



**IN THE COURT OF ADDITIONAL CIVIL JUDGE AND J.M.F.C.,
AT TIPTUR.**

DATED THIS THE 20th DAY OF JULY, 2026.

**PRESENT: SMT. MADHUSHREE G. S., B.COM., LLB., L.L.M.,
ADDL. CIVIL JUDGE & JMFC., TIPTUR.**

O. S. NO. 416/2015

PLAINTIFF : Sharath
S/o Venkatesh
Aged about 23 years
R/at Near plaginamma temple
Maranagere
Tiptur Town

(By Sri. G.R.M., Adv)

Vs

DEFENDANTS : 1. Narasimhaiah
S/o Sannagangaiah
Aged about 70 years

2. Manjunatha
S/o Nagaraja
Aged about 35 years

Both are R/at Maranagere
Kasaba Hobli
Tiptur Taluk

3. Deleted

4. Deleted

5. Gayathri



W/o R.Govinddappa
Aged about 37 years
R/at Behind Railway School
Ballary Camp,
Bihar Town
Kadur Taluk.

6. **Gowramma**
W/o Srinivasa
D/o Late.Sannagangaiah
Aged about 65 years
R/at Near Aralimara
Maranagere
Tiptur Town.

7. **Manjula**
W/o Basavaraju
D/o Late.Sannagangaiah
Aged about 50 years

8. **Mangala**
W/o Suresh
D/o Late.Nagaraju
Aged about 35 years

Defendants No.7 and 8 are
R/at Bevinahally gate garden house
Handanakere Hobli
Chikkanayakanahalli Taluk

9. **Jayalakshmi**
W/o Mahesh
D/o Late.Nagaraj
Aged about 28 years
R/at #16/2, Keerthi Fashion
5th Main, 4th Cross,
Padarayanapura
Bengaluru-26.

10. **Vasanthamma**



W/o Late.Shivanna
Aged about 55 years

11. **Varalakshmi**
D/o Late.Shivanna
Aged about 28 years
12. **Bhavya**
D/o Late.Shivanna
Aged about 26 years
13. **Sathish**
S/o Late.Shivanna
Aged about 25 years
14. **Ganesha**
S/o Late.Shivanna
Aged about 23 years
15. **Durga**
S/o Late.Shivanna
Aged about 22 years

Proposed defendants No.10 to 15 are
R/at Chamasandra
Kadul Nagara, Chennattur Post
Krishnagiri Taluk and District
Tamilnadu

16. **Manjula**
D/o Venkatesh
Aged about 28 years
R/at Channabasappa garden
Muslim Ghor
Behind Trimurthy Talkies
Titpur Town.

(By Sri. K.B.L., Adv)



Date of institution of the suit	14.10.2015		
Nature of Suit	Partition and Separate Possession		
Date of the Commencement of Evidence	02.07.2024		
Date of Judgment	20.07.2026		
Total Duration	Years	Months	Days
	10	09	06

Sd/-
(MADHUSHREE G. S.)
 Addl Civil Judge & JMFC.,
 Tiptur.

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

The plaintiff has filed this suit seeking for the relief of partition and separate possession of a 1/4th share of their father 1/6th share in the suit schedule properties along with other consequential reliefs.

2. The facts of the plaintiffs case are as follows:

One Doddagangaiah had three sons by name 1st son Narasimhaiah(D1), 2nd son Nagaraju, 3rd son Venkatesha. The 2nd son Nagaraja is dead now, leaving behind him one son Manjunath and wife Thimmamma (D2 and D3). The plaintiff and defendants are coparceners and joint family members. The suit schedule properties are ancestral and joint family properties. The plaintiff and defendants are in joint and constructive possession of the suit schedule properties. Due to differences in family, plaintiff cannot



live together with defendants and the plaintiff demanded orally for partition and separate possession of suit schedule properties. The defendant No.1 refused to give plaintiff's share on last month. If any alleged gift deed executed by defendant No.1 in favour of defendant No.5 is not binding on the share of plaintiff and if any such documents had by the defendant No.5 is sham, created and fabricated one and it is only to defraud the share of the plaintiff. Hence, this suit.

