

KATK610001682026



Govt. of Kar.,

TITLE SHEET FOR JUDGMENT IN SUIT.

Form No.9 (Civil) Title Sheet for Judgment in suit (R.P.91)	<u>IN THE COURT OF THE PRL. SENIOR CIVIL JUDGE & JMFC., MADHUGIRI</u>
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Present : **Sri. B.Venkatappa, B.A., LL.M.,**
Prl. Senior Civil Judge & JMFC.,
Madhugiri.

ORIGINAL SUIT No.41/2026

DATED THIS THE 25TH DAY OF JUNE 2026

Plaintiff : Sri. Srinivasa
 S/o Venkataravanappa,
 Aged about 53 years,
 R/at Giddaiahnapalaya Village,
 Puravara Hobli,
 Madhugiri Taluk.

(Smt/Sri SRR., Advocate)

V/S

Defendants : 1) Sri. Venkataravanappa
 S/o Thimmadasappa,
 aged about 85 years.

 2) Sri. Thimmaraju
 S/o Venkataravanappa
 aged about 50 years
 Both are R/at Giddaiahnapalaya Village
 Puravara Hobli,
 Madhugiri Taluk.

(D1 & 2 By Sri. GPM., Advocate)



Date of institution of suit	21-02-2026		
Nature of suit	Partition and separate possession		
Date of the commencement of recording of the evidence	20-06-2026		
Date on which the judgment was pronounced	25-06-2026		
Total duration	Year/s	Month/s	Day/s
	00	04	04

Sd/-
(Venkatappa B.)
Prl. Senior Civil Judge & JMFC,
Madhugiri.

* * *

:: J U D G M E N T ::

The plaintiff filed this suit against defendants for partition and separate possession of his 1/3rd share in the suit schedule properties by metes and bounds.

2. The brief facts of the plaintiffs case is as under :

The 1st defendant had 3 children by name Srinivasa (plaintiff), Thimmaraju (2nd defendant) and one daughter by name Neelambike she was died in the year 2000 and she had



relinquished her share in the suit schedule properties in favour of 1st defendant. One Govindappa and Thimmadasappa are the brothers, they are divided previously. The said Thimmadasappa is the father of the 1st defendant and grand father of the plaintiff and 2nd defendant. Item No.1 of suit property is the ancestral and joint family property of the said Govindappa and Thimmadasappa and they were divided the said item No.1 of the suit schedule property equally. Then the defendant No.1 has purchased the share of Govindappa out of the income derived from the half of the extent in Sy.No.40/1. Out of the income derived from the Item No.1 and out of their joint labour venture and joint efforts the 1st defendant and plaintiff and 2nd defendant, the 1st defendant had purchased the Item No. 2 to 5 of suit schedule properties in his name. The plaintiff and defendants have no other sources of income except the agricultural income and out of the agricultural income only the 1st defendant had purchased the suit Item No. 2 to 5 of the suit schedule properties.



3. Plaintiff further stated that, the 1st defendant is the Manager of the joint family and the plaintiff and defendant No.2 are residing jointly and Item No.1 to 5 of the suit schedule properties are the ancestral and joint family properties of plaintiff and defendants and they are in joint possession and enjoyment of the same and there is no partition between the suit schedule properties. In the month December 2025 there is some difference arise due to development between the plaintiff and defendants, as the 2nd defendant had colluded with 1st defendant and in order to grab the valuable properties, he has instigate the 1st defendant and through 1st defendant restraining and obstruct to joint possession of Item No.1 to 3 and the defendant No.1 and 2 have colluded with each other, they are trying to alienate the Item No.4 and 5 of suit schedule property in favour of 3rd parties. If the defendants are alienating the suit schedule properties the legitimate rights of the plaintiff will be defeated. In the month of January 2026, the plaintiff requested the



defendants to effect partition in the suit schedule properties but they refused to effect partition and handed over his legitimate share over the suit properties. The suit schedule properties are the ancestral and joint family properties of the plaintiff and defendants. There is no partition between the plaintiff and defendants. Therefore he has 1/3rd share over the suit properties. The cause of action for this suit arose in the month of January 2026 when the defendants refused to effect partition and separate possession over the suit properties at Gankarnahalli village, Madhugiri Taluk within the jurisdiction of this court. Hence the plaintiff constrained to file this suit.

