



Dated this the 30th Day of June 2026

O.S. No.285/2019

(By Sri. S.G.S, Advocate)

$$/V_s/$$

DEFENDANTS:

1. Nagamma W/o Late Eranna
Aged about 69 years,
R/at Kenchappanahalli,
Bukkapattana Hobli, Sira Taluk.
2. Lakshminarasimhaiah
S/o Late Eranna
Aged about 45 years,
R/at Kenchappanahalli,
Bukkapattana Hobli, Sira Taluk.
3. Nagamma D/o Late Eranna,
W/o Papanna, Aged about 43 years,
R/at Ankasandra, Cheluru Hobli,
Gubbi Taluk, Tumakuru Dist.



4. Lakshminarasimhaiah
S/o Late Eranna

Lrs., of Defendant No.4

- 4(a) Sharadhamma
W/o Late Narasimhamurthy,
Aged about 39 years,
- 4(b) Bhuvaneshwari N.
D/o Late Narasimhamurthy,
Aged about 25 years,
- 4(c) Narashimharaju K. N.
S/o late. Narasimhamurthy,
Aged about 45 years,

All are R/at Kenchappanahalli
Bukkapattana Hobli, Sira Taluk.

5. Shivakumara S/o Late Eranna
Aged about 35 years,
R/at Kenchappanahalli,
Bukkapattana Hobli, Sira Taluk.

(D.1,3 Exparte)

(By Sri. G.G., Advocate for D.2)

**(By Sri. Y.R.K., Advocate for D.4 (a) to
(c))**

(By Sri. R.M., Advocate for D.5)



Date of Institution of suit : 19.11.2019

Nature of suit : Partition and Separate Possession

Date of commencement of Recording of evidence : 03.03.2026

Date on which Judgment was Pronounced : 30.06.2026

Total duration taken for Disposal of the suit : Day/s Month/s year/s

11 06 06

Sd/-
(NARASIMHAMURTHY .A)
Prl. Civil Judge & JMFC.,
Sira.

J U D G M E N T

The plaintiff has filed this suit against the defendants seeking the relief of partition and separate possession of plaintiff's 1/6th share in the suit schedule properties with metes and bounds and for costs and such other reliefs.

2. Case of the plaintiff in brief is as under;



It is submitted that, one Eranna and Nagamma are the legally wedded couples and they are blessed with three sons and three daughters namely, Lakshmamma, Putteeramma (dead), Nagamma, Lakshminarasimahaih, Narasimhamurthy and Shivakumar. The defendant No.1 is the mother of plaintiff and defendants. After the death of Eranna, his share devolves upon his wife and his children, as such the plaintiff and defendants are in joint possession and enjoyment over the suit schedule properties and revenue documents are changed into the name of defendant No.1 on inheritance. Since, the plaintiff and the defendants are not in good terms, she demanded the defendants to allot her respective 1/6th share in the suit schedule properties, but the defendants refused to do so. Hence, this suit.

3. On service of summons defendant No.1 and 3 remained absent, hence placed exparte. Defendant No.2, 4(a) to(c) and 5



have appeared before the court, but not filed their written statement.

4. On perusal of pleadings, the following points were framed:

POINTS

1. Whether the plaintiff proves that herself and defendants are the members of Hindu Undivided Joint Family and the suit schedule properties are the ancestral and joint family properties of plaintiff and defendants?
2. Whether the plaintiff is entitled for the relief sought for?
3. What Order or Decree?

5. In order to substantiate the case, plaintiff herself examined as PW.1 and got marked 4 documents at Ex.P.1 to 4.

6. Having heard the arguments from both the counsels. Considering the pleadings and evidence on record, facts and circumstances of the case and law applicable to the case, my



answer to the above Points are as under;

POINT No.1 : In the Negative

POINT No.2 : In the Negative

**POINT No.3 : As per Final Order
for the following;**

REASONS

7. **POINT No.1 AND 2:** In order to avoid repetition of facts, I have taken these points together for common discussion.

The whole facts of the case are already narrated at the inception of this judgment. Therefore, repetition of the same is avoided here.

8. In order to prove the case, plaintiff herself examined as PW.1 and filed her chief examination affidavit by reiterating the averments of the plaint and produced in all 4 documents. Ex.P.1 is G-Tree, Ex.P.2 to 4 are the RTCs'.



9. To show that, the plaintiff and defendants are the members of joint family, she has produced G-Tree at Ex.P.1. To show that the khata of the suit schedule properties stands in the name of defendant No.1 as per M.R.No.7/2000-01, she has produced recent RTCs' at Ex.P.2 to 4. On going through these documents, it reveals that suit schedule properties are standing in the name of defendant No.1.

10. At this point of time, this court wants to discuss about Sec.14 of Hindu Succession Act.

Sec.14.Property of a female Hindu to be her absolute property.—

(1) Any property possessed by a female Hindu, whether acquired before or after the commencement of this Act, shall be held by her as full owner thereof and not as a limited owner. Explanation.—In this sub-section, “property” includes both movable and immovable property acquired by a female Hindu by inheritance or devise, or at a partition, or in lieu of maintenance or arrears



of maintenance, or by gift from any person, whether a relative or not, before, at or after her marriage, or by her own skill or exertion, or by purchase or by prescription, or in any other manner whatsoever, and also any such property held by her as stridhana immediately before the commencement of this Act.

(2) Nothing contained in sub-section (1) shall apply to any property acquired by way of gift or under a will or any other instrument or under a decree or order of a civil court or under an award where the terms of the gift, will or other instrument or the decree, order or award prescribe a restricted estate in such property.

By plain reading of the above section it is clear that suit schedule properties are acquired by defendant No.1 by way of partition. Accordingly, she became the absolute owner of the same. In order to show that suit schedule properties are ancestral properties of plaintiff and defendants, the plaintiff has utterly failed to prove the same. In the absence of



documentary evidence, this court answered **Point No.1 and 2 in the Negative.**

12. **POINT No.3:** In view of my findings on the above points, I proceed to pass the following;

ORDER

The suit of the plaintiff filed for partition and separate possession is hereby dismissed with cost.

Draw decree accordingly.

(Directly dictated to the stenographer on computer, typed and printout taken by her, then corrected and pronounced by me in the open court on 30th Day of June 2026)

Sd/-
(NARASIMHAMURTHY.A)
Prl. Civil Judge & JMFC.,
Sira.

ANNEXURE

List of witnesses examined on behalf of the Plaintiff:

PW.1

Lakshamma



List of documents marked on behalf of the Plaintiff:

Ex.P.1 G-Tree

Ex.P.2-4 Recent RTCs

List of witnesses examined on behalf of the Defendants:

- Nil -

List of documents marked on behalf of the Defendants:-

- Nil -

**Sd/-
Prl. Civil Judge & JMFC.,
Sira.**