3. Upon summons, defendants No.5 appear before her counsel and filed written statement and denied the entire plaint averments and contended that the plaintiff has not valued suit properly and the court fee paid by the plaintiff is insufficient and the value of the suit schedule properties are more than Rs.10,00,000=00 and this court has no pecuniary jurisdiction to try the suit. The suit filed by the plaintiff is barred by law of limitation. The name of the father of the defendant No.1 is Sannagangaiah but not Doddagangaiah, The said Sannagangaiah had got three sons namely Narasimhaiah, Nagaraja and Venkatesha. The said Narasimhaiah had got a daughter namely Gayathri (defendant No.5), 2nd son Nagaraja had got a son namely Manjunatha (defendant No.3) and two daughters namely Jayalakshmi and Mangala and wife Smt. Thimmamma (defendant No.2) and 3rd son Venkatesh is unmarried and he is suffering from mental disorder and also suffering from fits disease and he is unmarried and due to the said disease the said Venkatesh died on 13.02.2015 and he had no legal heirs. The plaintiff is not the son of said Venkatesh and the plaintiff is not belonged to the family of Sannagangaiah. The original name of the



plaintiff is Sathish S/o Thimmaiah and he is the permanent native of Birur town. Despite of this fact, the plaintiff by creating the false story and by changing his name and by creating the false story he has filed this false and frivolous suit.

The properties as shown in the plaint schedule are all false and incorrect, There is no 10 X 30 feet house and 10 X 30 feet vacant space as alleged in item No.1 property. The item No.2 property is not in existence. The grand father of the defendant No.5 namely Sannagangaiah had no properties either ancestral or self acquired properties. The defendant No.1 is the father of the defendant No.5. The property which is morefully described in the written statement schedule is belonged to the defendant No.1 and the said property was measuring in total 20 X 30 feet and it is his self acquired property and it was the vacant site property. The defendant No.1 was the owner of the written statement schedule property. The defendant No.1 has bequeathed the written statement schedule property in favour of this defendant through the registered gift deed dated 20.05.2013 vide S.R.No.560/2013-14 and put this defendant in possession over the said property. Out of 20 X 30 feet, the said Narasimhaiah has constructed the house measuring 10 X 30 feet and he has gifted the said house property along with vacant site measuring 10 X 30 feet in favour of this defendant. After gift, the defendant No.5 by investing the huge amount, has constructed the house measuring 10 X 22 feet in the year 2013. Either the plaintiff or the other defendants have no manner of right or interest in the written statement schedule property. The plaintiff is not the member of the family of the defendants hence the question of the plaintiff is



having right and share in the suit schedule properties doesnot arise at all. Hence the suit for partition is not maintainable.

The name of father of the defendant No.1 is Sannagangaiah, but not Doddagangaiah. The defendants No.2 and 3 are having the house and vacant site property in Asst. No.4120/970/C measuring 30 X 20 feet situated at Maranagere Colony, Tiptur town. The defendant No.3 died on 21.08.2015, after the death of defendant No.3, the defendant No.2 has sold the said property in favour Basavaraju S/o Gangappa in the year 2011-12. The plaintiff has not included the said property in the plaint schedule and not made the purchaser Basavaraju as party this suit. The defendant No.3 died on 21.08.2015, but the plaintiff has filed the above suit on the death person. Hence on all these grounds, the suit of the plaintiff is liable to be dismissed. The plaintiff is not comes to the court with clean hands and he has suppressed the material facts and also by creating the false documents and relationship filed the present suit in order to grab the property of the defendant No.5. Hence, the plaintiff is not entitled for any relief as sought in the plaint. She prayed for dismissal of the plaintiffs' suit.