4. After filing of this suit, summons was issued to the defendants. Defendant No.1 and 2 have appeared before this court through their counsel and filed their written statement. In the written statement they admitted that, plaintiff and defendant No.2 are the children of 1st defendant but they denied that suit schedule properties are joint family properties



and purchase the same from joint family income and income derived from the ancestral properties. They further stated that, the suit schedule properties are the self acquired properties of the 1st defendant, as such the 1st defendant had purchase the suit schedule property under different sale deeds. Item No.1 and 3 are purchased by the 1st defendant under the Registered Sale Deed dated 06-06-1986 from its previous owner Venkataramaiah, item No.2 of suit schedule property was purchased by the 1st defendant through Registered Sale Deed dated 05-05-1994 from its previous owner Gangappa and Ramappa. Item No.4 and 5 of suit schedule properties were purchased by the 1st defendant under the Registered Sale Deed dated 04-12-2008 from its previous owner M.S.Narayanamurthy.

5. It is further stated that, since from the date of purchase of the suit schedule properties the 1st defendant is in actual possession and enjoyment of the said properties in his own right. On the basis of registered sale deeds, the katha and



revenue records of suit schedule properties has made out in the name of 1st defendant as the absolute owner in actual possession and enjoyment of the suit schedule properties. It is further stated that, the plaintiff never take care of 1st defendant, since many years the defendant No.1 and 2 are living jointly and 2nd defendant take care of 1st defendant by providing food, shelter and medical care. The plaintiff has no right over the suit schedule properties are the exclusive and self acquired properties of 1st defendant. However on humanitarian consideration the 1st defendant is ready to provide 1/3rd share in the plaintiff and defendant No.2. Hence the defendants prayed for decree the suit by granting 1/3rd share of the plaintiff and defendants No.1 and 2 in the suit schedule properties. Hence the defendants prayed for decree the suit.

6. On the basis of the pleadings of respective parties to the suit, the following issues have been framed, which are as follows:



ISSUES

- 1) Whether plaintiff proves that himself and defendants are the members of Hindu undivided joint family and suit schedule properties are the ancestral and joint family properties of himself and defendants ?
- 2) Whether the plaintiff is entitled for relief as sought for ?
- 3) What order or decree ?

7. In order to prove case of the plaintiff, himself has been examined as PW1 and 22 documents were got marked as ExP1 to ExP22. On the other hand, defendants has not lead any evidence.

8. Heard the arguments of counsel for plaintiff.
Perused the records placed before the court.

9. My answers to the above issues are as follows:

Issue No.1 : In the Affirmative
Issue No.2 : In the Affirmative
Issue No.3 : As per final order
for the following:



R E A S O N S

10. **Issues No.1 and 2:-** As these all issues are interlinked, hence in order to avoid the repetition of facts and circumstances, I took these issues for common discussion.

11. In order to prove the case, the plaintiff examined himself as PW-1 and he filed his sworn affidavit by reiterating the entire plaint averments in his examination-in-chief. He has stated that, 1st defendant is his father, defendant No.2 is his brother. One sister by name Neelambike died in the year 2000. The suit schedule properties are the ancestral and joint family properties of himself and defendant No.1 and 2. Item No.1 of suit property was ancestral and joint family property of Govindappa and Thimmadasappa. The said Govindappa and Thimmadasappa were divided the said item No.1 of the suit schedule property equally and then the defendant No.1 has purchased the share of Govindappa out of the income derived from the half of the extent in Sy.No.40/1. Out of the income of Item No.1, the 1st defendant and his sons plaintiff and 2nd



