



**IN THE COURT OF ADDL. CIVIL JUDGE AND JUDICIAL  
MAGISTRATE FIRST CLASS, AT SIRA**

**Dated on this 18<sup>th</sup> day of July 2026**

**PRESENT :**

**Sharmila E.J.,** *B.A LL.B., LL.M,*  
Addl. Civil Judge & JMFC.,  
Sira.

**O.S. No.148/2014**

|                    |    |                                                                                                                                                             |
|--------------------|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Plaintiffs:</b> | 1. | Smt.Renukamma W/o Srinivasa,<br>D/o Hanumanthappa, aged about 41 years,<br>R/o K.Ranganahalli Village,<br>Gowdagere Hobli, Sira Taluk,<br>Tumakur District. |
|                    | 2. | Smt.Rathnamma W/o late Basavaraju,<br>Aged about 46 years,<br>R/o Hunasehalli, Gowdagere Hobli,<br>Sira Taluk, Tumakur District.                            |
|                    |    | <b>(By Sri.K.U., Advocate)</b>                                                                                                                              |

-V/s-

|                    |    |                                                                                              |
|--------------------|----|----------------------------------------------------------------------------------------------|
| <b>Defendants:</b> | 1. | Sri.Hanumanthappa since dead by Lrs.,<br>(i.e., the plaintiffs and the defendants Nos.2 & 3) |
|                    | 2. | Sri.Umapathi S/o Kariyanna,<br>Aged about 48 years,                                          |
|                    | 3. | Sri.Hanumantharayappa S/o Hanumanthappa,<br>(Dead),                                          |



|  |     |                                                                                                                                                                          |
|--|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | 4.  | Smt.Lakshmakka W/o late Ramanna,<br>Aged about 69 years,                                                                                                                 |
|  | 5.  | Sri.T.Nagaraju S/o late Thimmegowda,<br>Aged about 75 years,                                                                                                             |
|  | 6.  | Sri.Chandranna S/o late<br>Sannahanumanthappa, Aged about 65 years,                                                                                                      |
|  | 7.  | Smt.Honnamma W/o late Gunnaiah,<br>D/o late Ramanna, aged about 60 years,<br>R/o Gundappana -Chikkenahalli Village,<br>Gowdagere Hobli, Sira Taluk,<br>Tumakur District. |
|  | 8.  | Smt.Kariyamma W/o Rangappa,<br>D/o late Ramanna, aged about 52 years,<br>R/o K.Ranganahalli Village,<br>Gowdagere Hobli, Sira Taluk,<br>Tumakur District.                |
|  | 9.  | Sri.Hanumanthappa S/o late Ramanna,<br>Aged about 45 years,                                                                                                              |
|  | 10. | Sri.Anand S/o late Mudlappa,<br>Aged about 70 years,<br>D.1 to 6, 9 & 10 are R/o Hanasehalli Village,<br>Gowdagere Hobli, Sira Taluk, Tumakur District.                  |
|  |     | <b>(D.1 by Sri.G.S.R., Advocate)</b><br><b>(D.2 to 4 by Sri.P.B.S.R., Advocate)</b><br><b>(D.5 to 10 Exparte)</b>                                                        |

|                                 |   |                                    |
|---------------------------------|---|------------------------------------|
| Date of institution of the suit | : | 07.05.2014                         |
| Nature of the suit              | : | Partition and separate possession. |



|                                               |   |            |         |       |
|-----------------------------------------------|---|------------|---------|-------|
| Date of commencement of recording of evidence | : | 05.07.2017 |         |       |
| Date on which the judgment was pronounced     | : | 18.07.2026 |         |       |
| Total duration                                | : | Year/s     | Month/s | Day/s |
|                                               |   | 12         | 02      | 11    |

### **JUDGMENT**

The plaintiffs have instituted the present suit seeking partition and separate possession of their 1/5<sup>th</sup> shares each in the suit schedule properties.