Upon summons, defendants No.1 and 3 have appear before thier counsel and filed written statement and denied the entire plaint averments and contended that the name of the father of the defendant No.1 is Sannagangaiah, but not Doddagangaiah, the said Sannagangaiah had got three sons namely Narasimhaiah, Nagaraja and Venkatesha. The said Narasimiah had got a daughter namely Gayathri (defendant No.5). The 2nd son Nagaraja had got a son namely Manjunatha (defendant No.3) and two daughters namely



Jayalakshmi and Mangala and wife Thimmamma (defendant No.2). The said Thimmamma died prior to filing the above suit, the plaintiff has filed this suit against the dead person, hence the suit is not maintainable.

The 3rd son venkatesha (defendant No.4) is unmarried and he is suffering from mental disorder and also suffering from fits disease and he is un married and due to the said disease, the said Venkatesha died on 13.12.2015 and he had no legal heirs, the plaintiff is not the son of the said Venkatesha and the plaintiff is not belonged to the family of Sannagangaiah, the original name of the plaintiff is Sathish s/o Thimmaiah and he is the permanent native of Birur town, despite of this fact, the plaintiff by creating the false story and false relationship and by changing his name and by creating the false documents, has filed this false and frivolous suit. The family of the 1st defendant i.e., father of this defendant Sannagangaiah had no movable or immovable properties or any ancestral or self acquired properties. The properties which are morefully described in the written statement schedule are belonged to the defendant No.1 and the said property was measuring in total 20 X 30 feet and it is his self acquired properties and he was the owner of the written statement schedule property.

The written statement schedule properties are the self acquired property of the defendant No.1, the defendant No.1 has gifted the said properties in favour of his daughter i.e., defendant No.5 through the registered gift deed dated 20.05.2013 vide S.R.No.560/2013-14 and put the defendant No.5 in possession over the said property. Out of 20 x 30 feet, the defendant No.1 has constructed the house



measuring 10 X 30 feet and he has gifted the said house Property along with vacant site measuring 10 X 30 feet in favour of the defendant No.5. Now the defendant No.5 is in possession and enjoyment over the written statement schedule property and by investing the huge amount, she has constructed the house measuring 10 X 22 feet in the year 2013. The plaintiff is not the member of the family of the defendants and hence the question of plaintiff is having the right and share in the suit schedule properties does not arise at all. Either the plaintiff the defendants No.1 to 4 have no manner of right or interest over the written-statement schedule properties. The plaintiff is not comes to the court with clean hands and he is not entitled for any relief as sought in the plaint. The plaintiff is not comes to the court with clean hands and by creating the false and concocted story, has filed this false suit in order to have wrongful gain, hence he is not entitled for any relief as sought in the plaint. He prayed for dismissal of the plaintiffs' suit.

Upon summons, defendants No.5 appear before her counsel and filed additional written statement and contended that The suit of the plaintiff is not maintainable either under the law or facts. There is no nexus for the family of plaintiff and the defendant No.1 as such suit of the plaintiff is not maintainable and same is liable to be dismissed on this ground alone. The property shown in the plaint is not the joint family property of any of the parties to the suit. At no point of time plaintiff and the defendant are the members of joint family and there is no relationship as co- parceners as such. Suit is liable to be dismissed. None of the parties to suit are not entitled share in the suit property and same is absolute property of this defendant. The suit



against the dead person is not maintainable; as such suit is liable to be dismissed. Since Late.Venkatesh was died as a bachelor and he has no issues as such. The plaintiff is stranger to the family of Narasimhaiah S/o Sannagangaiah. Hence, this suit is also liable to be dismissed. Since the properties are self-acquired of Narasimhaiah S/o Sannagangaiah question of partition and separate position does not raise at all as such suit is also liable to be rejected on this ground also. She prayed for dismissal of the plaintiffs' suit.

