



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 6th day of June, 2026

O.S.NO.642/2022

Plaintiff : Lingaraju K.C
S/o. Late Chikkagangaiah
Aged about 42 years,
R/o. Kodavarthi village, Huliurudurga Hobli,
Kunigal taluk.

[Rep. by Sri.V.R, Advocate]

V/s

Defendants : 1. Kemparaju
S/o.Late Chikkagangaiah
Aged about 35 years,
2. Rathnamma
S/o.Late Chikkagangaiah
Aged about 46 years,

Defendant No.1 and 2 are
R/o. Kodavarthi village.

3. Padmamma
D/o.Late Chikkagangaiah
Aged about 44 years,
R/o. Pura village, Huliurudurga Hobli,



Kunigal Taluk.

[D-1 By Sri.S.U.S Advcoate]

[D-2 & 3 By Sri.D.K.H Advcoate]

Date of Institution of Suit	30.09.2022
Nature of the Suit	Partition and Separate Possession
Date of Commencement of Evidence	01.08.2024
Date of pronouncement of Judgment	06.06.2026
Total Duration	Years Months Days
	03 08 06

JUDGMENT

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

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

The plaintiff and defendants are the brothers and sisters. They are the members of Hindu joint family. The suit schedule properties are ancestral and joint family properties of plaintiff and defendants. Till today there is no partition is effected between plaintiff and defendants over suit schedule properties.



3. Further submitted that, there is some misunderstanding between the plaintiff and the defendants. So, plaintiff demanded the defendants to allot his legitimate share in the suit schedule properties. But they have refused to allot the share of the plaintiff. So, without any alternative the plaintiff has filed the above suit against the defendants for partition and other reliefs.

4. Upon the service of summons, defendant No.2 and 3 have appeared before the court. But not filed their written statement.

5. The defendant No.1 has filed his written statement by denying the case of the plaintiff. The defendant No.1 has contended that, item No.1 to 4, 6 and 7 are the ancestral properties and there was a partition is already effected between plaintiff and defendant No.1 during the life time of their father. The item No.5 is the self acquired property of defendant No.1.



The defendant No.1 had purchased item No.5 property under the sale deed dated: 11.02.2020. The defendant No.1 had constructed a house in item No.7 property by investing huge amount and he is residing in the said house along with his family members. Therefore, the suit of the plaintiff is not maintainable and liable to be dismissed.

6. Based on the pleadings of both parties, the predecessor 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 the plaintiff proves that all suit properties are ancestral and joint family properties of plaintiff and defendants?

Issue No.3: Whether the defendant No.1 prove that, item No.5 is the self acquired



properties of defendant No.1?

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

Issue No.5: What order or decree?

7. In order to prove the contentions, the plaintiff has got examined himself as PW-1 and got marked documents at Ex.P1 to 12. On the other hand, the defendant No.1 has examined himself as DW.1 and not produced any documents.

8. 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 negative*

Issue No.4: *In the affirmative*

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



::REASONS::

9. 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 himself has examined as PW.1 and produced the G-tree that document got marked as Ex.P1. In this case, the defendant No.1 is examined as DW.1. In the cross examined he has admitted the relationship between plaintiff and defendants. Further it is important to note that, the defendant No.1 has not specifically denied the relationship between plaintiff and defendants. 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***.



10. Issue No.2 and 3: Since these issues are inter connected with each other, they are taken together for the discussion in order to avoid the repetition of the facts and circumstances.

11. 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 7. The counsel for defendant No.1 has vehemently cross examined the PW.1. In the cross examination, the defendant No.1 has failed to get the admissions from the mouth of PW.1.

12. On the other hand, the defendant No.1 has contended that, there is already partition is effected between himself and plaintiff with respect to item No.1 to 4, 6 and 7 properties and item No.5 property is his self acquired property. To prove the



said facts the defendant No.1 has not produced a single piece of documents. The defendant No.1 is examined as DW.1. The counsel for plaintiff has cross examined the DW.1. In the cross examination, the DW.1 has admitted that, there is no partition is effected between the plaintiff and defendants. Further admitted that, the suit schedule properties are the ancestral and joint family properties of plaintiff and defendants and the plaintiff is entitled 1/4th share in the suit schedule properties. On perusal of the cross examination of DW.1 it appears that, the cross examination of DW.1 is sufficient to decide the case on hand.

13. Now this court would like to go through the Ex.P2 to 7. Ex.P2 to 7 are the RTC of item No.1 to 6 properties. On perusal of Ex.P2 to 5 and 7 it appears that, item No.1 to 4 and 6 properties are jointly stands in the name of plaintiff and defendants. The katha of said properties was mutated in favour



of plaintiff and defendants based on pavathi varasu as per MR No.53/2019-2020. The item No.5 property is stands in the name of defendant No.1 only. The defendant No.1 has not produced single piece of documents how he has purchased the item No.5 property. Therefore, it is proper to hold that the defendant No.1 has purchahsed the said property from the income of other ancestral and joint family properties. Therefore, the item No.5 property is also became the joint family property of plaintiff and defendants.

14. Further, the PW.1 has produced the katha extracts and E-katha belongs to item No.7 property and those documents are got marked as Ex.P10 to 12. As per Ex.P10 to 12 item No.7 property is stands in the name of plaintiff. In Ex.P12 it is clearly mentioned that, item No.7 property is the ancestral property of plaintiff. 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*** and ***issue No.3*** is answered in the ***negative***.

15. 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 and issue No.3 is in the negative.

16. Therefore, when the plaintiff has succeeded to prove his case then he is entitled to the relief sought in the suit. Therefore, by considering the relationship between plaintiff and defendants, the plaintiff is entitled 1/4th share in the suit schedule properties by metes and bounds. The defendant No.1 to 3 are entitled 1/4th share each in the suit schedule properties



by metes and bounds. Accordingly, *issue No.4* is answered in the *affirmative*.

17. 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 1/4th share in the suit schedule properties by metes and bounds.

The defendant No.1 to 3 are entitled 1/4th share each in the suit schedule properties by metes and bounds.

Draw preliminary decree accordingly.

[Dictated to the stenographer directly on computer, typed by her and then corrected by me and thereafter pronounced in the open court on this the **6th day of June., 2026**]

Sd/-

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



:ANNEXURE::

List of witnesses examined for the plaintiff:

PW.1 : Lingaraju K.C

List of documents exhibited for the plaintiff:

Ex.P1 : G- tree

Ex.P2 to 7 : Copies of RTC extracts

Ex.P8 & 9 : Tax paid receipts

Ex.P10 & 11 : Copies of encumbrance certificates

Ex.P12 : E-katha extract

List of witnesses examined for the defendants :

DW.1 : Kemparaju

List of documents exhibited for the defendants :

- Nil-

Sd/-

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