defendant have purchased the Item No. 2 to 5 suit schedule properties in the name of 1st defendant. The 1st defendant is the manager of joint family of himself and 2nd defendant, they are residing jointly and Item No.1 to 5 are the joint family properties of himself and defendants, there is no partition in between himself and defendants No.1 and 2. On the basis of revenue records standing in the name of 1st defendant had obstruct to peaceful possession and enjoyment of plaintiff over the item No.1 to 3 and trying to alienate the Item No. 4 and 5 of suit schedule properties in favour of 3rd parties. Finally in the 1st week of January 2026, he requested the defendants to effect partition in the suit schedule properties but the defendants refused to effect partition. He has 1/3rd share in suit schedule properties. Hence PW-1 prayed for decree the suit. The learned counsel for the defendants orally submitted that he has no cross-examination of PW-1 and he has no defense evidence on behalf of defendant No.1 and 2 and he has no objection to grant 1/3rd share in favour of plaintiff.



12. In order to prove his case, the plaintiff has produced the 21 documents as Exp-1 to Exp-21. Exp-1 is affidavit of genealogical tree, it shows that plaintiff and defendant No.2 and deceased Neelambika are the children of defendant No.1. There is no dispute regarding the relationship of the both the parties. Exp-2 and P3 are the hand written Katha extracts pertaining to item No.4 and 5 of suit schedule properties. It discloses that, suit schedule item No.4 and 5 are standing in the name of defendant No.1. Exp-4 to 8 are hand written RTC extracts pertaining to item No.1 of suit schedule properties. It discloses that, previously in the year 1966-67 to 1968-69 item No.1 of suit schedule property was standing in the name of one Govindappa S/o Venkataravanappa. Thereafter item No.1 of suit property was transferred to the name of defendant No.1 since from 1969-70 to 2001-02 the suit schedule properties was standing in the name of defendant No.1. Exp-9 is the computerized RTC extracts of item No.1 of suit property it



shows that, in the year 2025-26 of item No.1 of suit property is standing in the name of defendant No.1.

13. On perusal of ExP-10 to P-14 are hand written RTC extracts of item No.2 of suit schedule property, it shows that, in the year 1966-67 to 1993-94 item No.2 of suit schedule property was standing in the name of one Venkatamma, thereafter in the year 1994-95 item No.2 of suit schedule property was standing in the name of defendant No.1. ExP-15 is the computerized RTC extracts of item No.2 of suit schedule property it shows that in the year 2025-26 item No.2 of suit schedule property is standing in the name of defendant No.1. ExP-16 is the RTC extracts of item No.3 of suit schedule property it shows that at present item No.3 of suit schedule property is standing in the name of defendant No.1. ExP-17 to 22 are MR extracts, index of lands and records of rights pertaining to item No.1 to 3 of suit schedule properties it discloses that, the suit schedule item No.1 to 3 are standing in the name of defendant No.1. In this case, the plaintiff has



stated that, out of income of item No.1 of joint family property, he himself and defendant No.1 and 2 have purchased the item No.2 to 5 of suit schedule properties in the name of defendant No.1. Therefore the suit schedule properties are the ancestral and joint family properties of himself and defendant No.1 and 2 and there is no partition between the plaintiff and defendants.

14. On the other hand the defendants have stated that, item No.1 and 3 were purchased by 1st defendant under registered sale deed dated 06-06-1986 its vendor Sri. Venkataramaiah and item No.2 was purchased by 1st defendant under registered sale deed dated 05-05-1994 from its previous owner Gangappa and Ramappa, item No.4 and 5 were purchased by 1st defendant under registered sale deed dated 04-12-2008 from its previous owner M.S.Narayanamurthy. Therefore all the suit schedule properties are the self acquired properties of 1st defendant but the defendants have not produced any documents in order to



prove purchased by the 1st defendant, the defendant has produced the copy of sale deed dated 06-06-1986, 05-05-1994 and 04-12-2008 but which are not got marked. It discloses that, the 1st defendant has purchased item No.1 to 5 of suit schedule properties. It further shows that, suit schedule properties are self acquired properties of defendant No.1. On perusal of oral and documentary evidence of plaintiff it discloses that, the plaintiff and defendant No.2 are the children of 1st defendant. There is no dispute regarding relationship of plaintiff and defendants. The defendants have not produced any documents to show that, there was partition taken place in between plaintiff and defendants. It shows that, the plaintiff and defendant No.1 and 2 are jointly residing.