4. Having heard and perused, the following issues have been framed :

ISSUES

1. Whether the plaintiff proves that the suit schedule properties are all ancestral and joint Hindu family properties of plaintiff and defendants?
 2. Whether the plaintiff proves the genealogy as pleaded in the plaint?
 3. Whether the defendant No.5 proves that the suit is bad for non-joinder of necessary parties?
 4. Whether the plaintiff is entitled for reliefs? If so what extent?
 5. What order or decree?
5. In order to establish the case, the plaintiff stepped into the witness box, filed the evidence affidavit by reiterating the entire plaint averments, got examined as PW1, got marked 25 document as Ex.P1 to Ex.P25 i.e., Ex.P1 is the tax assessment, Ex.P2 to Ex.P4 are the tax paid receipts, Ex.P5 is the Town municipality office



document, Ex.P6 is the certified copy of living members of the deceased's family Ex.P7 is the G-Tree, Ex.P8 is the certified copy of khata exchange, Ex.P9 is the death certificate, Ex.P10 is the election identity card, Ex.P11 is the revenue receipt, Ex.P12 is the requisition of khata change, Ex.P13 is the annexure VII of town municipality, Ex.P14 is the revenue receipt, Ex.P15 is the house scheme, Ex.P16 is the election identity card, Ex.P17 is the demand register extract, Ex.P18 is the tax demand register extract, Ex.P19 is the Town municipality public announcement, Ex.P20 to Ex.P25 are the photos and closed side.

6. Per contra, in order to rebut the plaintiffs suit, the defendant No.3 stepped into the witness box, got herself examined as DW1, by filing affidavit in lieu of examination in chief, by reiterating the entire written statement averments and got marked 14 document as Ex.D-1 to Ex.D14 i.e., Ex.D1 is the election identity card, Ex.D2 to Ex.D4 are the Aadhar cards, Ex.D5 is the assessment list of buildings and lands liable to taxation, Ex.D6 is the tax demand register extract, Ex.D7 is the G-Tree, Ex.D8 is the death certificate, Ex.D9 is the death certificate, Ex.D10 is the gift deed, Ex.D11 is the form 15, Ex.D12 is the town municipality annexure VII, Ex.D13 is the tax demand register extract, Ex.P14 is the copy of tax assessment and closed side.
7. Heard both sides and perused the materials available on record including the decisions relied on by both the parties.
8. This court answers the above points as follows:-

Issue No.1 : In the Negative



Issue No.2	:	In the Negative
Issue No.3	:	In the Negative
Issue No.4	:	In the Negative
Issue No.5	:	As per the final orders for the following ;

REASONS

9. **ISSUE NO. 1 TO 4** : As these issues are inter-linked with each other and similar evidence is led on these issues, this Court has taken the issues together for common discussion. Since this court has already detailed the averments of the plaint at the inception of this judgment, it shall proceed to appreciate the evidence available on record, without repeating the same, for the sake of brevity.

At the outset, the plaintiff has pleaded that one Doddagangaiah was the propositus of the family and had three sons, namely, Narasimmaiah (Defendant No.1), Nagaraja, and Venkatesh. It is further pleaded that Nagaraja died leaving behind Defendant Nos.2 and 3 as his legal heirs.



10. Except for setting out the above genealogy, the plaint contains no averments disclosing the relationship of the plaintiff with the defendants or explaining how he is connected to the said family. The plaint is completely silent in this regard. It is only in the cause title of the plaint that the plaintiff has described himself as the son of Venkatesh. Apart from such description in the cause title, there is no specific pleading that the plaintiff is the son of Venkatesh, nor has he produced any family tree or other documentary evidence to establish that he is the son of Venkatesh, who in turn is the son of the propositus.
11. Though the plaintiff has pleaded that the propositus of the family was Doddagangaiah, the documentary evidence produced by him does not support the said contention. At Ex.P-6, the plaintiff has produced the family tree of Narasimmaiah (Defendant No.1). Further, at Ex.P-7, he has produced another family tree wherein the propositus is shown as Sannagangaiah, who had a wife by name Gangamma. The said document further discloses that Sannagangaiah and Gangamma had a son, Narasimmaiah, who married Venkatalakshamma, and they, in turn, had three children. Thus, Ex.P-7 clearly discloses that the propositus of the family was Sannagangaiah and not Doddagangaiah, as pleaded in the plaint.
12. During the course of his cross-examination, PW-1 admitted that the name of the propositus was wrongly mentioned in the plaint as Doddagangaiah due to oversight and clarified that the correct name is Sannagangaiah. Further, the plaintiff has produced the death certificate of Gangamma at Ex.P-9, wherein the name of her husband is shown as Sannagangaiah. Thus, the oral as well as



documentary evidence placed on record clearly establishes that the propositus of the family was Sannagangaiah and not Doddagangaiah, as originally pleaded in the plaint.