### **SCHEDULE PROPERTIES**

1. The land bearing Sy.No.142 measuring 02 acres 20 guntas out of 10 acres 31 guntas situated at Hunasehalli, Gowdagere Hobli, Sira Taluk bounded by;

East: Land of Sannappa and item No.2

West: Hissa land of Lakshmakka

W/o late Ramanna in Sy.No.167

North: Hissa land of Lakshmakka

W/o late Ramanna in Sy.No.142

South: Land of Pandurangappa

2. The land bearing Sy.No.167 measuring 01 acre 20 guntas out of 3 acres situated at Hunasehalli, Gowdagere Hobli, Sira Taluk bounded by;



East: Land bearing Sy.No.142  
West: Government land  
North: Land belongs to Ananda, T.Chandrappa  
and others in the same Sy.No.  
South: Land of Lakshamma W/o late Ramanna

3. The land bearing Sy.No.43/1D measuring 02 acres 05 guntas situated at Hunasehalli, Gowdagere Hobli, Sira Taluk bounded by;

East: Halla  
West: Item No.1 of the suit property  
North: Land of Kodandappa  
South: Land of Sannappa

4. The House and vacant sites bearing Serial No.41 property No.125 (as per Demand Register Extract for the year 2013-14), measuring East-West:37 feets and North-South:36 feets situated at Hunasehalli Grama Panchayath limits, Sira Taluk bounded by;

East: House of Shivanna  
West: House of Ramanna  
North: Voni and Drainage  
South: House of Ranganna

**2. The brief facts averred by the plaintiffs in the plaint are as follows:**

That one Kariyanna was the common ancestor of the parties and he had two sons, namely Ramanna and



Hanumanthappa (Defendant No.1). It is averred that about 40 years ago, Ramanna and defendant No.1 orally partitioned the ancestral joint family properties and thereafter enjoyed their respective shares separately. After the death of Ramanna, his wife Lakshmakka (Defendant No.4) succeeded to his properties and has been impleaded as a party since the revenue records in respect of certain suit properties continue to stand in her name. The plaintiffs are the daughters of defendant No.1, while defendant Nos.2 and 3 are his sons. It is contended that the plaintiffs and defendant Nos.1 to 3 constitute a Hindu joint family governed by Mitakshara law. The plaintiffs assert that Item Nos.1, 2 and 4 of the suit schedule properties are ancestral joint family properties and that Item No.3, though purchased in the name of defendant No.2, was acquired by defendant No.1 out of the income and nucleus of the joint family and is therefore also a joint family property. It is further averred that defendant No.1, being the manager of the joint family, has failed to render accounts, refused the plaintiffs' demand for partition and in collusion with defendant No.2, is attempting to alienate Item No.3 of the suit schedule property to defeat the plaintiffs' legitimate shares. Hence, they have instituted the present suit seeking partition and separate possession of their share in the suit schedule properties.



**3.** On service of summons, defendant Nos.1 and 2 appeared before the Court through their respective counsel and filed separate written statements. Defendant Nos.3 and 4, though they appeared before the Court, did not file their written statements. During the pendency of the suit, defendant Nos.5 to 10 were impleaded. Despite service of summons, defendant Nos.5 to 10 remained ex parte.

**4.** Defendant No.1 has filed his written statement admitting the relationship between the parties, the genealogy and the nature of the suit schedule properties as pleaded in the plaint. He admits that the suit schedule properties are ancestral joint family properties and that Item No.3, though standing in the name of defendant No.2, was purchased out of the joint family nucleus. However, he denies the allegations that he discriminated against the plaintiffs, failed to render accounts, refused partition, or attempted to alienate the suit properties. He contends that the plaintiffs and defendant Nos.1 to 3 are each entitled to  $1/5^{\text{th}}$  share in the suit schedule properties and prays that the suit be decreed by allotting the respective shares by metes and bounds.

