



**IN THE COURT OF THE PRL. CIVIL JUDGE &
JMFC., KUNIGAL.**

:-PRESENT:-

Smt. Sujatha A.B, B.A.L., LL.B.,
Prl. Civil Judge & JMFC., Kunigal

DATED THIS THE 1st DAY OF JUNE 2026

ORIGINAL SUIT. No.379/2023

PLAINTIFF:

Smt. Jayalakshmamma
W/o. Late Kumara,
Aged about 49 years,
R/at. Yachaghatta Village,
Kasaba Hobli, Kunigal Taluk,
And also R/at.No.293, 3rd main,
3rd Phase, 3rd Cross, Manjunatha
Nagara, Near Balaji Bar,
Shivanagara, Bangalore.

[Rep. by Sri.BRR., Advocate]
V/s

DEFENDANTS:

- 1.** Smt. Thimmajamma
W/o.Late.Chikkamariyappa,
Aged about 65 years,
- 2.** Sri. Puttaswamy
S/o. Late.Chikkamariyappa,
Aged about 36 years,
- 3.** Sri. Ravi
S/o. Late.Chikkamariyappa,
Aged about 34 years,



Defendant 1 to 3 are residing at
Yachaghatta Village, Kasaba Hobli,
Kunigal Taluk, Tumakuru District.

4. Smt. Lakshmamma @ Mayamma
W/o Late. Rangaiah,
D/o. Late Chikkamariyappa,
Aged about 50 years,
R/at. Attimagge Village,
Hosadurga Hobli,
Holalkere Taluk,
Chithradurga District.

5. Smt. Gangamma
W/o. Chandra,
D/o. Late Chikkamariyappa,
Aged about 48 years,
R/at. Channathimmanapalya
Village, Huthridurga Hobli,
Kunigal Taluk.

[Rep. by Sri.CLV., Advocate]

Date of Institution of Suit	24.06.2023		
Nature of the Suit	Partition and Separate possession		
Date of Commencement of Evidence	04.11.2024		
Date of pronouncement of Judgment	01.06.2026		
Total Duration	Years	Months	Days
	02	11	07



JUDGMENT

The plaintiffs have filed the present suit for the relief of partition and separate possession in respect of suit schedule properties against the defendants.

2. Description of the suit schedule properties:

Sl.No	Sy.No.	Area measuring	Village
1.	Land bearing Sy. No.37/1	0-24 guntas	Yachaghatta village, Kasaba Hobli, Kunigal Taluk
2.	Land bearing Sy.No.54/2,	0-07.08 guntas	Yachaghatta village, Kasaba Hobli, Kunigal Taluk
3.	Land bearing Sy.57/11	0-13 guntas	Yachaghatta village, Kasaba Hobli, Kunigal Taluk
4.	Land bearing Sy.No.57/7	0-12.08 guntas	Yachaghatta village, Kasaba Hobli, Kunigal Taluk
5.	Land bearing Sy. No.76/3	0-34 guntas	Yachaghatta village, Kasaba Hobli, Kunigal Taluk



6.	Land bearing Sy. No.61/1	2 acres	Yachaghatta village, Kasaba Hobli, Kunigal Taluk
7.	Land bearing Sy.No.69/14	0-09 guntas	Yachaghatta village, Kasaba Hobli, Kunigal Taluk
8.	Land bearing Sy.No. No.69/13	0-02 guntas	Yachaghatta village, Kasaba Hobli, Kunigal Taluk

3.Facts of the case of plaintiffs is as follows:-

The plaintiffs contended that the original propositor of the family of the plaintiff and defendants by name Chikkamariyappa S/o Nanjaiah had 2 wives namely Gangamma and Thimmajamma who is the defendant No.1 was solemnized with Chikkamariyappa only after the death of his 1st wife Gangamma. Hence the defendant No.1 and the deceased Gangamma are the legal wedded wives of the Chikkamariyappa. The plaintiff stated that the 1st wife of Chikkamariyappa



namely Gangamma had 3 children namely Kumara who is the deceased husband of the plaintiff and Lakshmmamma @ Mayamma who is defendant No.4 and Gangamma @ Gangavva who is defendant No.5. The husband of the plaintiff is no more and the plaintiff had no issues. The plaintiff stated that the property which are fully described at the foot of the plaint are the ancestral properties of the plaintiff and defendants and also the documents pertaining into the suit schedule properties previously stands in the name of deceased chikkamariyappa and during the lifetime of deceased Chikkamariyappa the suit schedule properties fallen to his share in family division made between himself and his brothers. The said Chikkamariyappa was died about 25 years back and also 1st wife Gangamma who is the mother in law of the plaintiff and the mother of the plaintiff No.4 and 5 was died earlier to the death of her



husband Chikkamariyappa.