- 13.** Further, during the cross-examination of DW-1 (Defendant No.5), she admitted that her grandfather's name was Sannagangaiah and that her grandmother's name was Gangamma. She further admitted that they had four sons and two daughters. She stated that the eldest son was her father, the second son was Nagaraju, the third son was Shivanna, and the fourth son was Venkatesh. She also admitted that Gauramma and Manjula were the daughters of Sannagangaiah and Gangamma, who are arrayed as Defendant Nos.6 and 7 in the present suit.
- 14.** During the course of the cross-examination of DW-1, it was suggested to her that the last son of Sannagangaiah, namely Venkatesh, had married Shivamma and that they had two children, namely, a daughter by name Manjula and a son by name Sharath. In response to the said suggestion, DW-1 did not deny that Venkatesh had married Shivamma or that they had a daughter by name Manjula. However, she specifically deposed that the name of the son was not Sharath but Satish. Thus, the only dispute raised by DW-1 was with regard to the name of the son, and not with respect to the marriage of Venkatesh with Shivamma or the existence of their daughter, Manjula.
- 15.** However, Defendant No.5 has taken a specific defence that the said Venkatesh, the youngest son of Sannagangaiah, died unmarried and issueless. Therefore, the burden squarely lies upon



the plaintiff to establish, by cogent and convincing evidence, that he is the son of the said Venkatesh and that Venkatesh had, in fact, contracted a valid marriage.

16. As already observed, the plaint is completely silent with regard to the plaintiff's relationship with the family except for the description in the cause title. In the absence of necessary pleadings, no amount of evidence can be looked into to prove a fact which has not been pleaded. Be that as it may, since the present suit is one for partition, the plaintiff is required to independently establish his relationship with the family and his status as a coparcener or member of the joint family in order to claim a share in the suit schedule properties. Unless such relationship is established through cogent and reliable evidence, the plaintiff cannot claim any right, title or interest over the suit schedule properties.
17. As already discussed, all the documentary evidence produced by the plaintiff pertains to the family of Defendant No.1. However, there is not even a single document or family tree produced by the plaintiff which includes his name as a member of the said family. The plaintiff has neither produced a family tree issued by the competent authority nor any authenticated or sworn family tree disclosing the complete genealogy of Sannagangaiah and showing his place therein.
18. During the cross-examination of PW-1, he was confronted with the original Election Identity Card, which was marked as Ex.D-1. PW-1 admitted that the photograph appearing in Ex.D-1 was his. However, Ex.D-1 describes him as Satish, son of Timmaiah, and



mentions his year of birth as 1983. PW-1 sought to explain that his name, his father's name, and his date of birth were wrongly entered in the said document.

19. When an original Election Identity Card forming part of the electoral roll is produced before the Court and the person concerned admits that the photograph appearing therein is his own, a strong presumption arises regarding the correctness of the particulars contained therein. In such circumstances, the burden lies heavily upon the plaintiff to produce the best possible evidence to establish that his name is Sharath and not Satish, that his father's name is not Timmaiah, and that the particulars recorded in Ex.D-1 are erroneous. A mere oral assertion that the entries are incorrect is wholly insufficient. If, according to the plaintiff, the Election Identity Card contained incorrect particulars, it was incumbent upon him to explain the circumstances under which such incorrect entries came to be made and to produce reliable documentary evidence demonstrating that the said entries had either been corrected by the competent authority or were otherwise erroneous.
20. It is also pertinent to note that the plaintiff had filed an application seeking permission to produce certain documents. However, in the said application, the plaintiff neither specified the documents sought to be produced nor assigned any valid reason for his failure to produce the same at the appropriate stage of the proceedings. In the absence of such particulars, this Court, by a separate order, dismissed the said application.