**5. The written statement of Defendant No.2, in brief, is as follows:**

Defendant No.2 contends that the suit is not maintainable



and is liable to be dismissed. While admitting the relationship between the parties, he denies that the plaintiffs and defendant Nos.1 to 3 constitute a Hindu undivided joint family or that the suit schedule properties are all joint family properties. He asserts that defendant Nos.1, 2 and 3 had orally partitioned Item Nos.1, 2 and 4 of the suit schedule properties during the year 1988-89 and have since been in separate possession and enjoyment of their respective shares. It is specifically contended that Item No.3 is the self-acquired property of defendant No.2, having been purchased under a registered sale deed dated 22.11.1992 out of his independent earnings after separation from the family and not out of the joint family nucleus. He further contends that the suit is bad for non-joinder of necessary parties, has been filed in collusion with defendant No.1, and is barred by limitation. Accordingly, he prays that, if the suit is decreed, Item No.3 be excluded from partition and the suit in respect thereof be dismissed.

**6.** On the basis of the pleadings and the materials available on record, this Court has framed the following issues and additional issues:

### **ISSUES**

1. Whether the plaintiffs prove that plaintiffs and defendants are the members of the Hindu Joint



family and the suit schedule properties are the ancestral and joint family properties of them?

2. Whether the plaintiffs are entitled for the relief sought for?

3. What order or decree?

**Additional Issues:**

1. Whether the defendant No.2 proves oral partition among defendant No.1 to 3 with regard to item No.1,2 and 4 in the year 1988-89?

2. Whether the defendant No.2 proves that the suit schedule item No.3 is his self acquired property?

3. Whether the defendant No.2 proves that the suit is bad for non-joinder of necessary parties?

**7.** During the pendency of the suit, defendant Nos.1 and 3 died. However their legal representatives were already on record as the plaintiffs and the remaining defendants.

**8.** In order to substantiate their claim, the plaintiff No.1 examined herself as PW-1 and got marked documents at Ex.P-1 to Ex.P-5. Ex.P-1 to 4 are the RTC extracts and Ex.P-5 is the demand register extract. After completion of her cross-examination, the plaintiffs closed their side of evidence.





**9.** On the other hand, defendant No.2 examined himself as DW-1 and got marked documents at Ex.D-1 to D-8. Ex.D-1 is the Sandarshana Patrike, Ex.D-2 is the Canara Bank Passbook, Ex.D-3 is the registered sale deed dated 22.01.1992 in respect of Item No.3, Ex.D-4 is the invitation relating to the Entrepreneurship Development Programme, Ex.D-5 is the loan sanction letter, Ex.D-6 is the Mutation Register Extract bearing M.R. No.9/91-92, and Ex.D-7 and Ex.D-8 are the RTC extracts pertaining to Sy.No.43/1D for the years 1990-92 and 2014-15 respectively. After completion of his cross-examination, the defendants closed their side of evidence.

**10.** Heard the arguments canvassed by the learned counsel for the plaintiffs and the defendants and perused the materials available on record.

**11.** Accordingly, this court answers the aforesaid Issues and additional issues as hereunder:-

**Issue No.1** - Partly in the Affirmative

**Additional Issue No.1** - In the Negative

**Additional Issue No.2** - In the Affirmative

**Additional Issue No.3** - In the Negative

**Issue No.2** - In the Negative

**Issue No.3**

- As per Final Order,  
for the following:-

**REASONS**

**12. Issue No.1:** The present suit is filed by the plaintiffs seeking partition and separate possession of their share in the suit schedule properties. It is their contention that the plaintiffs and defendant Nos.1 to 3 constitute a Hindu Undivided Joint Family governed by Mitakshara law and that the suit schedule properties are ancestral and joint family properties. According to them, though Item No.3 stands in the name of defendant No.2, the same was purchased by defendant No.1 out of the income and nucleus of the joint family and, therefore, also forms part of the joint family properties. In support of their claim, plaintiff No.1 has filed her affidavit in lieu of chief-examination and examined herself as PW-1. In her evidence, she has reiterated the averments made in the plaint and has produced and got marked documents at Ex.P-1 to Ex.P-5.

**13.** It is the specific case of the plaintiffs that they and defendant Nos.1 to 3 are members of a Hindu Undivided Joint Family. At the outset, it is to be noted that the plaintiffs have not produced any documentary evidence, such as a genealogical tree, to establish the relationship between



themselves and the defendants. However, it is pertinent to note that the relationship between the parties is not in dispute. Defendant No.1 has admitted the genealogy and relationship pleaded in the plaint in his written statement. Likewise, defendant No.2, in his written statement, has also admitted the relationship between the parties. Therefore, in view of the categorical admissions made by the contesting defendants, the relationship between the parties stands established and does not require any further proof. The oral testimony of PW-1 in this regard has also remained unshaken.

