

KAUK410005742025



Presented on : 02-04-2025
Registered on : 02-04-2025
Decided on : 24-08-2026
Duration : 01 years, 04 months, 21 days

IN THE COURT OF
CIVIL JUDGE AND JMFC COURT, DANDELI
AT: DANDELI, UTTARA KANNADA

Presided Over by TEJASHWINI SOGALAD B.COM. LL.M
Civil Judge and JMFC.,
Dandeli.

DATED THIS THE 24th DAY OF AUGUST, 2026

O.S.No.70/2025

PLAINTIFF: **Yallappa Thakkappa Rajannavar,**
Age:73 years, Occ: Civil Engineer,
R/o: IG 1/A48 Ganesh nagar Dandeli,
Tq: Dandeli, Dist: Uttara Kannada.

(Plaintiff by Sri. R.I.H., Advocate)

V/s.

DEFENDANT: **Jyotiba Mahadev Kerwadkar,**
Aged about: 54 years, Occ: Coolie,
R/o: Near Soudaghar complex
Near court Dandeli.

(Defendant by Smt. A.R.K., Advocate)

Date of Institution of the suit	02-04-2025
Nature of the suit	Suit for Declaration of Legal Heirs



Date of the commencement of recording of the evidence	31-10-2025		
Date on which the Judgment was pronounced	24-08-2026		
Total Duration	<u>Year/s</u> 01	<u>Month/s</u> 04	<u>Day/s</u> 21

(Tejaswini Sogalad)
Civil Judge & JMFC.,
Dandeli.

J U D G M E N T

The plaintiff has filed the present for the relief of declaration that he is the ONLY Class-I legal heir to the deceased Late **Smt. Laxmibai Takkappa Rajannavar** who was expired on **18-02-2024 at Ganesh Nagar, Dandeli.**

2. **The Plaintiff's suit in brief:** The plaintiff is the son of Late **Smt. Laxmibai Takkappa Rajannavar** who expired on **18-02-2024** at Ganesh Nagar, Dandeli. The husband of deceased and father of plaintiff expired long back. It is further averred that, plaintiff is the only class-I legal heir to the deceased and there are no other class-I legal heir to deceased. The plaintiff and deceased are Hindus; hence plaintiff and deceased are governed by Hindu law.



2.2 It is further pleaded that, the deceased was a permanent resident of Dandeli. After the death of deceased, the plaintiff has approached the Tahsildar, Dandeli to issue legal heirship. At that time the defendant, who is friend of the plaintiff, has objected for the same on 26-09-2024 and he denied the legal status of the plaintiff and claimed that he is also one of the legal heir of deceased.

2.3 It is further averred that, the plaintiff approached Tahasildar, Dandeli and orally requested to issue of legal heir ship certificate to the plaintiff, when the defendant has objected for the same on 26-09-2024 and he denied the legal status of the plaintiff and deceased claimed that he is only the legal heir to the deceased who has no authority or any manner of right. The Tahasildar, Dandeli stated that the issue of legal heir ship certificate is not within the authority of Tahasildar, Dandeli and advised the plaintiff to approach this court for their legal remedy. Hence, the plaintiff constrained to file the present suit for above mentioned reliefs.



3. Pursuant to service of summons, the defendant, appeared before this court and filed his written statement and has admitted the relationship of the plaintiffs with the deceased, however contended that he has lent money to the deceased by name Late Smt. **Smt. Laxmibai Takkappa Rajannavar** who expired on **18-02-2024** at Ganesh Nagar. Dandeli during her life time. Therefore, even he got right over her property.

3.2 The defendant further pleaded that, he is also having right, title, interest over above mentioned property. Therefore, plaintiff is not only the legal heirs of deceased of Late **Smt. Laxmibai Takkappa Rajannavar** who expired on 18-02-2024 at Ganesh Nagar, Dandeli. Even the defendant is the legal heir of deceased. Hence this suit deserved to be dismissed.