- 21.** Subsequently, during the course of arguments, the learned counsel for the plaintiff filed a list of documents along with certain documents, including a genealogical tree and other records. However, none of the said documents were original documents. They are only notarized photocopies/xerox copies and were never received in evidence in accordance with law. Since the said documents have not been duly produced and proved during trial, they cannot be looked into or relied upon by this Court. Consequently, the documents produced during the course of arguments, being merely notarized photocopies and not forming part of the evidence on record, are liable to be ignored.
- 22.** In the light of the foregoing discussion and appreciation of the oral and documentary evidence on record, this Court is of the considered opinion that the plaintiff has miserably failed to establish that he, along with the defendants, constitutes a Hindu Undivided Joint Family or that he is a member of the said family. The plaintiff has further failed to prove that he is the son of Venkatesh, the youngest son of Sannagangaiah, or that he occupies the status claimed by him in the cause title of the plaint. The evidence placed on record is wholly insufficient to establish his genealogy or his relationship with the defendants.
- 23.** Once the very relationship of the plaintiff with the family remains unproved, he cannot claim the status of a coparcener or member of the alleged joint family. Consequently, he cannot seek partition and separate possession of the suit schedule properties.



24. In view of the plaintiff's failure to establish his locus and entitlement to claim as a member of the family, the question as to whether the suit schedule properties are joint family properties or whether the plaintiff would be entitled to a share therein does not arise for consideration. Accordingly, this Court is of the clear opinion that the plaintiff is not entitled to the reliefs sought in the plaint. Hence, this court answers Issue No.1 to 4 in the Negative.
25. **ISSUE NO.5** : In the light of discussions made and the findings given on Issue No.1 to 4, this court after careful consideration passes the following :-

ORDER

The suit of the Plaintiff is hereby
dismissed with costs.

Draw decree accordingly.

(Dictated to the stenographer directly, who computerized the same and then, corrected by me, print out taken by her, signed and then pronounced by me in the Open Court on 20th day of July, 2026.)

SD/-
(MADHUSHREE G. S.)
Addl. Civil Judge and JMFC.,
Tiptur.

ANNEXURE

LIST OF WITNESSES EXAMINED FOR THE PLAINTIFF :

PW.1 : Sharath

LIST OF DOCUMENTS MARKED FOR THE PLAINTIFF :



Ex.P1	:	Tax assessment
Ex.P2 to 4	:	Tax paid receipts
Ex.P5	:	Town municipality office document
Ex.P6	:	Certified copy of living members of the deceased's family
Ex.P7	:	G-Tree
Ex.P8	:	Certified copy of khata exchange
Ex.P9	:	Death certificate
Ex.P10	:	Election identity card
Ex.P11	:	Revenue receipt
Ex.P12	:	Requisition of khata change
Ex.P13	:	Annexure VII of town municipality
Ex.P14	:	Revenue receipt
Ex.P15	:	House scheme
Ex.P16	:	Election identity card
Ex.P17	:	Demand register extract
Ex.P18	:	Tax demand register extract
Ex.P19	:	Town municipality public announcement
Ex.P20 to 25	:	Photos

LIST OF WITNESSES EXAMINED FOR THE DEFENDANT :

DW.1	:	Gayathri
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LIST OF DOCUMENTS MARKED FOR THE DEFENDANT :

Ex.D1	:	Election identity card
Ex.D2 to 4	:	Aadhar cards
Ex.D5	:	Assessment list of buildings and lands liable to taxation
Ex.D6	:	Tax demand register extract



Ex.D7	:	G-Tree
Ex.D8	:	Death certificate
Ex.D9	:	Death certificate
Ex.D10	:	Gift deed
Ex.D11	:	Form 15
Ex.D12	:	Town municipality annexure VII
Ex.D13	:	Tax demand register extract
Ex.P14	:	Copy of tax assessment

SD/-
(MADHUSHREE G. S.)
Addl. Civil Judge and JMFC.,
Tiptur.

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