**14.** The plaintiffs also contend that the suit schedule properties are ancestral and joint family properties. In order to substantiate the said contention, PW-1 has relied upon the documents marked as Ex.P-1 to Ex.P-5. Ex.P-1 is the RTC extract pertaining to Sy.No.142, being Item No.1 of the suit schedule property, for the year 2013-2014. A perusal of Ex.P-1 discloses that the names of defendant Nos.1, 4, 5 and 10 are reflected in the revenue entries. However, the plaintiffs have neither pleaded nor led any evidence explaining the relationship of defendant Nos.5 to 10 with the plaintiffs or the other defendants, or the basis on which their names came to be entered in the revenue records. Mere production of the RTC



extract, without explaining the presence of the names of defendant Nos.5 to 10, does not establish that the property is ancestral joint family property of the plaintiffs and Defendant Nos.1 to 3.

**15.** Ex.P-2 and Ex.P-3 are the RTC extracts pertaining to Sy.No.167, being Item No.2 of the suit schedule property. A perusal of these documents discloses that the revenue entries stand exclusively in the name of defendant No.4. Though the plaintiffs contend that Item No.2 is an ancestral and joint family property, they have not produced any material to explain how the property came to stand exclusively in the name of defendant No.4 or the nature of her interest therein. Moreover the plaintiffs themselves have pleaded that about 40 years prior to the institution of the suit, Ramanna and defendant No.1 had orally partitioned the ancestral joint family properties and thereafter enjoyed their respective shares separately. It is further pleaded that, after the death of Ramanna, the revenue entries in respect of Item No.2 were mutated in the name of defendant No.4 by way of *Pouthi Varasu* (inheritance). If the oral partition pleaded by the plaintiffs is accepted, the property which fell to the share of Ramanna ceased to remain joint family property as between the branch of Ramanna and that of



defendant No.1. Consequently, upon the death of Ramanna, his share devolved upon his legal heirs in accordance with law. In such circumstances, the plaintiffs cannot simultaneously contend that Item No.2 continues to be the joint family property of the plaintiffs and defendant Nos.1 to 3. Such a plea is self-contradictory. In the absence of any pleading or evidence that the alleged oral partition was not acted upon, or that Item No.2 continued to remain the joint family property of the plaintiffs and defendant Nos.1 to 3, notwithstanding the plaintiffs cannot now contend that Item No.2 forms part of the joint family properties available for partition in the present suit. Except relying upon Ex.P-2 and Ex.P-3, which are only revenue records, no independent evidence has been adduced to establish the plaintiffs' claim over Item No.2. Thus, Ex.P-2 and Ex.P-3 merely establish that the revenue records stand in the name of defendant No.4 and, by themselves, do not establish that the property continued to be joint family property of the plaintiffs and defendant Nos.1 to 3.

**16.** Ex.P-4 is the RTC extract pertaining to Sy.No.43/1D, being Item No.3 of the suit schedule property. A perusal of the said document discloses that the revenue entries stand in the name of defendant No.2, who has been shown as the person in



possession based on a registered sale deed. Thus, Ex.P-4 prima facie reflects that the property stands in the exclusive name of defendant No.2. Mere production of the RTC extract does not establish the plaintiffs' contention that the property was purchased out of the income and nucleus of the joint family. In the absence of any documentary evidence relating to the acquisition of the property or independent evidence to prove the existence of a sufficient joint family nucleus from which the property could have been purchased, Ex.P-4, by itself, does not establish the joint family character of Item No.3.

**17.** Ex.P-5 is the Demand Register Extract pertaining to Item No.4 of the suit schedule property. A perusal of the said document reveals that the property stands in the name of defendant No.1. It is also well settled that revenue records like RTCs and demand register extracts are maintained primarily for fiscal purposes and do not by themselves confer or establish title. Ex.P-5 only evidences that the revenue records relating to Item No.4 stand in the name of defendant No.1. It neither confers title nor establishes the nature of the property. Except the said demand register extract, the plaintiffs have not produced any document to establish how Item No.4 was acquired. In the absence of any title document or other cogent evidence regarding the origin and character of the property, this



Court is of the considered view that the plaintiffs have failed to establish that Item No.4 is a joint family property liable for partition.

