiff:

Ex.P1 : Genealogy certificate

Ex.P2 to 5, 11

13, 16 : RTC extracts

Ex.P6 to 10 : Mutation extracts

Ex.P12 : Encumbrance certificate

Ex.P14 : Internet copy of Partition
deed dated: 02.07.2014

Ex.P15 : Internet copy of relinquishment
deed dated: 08.03.2022

List of witnesses examined for the defendants :

-----NIL-----

List of documents exhibited for the defendants :

-----NIL-----

Sd/-

[Manjunath Shivapooji]
Addl Civil Judge and JMFC,
Kunigal.