4. Plaintiff contended that the revenue documents pertaining into suit schedule properties in respect of item No.1 to 3, 5 and 6 are still standing in the name of the deceased Chikkamariyappa and also documents pertaining into the suit schedule property item No.4,7 and 8 changed in the name of plaintiff and Thimmajamma and deceased Gangamma is the 1st wife of the Chikkamariyappa on the basis of "Pavathi Varasu" all the suit schedule properties are the ancestral and undivided properties of the plaintiff and defendants. The plaintiff stated that plaintiff and defendants are the Hindu undivided family members governed by Mithakshara School of law . The plaintiff and defendants are in joint possession and enjoyment of the suit schedule properties amicably. Such being this in view of misunderstanding arose in their family and



she is working at Bangalore as a flower seller and they cooking and residing separately such being this in order to development of their respective share in the suit schedule properties, plaintiff had approached them in the year 2022, but the defendant No.1 to 3 are not ready to allot her share in the suit schedule properties. Hence plaintiffs constrained to file the suit and prayed to decree the same.

5. In pursuance to the suit summons the defendants have appeared through their counsel and they have filed their written statement. In the written statement defendants are admitted the plaint averments and prayed to allot their share.

6. In order to prove the contentions, the plaintiff No.1 got examined himself as PW-1 filing affidavit in lieu of examination in chief and got marked documents at Ex.P1 to P.20. On the other hand, the defendant No.2



got examined himself as DW.1.

7. Heard arguments. On considering the plaint averments, the following points would arise for my consideration.

1. Whether the plaintiff proves that the suit schedule properties are the ancestral and joint family properties?

2. Whether the plaintiff is entitled to the relief as sought for?

3. What order or decree?

8. My answer to the aforesaid points is as under:-

Point No.1: In the ***Affirmative***

Point No.2: In the ***Affirmative***

Point No.3: As per the final order,
for the following:

**::REASONS::**

9. Point No.1: It is the specific contention of the plaintiff that suit schedule properties are her ancestral properties, to support said contention, plaintiff has produced the genealogical tree at Ex.P.1 and she has also produced RTC of Sy.No.37/1 in respect of suit Item No.1 at Ex.P.2 and which appears in the name of father in law of the plaintiff and defendant No.2 to 6 as per MR 18/1988-89. The plaintiff has also produced RTC of Sy.No.54/2 in respect of suit Item No.2 at Ex.P.3 and in which father in law of the plaintiff and defendant No.2 to 5 name shown as per MR 1/1994-95. The plaintiff has also produced RTC of Sy.No.57/5 in respect of suit Item No.3 at Ex.P.4 and in which father in law of the plaintiff and defendant No.2 to 5 name shown as per MR 16/1988-89. Again plaintiff has also produced RTC of Sy.No.57/7 in respect of suit Item No.4 at Ex.P.5



and in which father in law of the plaintiff and defendant NO.2 to 5 name shown. The plaintiff has also produced RTC of Sy.No.76/3 in respect of suit Item No.5 at Ex.P.6 and in which father in law the plaintiff and defendant No.2 to 5 name shown. The plaintiff has also produced RTC of Sy.No.61/1 in respect of suit Item No.6 at Ex.P.7 and in which father in law of plaintiff and defendant No.2 to 5 name shown as per MR 36/1988-89. Again plaintiff has also produced RTC of Sy.No.69/14 in respect of suit Item No.7 at Ex.P.19 and in which plaintiff and defendant No.1,4 and 5 names are appearing jointly as per MR 9/2023-24. The plaintiff has also produced RTC of Sy.No.69/13 in respect of suit Item No.8 at Ex.P.17 and in which defendant No.1 name is appearing as per MR T No.17 /2022-23 as inheritance.