**18.** Though defendant Nos.1 and 2 have made certain admissions regarding the ancestral character of Item Nos.1, 2 and 4, such admissions cannot be considered in isolation. The Court is required to appreciate the admissions in conjunction with the pleadings and documentary evidence on record. In the present suit, the plaintiffs' own pleadings disclose an earlier oral partition between Ramanna and defendant No.1 and further state that Item No.2 devolved upon defendant No.4 by inheritance. Likewise, Ex.P-1 reflects the names of persons whose relationship with the parties has not been explained. In these circumstances, the admissions, by themselves, are insufficient to conclusively establish that the suit schedule properties are presently available for partition as joint family properties. Though defendant No.1 has admitted in his written statement that all the suit schedule properties are ancestral and joint family properties and that Item No.3 was purchased out of the income of the joint family, the said admission cannot, by itself, relieve the plaintiffs of the burden of proving the nature of the suit schedule properties, particularly when



defendant No.2 has specifically contested the plaintiffs' claim. It is true that defendant No.2 has also admitted that Item Nos.1, 2 and 4 were originally ancestral properties by setting up a plea of oral partition among defendant Nos.1 to 3. However, the admissions made by the defendants have to be appreciated along with the pleadings and the documentary evidence produced by the plaintiffs. As already discussed, Ex.P-1 does not satisfactorily establish the character of Item No.1 in view of the unexplained inclusion of defendant Nos.5 and 10 in the revenue entries. Likewise, the plaintiffs' own pleadings regarding the earlier oral partition between Ramanna and defendant No.1 and the subsequent mutation of Item No.2 in the name of defendant No.4 by inheritance create an inconsistency with their present claim that Item No.2 continues to be available for partition among the plaintiffs and Defendant Nos.1 to 3. Insofar as Item No.3 is concerned, Ex.P-4 itself discloses that the property stands in the name of defendant No.2 under a registered sale deed, and the plaintiffs have not produced any evidence to establish the existence of a sufficient joint family nucleus or that the consideration for the purchase proceeded from joint family funds. Insofar as Item No.4 is concerned, Ex.P-5 is only a demand register extract standing in the name of defendant No.1 and in the absence of any title





document or other cogent evidence establishing the origin and character of the property, it does not prove that Item No.4 is an ancestral and joint family property. Accordingly, this Court holds that the plaintiffs have established that they and defendant Nos.1 to 3 are members of a Hindu Joint Family. However, they have failed to establish that Item Nos.1 to 4 are joint family properties available for partition in the manner pleaded. **Accordingly, this Court answers Issue No.1 partly in the Affirmative.**

**19. Additional Issue No.1:** It is the specific defence of defendant No.2 that, defendant Nos.1, 2 and 3 had orally partitioned Item Nos.1, 2 and 4 of the suit schedule properties during the year 1988-89 and have thereafter been in separate possession and enjoyment of their respective shares.

**20.** In support of the said contention, defendant No.2 has examined himself as DW-1 and reiterated the averments made in his written statement. However, during the cross-examination of PW-1, an admission has been elicited to the effect that defendant No.1, defendant No.2 and defendant No.3 had orally partitioned Item Nos.1, 2 and 4 of the suit schedule properties during the year 1988-89 and have since been enjoying their respective shares separately. The relevant portion



of cross-examination of PW-1 is extracted hereunder:

"ನನ್ನ ತಂದೆ, ನನ್ನ ಅಣ್ಣ ಮತ್ತು 3 ನೇ ಪ್ರತಿವಾದಿಯವರು 1988-89 ರ ಸಾಲಿನಲ್ಲಿ ದಾವಾ ಐಟಂ ನಂಬರ್ 1, 2 ಮತ್ತು 4 ನ್ನು ಮೌಖಿಕವಾಗಿ ಭಾಗ ಮಾಡಿಕೊಂಡರು ಎಂದರೆ ಸರಿ. ಅದರಂತೆ ಅವರು ಅನುಭವದಲ್ಲಿದ್ದಾರೆ ಎಂದರೆ ಸರಿ."