15. The plaintiff has contended that, the item No.1 of suit schedule property is originally belongs to father of defendant No.1 by name Sri. Thimmadasappa, there was partition between Govindappa and Thimmadasappa in respect of item No.1 of suit schedule property and out of income



derived from half share to extent in Sy.No.40/1 i.e., item No.1. The 1st defendant jointly purchased the remaining half portion of share of Govindappa. But the plaintiff has not produced any document to show that the 1st defendant had purchased remaining half portion of item No.1 from Govindappa out of income of item No.1 of suit schedule property. On perusal of copy of registered sale deed pertaining to suit schedule properties, it discloses that the defendant No.1 has purchased the item No.1 to 5 of suit schedule properties. Therefore the suit schedule properties are self acquired properties of defendant No.1. It is important to note that, in the written statement the defendant No.1 and 2 have stated that, the defendant No.1 and 2 have ready to gave 1/3rd share to the plaintiff. Further they have no objection to allot 1/3rd share to the plaintiff in the suit schedule properties. As per Section 6 of Hindu Succession of Act, the plaintiff and defendant No.2 being the children of 1st defendant. They are entitled 1/3rd share in the suit schedule properties. Therefore the plaintiff,



defendant No.1 and 2 are entitled 1/3rd share in all the suit schedule properties. Therefore the plaintiff proves that, he himself and defendant No.1 and 2 are members of Hindu Undivided joint family and suit schedule properties are ancestral and joint family properties of plaintiff and defendants. Therefore the plaintiff is entitled 1/3rd share and defendants No.1 and 2 are also entitled 1/3rd each share in all the suit schedule properties. **Hence, I answer Issue No.1 and 2 in the “Affirmative”.**

16. **Issue No.3 :-** In view of the above said findings on Issues No.1 and 2, I proceed to pass the following:

ORDER

Suit of the plaintiff is hereby decreed.

Plaintiff and defendant No.1 and 2 are entitled 1/3rd each share in the suit schedule properties by metes and bounds.

In view of judgment of Hon'ble Supreme Court of India in **Shubkaran Bubna V/s Sitasaran Bubna (2009) 9 SCC 689** office to take



the true copy of the judgment and order sheet,
suo-moto register the case in final decree register
and post the case for final decree proceedings.

Draw preliminary decree accordingly.

*(Dictated to the Stenographer, typed by her, the same is corrected, signed and then pronounced by me in the open court on this the **25th day of June 2026**).*

Sd/-
(B. Venkatappa)
Prl. Senior Civil Judge & JMFC,
Madhugiri.

ANNEXURE

1. **List of witness examined on behalf of plaintiff :**

PW1 : Srinivasa.

2. **List of documents exhibited on behalf of plaintiff :**

Exp1 : Affidavit of Genealogical tree.

Exp2 & 3 : Two Katha Extracts.

Exp4 to 8 : Hand written RTC extracts.

Exp9 : Computerized RTC Extract.

Exp10 to 14: Hand written RTC extracts.

Exp15 : Computerized RTC extract.

Exp16 : Computerized RTC extract.

Exp17 to 19: Three MR extracts.

Exp20 & 21: Two Index of lands.

Exp22 : Records of rights.



3. **List of witness examined on behalf of defendants:**

- NIL -

4. **List of documents exhibited on behalf of defendants:**

- NIL -

Sd/-

(B. Venkatappa)

Prl. Senior Civil Judge & JMFC,
Madhugiri.