4. On the basis of plaint pleadings the following issues have been framed by my predecessor in office:

- i. **Whether the plaintiff prove that only plaintiff is the Class-I legal heir of deceased**



**Late Smt. Laxmibai Takkappa Rajannavar
who expired on 18-02-2024 at Dandeli?**

- ii. Whether the defendant proves that he has lent money to deceased and is entitled to recover the same.**
- iii. Whether the plaintiff is entitled to the reliefs sought?**
- iv. What Order or Decree?**

- 5. In order to prove his case, the plaintiff got himself examined as PW.1 and filed sworn affidavit in lieu of his examination-in-chief and re-iterated plaint averments in toto. He further produced 4 documents and got marked Exs'. P-1 to P-4. The defendant has neither cross examined the PW.1 nor has she lead any independent evidence of her own.
- 6. Heard the arguments of the both counsels and perused the materials on records and written arguments of plaintiffs.
- 7. My answer to the above said issues are as under:

Issue No.i : In the Affirmative.

Issue No.ii : In the Negative.

Issue No.iii : In the Affirmative.



**Issue No.iv : As per the final order
for the following;**

REASONS

8. Issue No. i to iii:: Since these points are interconnected with each other, they are taken up together for discussion in order to avoid repetition of facts.

8.2 It is the case of the plaintiff that he is the only Class-I legal heir of deceased **Late Smt. Laxmibai Takkappa Rajannavar who expired on 18-02-2024 at Ganesh Nagar, Dandeli.** In order to prove his case the Plaintiff has filed affidavit in lieu of his chief examination and examined himself as P.W.1 and reiterated the plaint averments. Further the plaintiff has produced and got marked **Ex.P-1** which is the death certificate of mother of plaintiff by name Late Smt. **Laxmibai Takkappa Rajannavar** who died on 18-02-2024 at Ganesh Nagar, Dandeli. **Ex.P- 2 is the** the notarized copy of Aadhaar card pertaining to plaintiff. **Ex.P- 3** is the TAX paid receipt. **Ex.P-4** is the Paper publication published in “Nedi Jenu” daily newspaper. All of these documents are in consonance with the plaint averments



and to establish the relationship of the plaintiff with deceased.

8.3 Further, defendant has filed his written statement, but has not effectively contested the matter. However, paper publication is given by plaintiff calling upon objections from public. But none appeared and filed any objections to the plaint. Therefore, the case of the plaintiff remained unchallenged and unrebutted as defendant failed to cross examine P.W.1. Further the documents furnished by plaintiffs clearly establish the relationship of plaintiffs with that of deceased.

8.4 Therefore, at this stage let me go through the personal law of succession, by which the parties and the deceased are governed. As pleaded, the plaintiff and the deceased are governed by Hindu Law of Succession as they are Hindus by religion. Further in the present suit deceased is a Hindu female who died intestate. When a Hindu female dies without a Will (intestate), her legal heirs are determined by the Hindu Succession Act, 1956. More particularly, Sec.15



and 16 of Hindu Succession Act,1956 deals with such scenario. The same are reproduced for better appreciation.

Hindu Succession Act. 1956

Section.15. General rules of succession in the case of female Hindus.—

*(1) The property of a **female Hindu dying intestate** shall devolve according to the **rules set out in section 16,—***

*(a) **firstly**, upon the **sons and daughters** (including the children of any pre-deceased son or daughter) **and the husband;***

(b) secondly, upon the heirs of the husband;

(c) thirdly, upon the mother and father;

(d) fourthly, upon the heirs of the father; and (e) lastly, upon the heirs of the mother.

(2) Notwithstanding anything contained in sub-section (1),—

*(a) any property inherited by a female Hindu from her father or mother shall devolve, **in the absence of any son or daughter of the deceased** (including the children of any pre-deceased son or daughter) not upon the other heirs referred in sub-section (1) in the order specified therein, but upon the heirs of the father; and*

*(b) any property inherited by a female Hindu from her husband or from her father-in-law shall devolve, **in the absence of any son or daughter of the deceased***



(including the children of any pre-deceased son or daughter) not upon the other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the husband.