Though the above admission of PW-1 lends support to the defence of defendant No.2, the burden still rests upon him to establish the alleged oral partition by cogent and satisfactory evidence. However, during his cross-examination, DW-1 admitted that there is no partition deed relating to the suit schedule properties and merely stated that there had been discussions ("ಮಾತುಕತೆ") among the parties. This answer, instead of strengthening the defence, fails to satisfactorily establish that a concluded oral partition had taken place in the year 1988-89. Except the oral testimony of DW-1 and the admission elicited from PW-1, defendant No.2 has not produced any documentary evidence, such as mutation entries, revenue records or any other documents, to establish that the alleged oral partition was in fact effected and acted upon. In the absence of satisfactory corroborative evidence, defendant No.2 has failed to discharge the burden cast upon him. **Accordingly, this Court answers Additional Issue No.1 in the Negative.**



**21. Additional Issue No.2:** It is the specific claim of the defendant No.2 that Item No.3 of the suit schedule properties is his self-acquired property, purchased under a registered sale deed dated 22.01.1992 out of his independent earnings after separating from the family. On the other hand, the plaintiffs contend that though the property stands in the name of defendant No.2, it was purchased out of the income and nucleus of the joint family.

**22.** To substantiate his defence, defendant No.2 has examined himself as DW-1 and produced documents marked as Ex.D-1 to Ex.D-8. Ex.D-1 is the Sandarshana Patrike, Ex.D-2 is the Canara Bank Passbook, Ex.D-3 is the registered sale deed dated 22.01.1992 in respect of Item No.3, Ex.D-4 is the invitation relating to the Entrepreneurship Development Programme, Ex.D-5 is the loan sanction letter, Ex.D-6 is the Mutation Register Extract bearing M.R. No.9/91-92, and Ex.D-7 and Ex.D-8 are the RTC extracts pertaining to Sy.No.43/1D for the years 1990-92 and 2014-15 respectively. Ex.D-2, Ex.D-4 and Ex.D-5 probabilise the defence of defendant No.2 that he had established an independent source of livelihood through a self-employment scheme prior to the purchase of Item No.3. Ex.D-3 establishes that Item No.3 was purchased under a



registered sale deed in the name of defendant No.2. The subsequent mutation effected under M.R.No.9/91-92 as per Ex.D-6, and the RTC extracts as Ex.D-7 and Ex.D-8 which records the name of defendant No.2, lend further support to his claim of exclusive ownership and possession.

**23.** On the contrary, the plaintiffs have not produced any documentary evidence to establish that the joint family possessed a sufficient nucleus capable of acquiring Item No.3 or that the sale consideration under Ex.D-3 proceeded from the joint family funds. A mere assertion that the property was purchased out of the income of the joint family, without supporting evidence, is insufficient to discharge the burden cast upon the plaintiffs. It is well settled that merely because a property stands in the name of a member of a joint family, no presumption arises that it is a joint family property unless the existence of a sufficient joint family nucleus is first established. Further, during her cross-examination, PW-1 has admitted that defendant No.2 was carrying on a grocery business and that the business was running well. More importantly, she has admitted that the plaintiffs are not claiming any share in Item No.3 purchased by defendant No.2 from one Junjanna. This admission substantially weakens the plaintiffs' plea that Item



No.3 was acquired out of the joint family nucleus. Further, during the cross-examination of DW-1, nothing worthwhile has been elicited to discredit his testimony regarding the purchase of Item No.3. On the contrary, his evidence that he was carrying on an independent grocery business, had obtained financial assistance from the bank and purchased the property under Ex.D-3 has remained substantially unshaken. On an overall appreciation of the oral and documentary evidence, this Court is of the opinion that the defendant No.2 has established that Item No.3 of the suit schedule property is his self-acquired property. **Accordingly, this Court answers Additional Issue No.2 in the Affirmative.**