10. Plaintiff has also produced certified copy of death certificate of husband of the plaintiff, mother in law and



father in law of the plaintiff at Ex.P.8 to 10. The plaintiff has also produced RTC in respect of Sy.No. 37/1, 54/2, 57/5, 57/7, 76/3, 61/1 at Ex.P.11, 12, 14 to 16 and above properties are in respect of of suit item No.1, 2, 4 to 6 are standing in the name of plaintiff as well as defendant No.1, 4, 5. The plaintiff has also produced RTC in respect of Sy.No. 69/13 at Ex.P.17 and above property is in respect of suit item No.8 is standing in the name of plaintiff as well as defendant No.1, 4 and 5.

11. Plaintiff has also produced MR T.17/2022-23 at Ex.P.18 in which plaintiff, defendant No.1, 4 and 5 names came to be mutated in respect of Sy.No.37/1, 54/2, 57/5, 57/7, 76/3, 61/1, 69/13, 69/14 and same are in respect of suit item No.1 to 8. Again plaintiff has also produced RTC in respect of Sy.No. 69/14 and 57/11 at Ex.P.19 and 20 and above properties are in respect of suit item No.7 and 3 are standing in the name of



plaintiff as well as defendant No.1, 4, 5.

12. As already stated, the defendants have admitted the claim of the plaintiff and prayed to allot their respective share and also claim made by the plaintiff regarding the status of the suit schedule properties is not denied. So the evidence led by the plaintiff has remain unchallenged. In that situation there is no reason for this court either to disbelieve the oral testimony of the plaintiff or to doubt the genuineness of the documents produced by her. Since the evidence adduced by the plaintiff is not challenged by the defendant. Hence this court is of the opinion that the suit schedule properties are the ancestral and joint family properties of plaintiff and defendants. Accordingly point No.1 is answered in the ***Affirmative.***

13. Point No.2:- Having regard to the relationship of the parties and the nature of suit



schedule properties that they are ancestral and joint family properties, the plaintiff and defendants are entitled to share in the suit schedule properties. The husband of plaintiff and defendant No.2 and 3 are the sons and defendant No.4 and 5 are the daughters of late Chikkamariyappa and they are coparceners in view of Sec.6 of Hindu Succession Amendment Act 2005 and they are entitled for equal share. Since Chikkamariyappa died leaving behind female heir i.e defendant No.1, notional partition has to be carved out on the date of death of Chikkamariyappa and interest of Chikkamariyappa shall divided among plaintiff and defendant No.1 to 5 equally. Further plaintiff being the wife of Kumara who is son of Chikkamariyappa, she is entitled for her husband share. In view of the above facts and circumstances, this court is of the opinion that the plaintiff is entitled for 7/36th, similarly defendant



No.2 to 5 are also entitled for 7/36th share each and defendant No.1 is entitled for 1/36th share in the suit schedule properties. Accordingly, I answered point No.2 is answered in the ***Affirmative.***

14. Point No.3:- In view of discussions made for Point No.1 and 2, I proceed to pass the following;

::ORDER::

The suit of the plaintiff is hereby decreed with costs.

Plaintiff is entitled to 7/36th share in the suit schedule properties.

Defendant No.2 to 5 are entitled to 7/36th share each in the suit schedule properties.

Defendant No.1 is entitled to 1/36th share in the suit schedule properties

Draw preliminary decree accordingly.



However, the defendants will have to pay necessary court fee to engross their respective shares.

After drawing the preliminary decree, the office is directed to register the final decree proceedings in terms of the preliminary decree and put up before the court on **05.08.2026**.

The records of the present suit shall also be kept along with final decree proceedings.

[Dictated to the stenographer directly on computer and then corrected by me and thereafter pronounced in the open court on this the **1st day of June 2026**]

**Sd/-
(Sujatha A.B.,)
Prl. Civil Judge and JMFC,
KUNIGAL.**



ANNEXURE

List of witnesses examined for the plaintiff:

PW.1 - Jayalakshamma

List of documents exhibited for the plaintiff:

Ex.P1 -Genealogical tree

Ex.P.2 to 7 -RTC Extracts

Ex.P.8 to 10 - Death certificates

Ex.P.11 to 17 - RTC Extracts

Ex.P18 - Mutation register

Ex.P19 - RTC of Sy.No.69/14

Ex.P.20 - RTC

List of witnesses examined for the defendants:

DW.1 - Puttaswamy

List of documents exhibited for the defendants:

-----NIL-----.

Sd/-
Prl. Civil Judge and JMFC,
Kunigal.