(emphasis supplied)

Hindu Succession Act.1956

Section.16. Order of succession and manner of distribution among heirs of a female Hindu.—

The order of succession among the heirs referred to in section 15 shall be, and the distribution of the intestate's property among those heirs shall take place according to the following rules, namely:—

Rule 1.—Among the heirs specified in sub-section (1) of section 15, those in one entry shall be preferred to those in any succeeding entry, and those included in the same entry shall take simultaneously.

Rule 2.—If any son or daughter of the intestate had pre-deceased the intestate leaving his or her own children alive at the time of the intestate's death, the children of such son or daughter shall take between them the share which such son or daughter would have taken if living at the intestate's death.

Rule 3.—The devolution of the property of the intestate on the heirs referred to in clauses (b), (d) and (e) of sub-section (1) and in sub-section (2) of section 15 shall be



in the same order and according to the same rules as would have applied if the property had been the father's or the mother's or the husband's as the case may be, and such person had died intestate in respect thereof immediately after the intestate's death.

(emphasis supplied)

8.5 With this background, now let me go through the pleadings and evidence on record. It is the case of the plaintiff that he is the only child of deceased and their father predeceased their mother. Therefore, he is the only Class-I legal heirs of deceased. Further, only in the absence of son or daughter, the nature of suit property i.e. any property inherited by a female Hindu from her father or mother or from husband or father in-law plays vital role. But in the present suit, the plaintiffs have contended that they are children of their parents, therefore, through whom the suit property is inherited by deceased is not at all relevant. Further, there are no materials on records which creates doubt about the case of the plaintiffs.

8.6 The plaintiff has produced cogent and corroborative oral as well as documentary evidence before this court in order to



prove their suit. Moreover, even after giving opportunity Defendant neither chose to cross examine P.W.1 nor chose to lead evidence from his side. because of which the evidence lead in by plaintiff has remained unchallenged and UN-rebutted. Therefore, from the materials on records, it is clearly forthcoming that, plaintiff is the only Class-I legal heir of deceased **Late Smt. Laxmibai Takkappa Rajannavar who expired on 18-02-2024 at Ganesh Nagar, Dandeli**, being the only child of deceased. Hence, plaintiff is entitled to the relief sought for. Accordingly, I hold **Issue No.i and iii in Affirmative and Issue No.ii in Negative.**

9. **Issue No.iv** : In view of my findings on the aforesaid Points I proceed to pass the following:

ORDER

The suit of the plaintiff for the relief of Declaration is hereby DECREED.

Consequently, the Plaintiff is declared as the only Class-I legal heir of deceased Late Smt. Laxmibai Takkappa Rajannavar who was expired



**on 18-02-2024 at Ganesh Nagar,
Dandeli.**

No order as to cost.

Draw the decree accordingly.

(Dictated to the stenographer typed by him directly on the computer,
corrected by me, signed then pronounced in the open court on this the
24th day of August-2026)

(Tejaswini Sogalad)
Civil Judge & JMFC.,
Dandeli.

: ANNEXERE :

List of witness examined on behalf of the plaintiff:

P.W.1: Sri. Yallappa Thakkappa Rajannavar,

List of documents exhibited on behalf of the plaintiffs:

Ex.P-1 : Death certificate of mother of plaintiff by name Late
Late Smt. **Laxmibai Takkappa Rajannavar**

Ex.P-2 : Notarized copy of Aadhaar card pertaining to plaintiff.

Ex.P-3 : TAX paid receipt

Ex.P-4 : Paper publication published in 'Nudi Jenu'
daily Newspaper.

List of witness examined on behalf of the defendant:

- NIL -

List of documents exhibited on behalf of the defendant:

-NIL -

(Tejaswini Sogalad)
Civil Judge & JMFC.,
Dandeli.

KAUK410005742025