**24. Additional Issue No.3:** It is the specific contention of defendant No.2 that the suit is bad for non-joinder of necessary parties, inasmuch as the sons and daughters of Defendant No.4 were not impleaded. During the pendency of the suit, defendant Nos.5 to 10 came to be impleaded. However, neither the plaint nor the evidence on record discloses who defendant Nos.5 to 10 are or what relationship they bear to the plaintiffs or the other defendants. No material has been placed before the Court to show that defendant Nos.5 to 10 are the very persons whose non-joinder was complained of by defendant No.2. At the same



time, defendant No.2 has not led any independent evidence to establish the identity of the alleged omitted legal heirs or to show that any person whose presence is indispensable for an effective adjudication continues to remain outside the array of parties. A mere plea of non-joinder, unsupported by cogent evidence, is insufficient. In these circumstances, defendant No.2 has failed to discharge the burden of proving that the suit is bad for non-joinder of necessary parties. **Accordingly, this Court answers Additional Issue No.3 in the Negative.**

**25. Issue No.2:** In view of the findings recorded on Issue No.1 and Additional Issue Nos.1 and 2, this Court is of the considered opinion that the plaintiffs have failed to establish that the suit schedule properties are ancestral and joint family properties available for partition. Defendant No.2 has established that Item No.3 is his self-acquired property, having been purchased under a registered sale deed out of his independent earnings and not from the income or nucleus of the joint family. Further, during her cross-examination, PW-1 has admitted that the suit was instituted after discussions among themselves. Though these circumstances, by themselves, are not sufficient to conclusively hold that the suit is collusive, they do lend support to the defence of defendant No.2 that defendant No.1 was supporting the plaintiffs' claim.



Upon such scrutiny, this Court finds that the plaintiffs have failed to establish that they are entitled to seek partition and separate possession of the suit schedule properties. **Accordingly, this Court answers Issue No.2 in the Negative.**

**26. Issue No.3:** In view of the findings recorded on Issue Nos.1 and 2 and Additional Issue Nos.1 to 3, this Court proceeds to pass the following;

**ORDER**

**The suit of the plaintiffs is hereby dismissed.**

**In the circumstances of the case, there shall be no order as to costs.**

**Draw decree accordingly.**

(Dictation given to the Stenographer, transcribed and computerized by him, then corrected, signed by me and pronounced in the open court on this the **18<sup>th</sup> day of July 2026**)

Sd/-  
(Sharmila E.J.)  
Addl. Civil Judge & JMFC.,  
Sira.

**ANNEXURE**

|                                                                |               |
|----------------------------------------------------------------|---------------|
| <b>List of witnesses examined on behalf of the Plaintiffs:</b> |               |
| PW-1                                                           | Smt.Renukamma |



|                                                              |
|--------------------------------------------------------------|
| <b>List of documents marked on behalf of the Plaintiffs:</b> |
|--------------------------------------------------------------|

|             |                                           |
|-------------|-------------------------------------------|
| Ex.P-1 to 4 | RTC extracts                              |
| Ex.P-5      | Certified copy of demand register extract |

|                                                                |
|----------------------------------------------------------------|
| <b>List of witnesses examined on behalf of the Defendants:</b> |
|----------------------------------------------------------------|

|      |              |
|------|--------------|
| DW-1 | Sri.Umapathi |
|------|--------------|

|                                                              |
|--------------------------------------------------------------|
| <b>List of documents marked on behalf of the Defendants:</b> |
|--------------------------------------------------------------|

|            |                                                                    |
|------------|--------------------------------------------------------------------|
| Ex.D-1     | Sandarshana Patrike                                                |
| Ex.D-2     | Canara Bank Passbook                                               |
| Ex.D-3     | Registered sale deed dated 22.01.1992                              |
| Ex.D-4     | Invitation relating to the Entrepreneurship Development Programme, |
| Ex.D-5     | Loan sanction letter                                               |
| Ex.D-6     | Mutation Register Extract bearing M.R. No.9/91-92                  |
| Ex.D-7 & 8 | RTC extracts                                                       |
|            |                                                                    |

Sd/-

**Addl. Civil Judge & JMFC.,  
Sira.**