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Presented on : 15-09-2025
Registered on : 15-09-2025
Decided on : 02-06-2026
Duration : 00 years, 08months, 17 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 02nd DAY OF JUNE- 2026

O.S.No. 164/2025

PLAINTIFFS:

1. Smt. Sarita W/o Pramod Malavade,
Aged about: 43 years, Occ: Housewife
R/o: Kammanahalli Main Road
Doddakammanahallia near Hamsha
Printing Press, Bangalore South,
2. Sri. Santosh S/o Chandrakanth Mule,
Aged about: 41 years, Occ: Private Service
R/o: Ganesh Nagar Dandeli,
Tq: Dandeli, Dist: Uttara Kannada,
3. Smt. Seema N. Venkatesh
Aged about: 39 years, Occ: Housewife
R/o:-Parvathipuram Bangalore South

(Plaintiffs by Shri. VRH. Advocate)

V/s.

DEFENDANT: Smt. Ratna W/o Krishna Mule,
Aged about: 69 years, Occ: Housewife,
R/o: LIG, Ganesh Nagar Dandeli,
Tq: Dandeli, Dist: Uttara-Kannada

(Ex-parte)

Date of Institution of the suit	15-09-2025		
Nature of the suit	Suit for Declaration of Legal Heirs		
Date of the commencement of recording of the evidence	13-01-2026		
Date on which the Judgment was pronounced	02-06-2026		
Total Duration	<u>Year/s</u> 00	<u>Month/s</u> 08	<u>Day/s</u> 17

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

JUDGMENT

The plaintiffs have filed the present for the relief of declaration that they are the only Class I legal heirs to the **deceased Late Sri Chandrakanth S/o Vishnu Mule who expired on 24-05-2021 at Bangalore.**

2. **The Plaintiff's suit in brief:** The plaintiff No.1 to 3 are the children of deceased Late **Sri. Chandrakanth S/o Vishnu Mule** who expired on 24-05-2021 at Bangalore. The mother of plaintiffs also expired. The parents of deceased also expired long back. It is further averred that, plaintiffs are the only class-I legal heirs to the deceased and there are no other class-I legal heir to deceased. The plaintiffs are Hindus; hence plaintiffs and deceased are governed by Hindu Succession Act.

2.2 It is further pleaded that, the defendant is the relative of the deceased. The deceased was owner of the house plot bearing No.LIG II/21 situated at Ambewadi, Ganesh Nagar, Dandeli. After the death of deceased, the plaintiffs filed an application to the CMC, Dandeli for transfer of the above said House standing in the name deceased **Sri Chandrakanth S/o Vishnu Mule** to their name but the defendant without having any manner of right, title or interest has filed his objection to the CMC Dandeli on the ground that he is also one of the legal heir of the deceased and also denied the status of the plaintiffs with the

deceased, hence the CMC Dandeli has not transferred the above said house in favour of the plaintiffs.

2.3 The defendant has no legal, moral right to deny the status of the plaintiffs nor has any right to claim any legal heirship of the deceased. The claim of the defendant is totally false, baseless and self serving and stated with malafide intention one. Hence, the plaintiffs constrained to file the present suit for above mentioned reliefs.

3. Pursuant to service of summons, the defendant, did not chose to appear before this court. Hence, he is been placed Ex-parte.

4. Based on the above pleadings of the plaintiffs the points that arise for my consideration are as under:

P O I N T S

- i. Whether the plaintiffs prove that they are the ONLY Class-I legal heirs of the deceased Late Sri Chandrakanth S/o Vishnu Mule who was expired on 24-05-2021 at Bangalore?***
- ii. Whether the plaintiffs are entitled for the reliefs sought in the plaint?***
- iii. What Order or Decree?***

5. In order to prove their case, the plaintiff No.2 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 7 documents and got marked Exs'.P-1 to P-7. Since, the defendant is placed ex-parte, suit got posted for hearing arguments.
6. Heard the arguments of the plaintiffs counsel and perused the materials on records.
7. My answer to the above said issues are as under:

Point No.i & ii : In the Affirmative

**Point No.iii : As per the final order
for the following;**

REASONS

8. **Point No.i & ii:** 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 plaintiffs that they are the only Class-I legal heir of deceased Late **Sri Chandrakanth S/o Vishnu Mule** who was expired on 24-05-2021 at Bangalore. In order to prove their case the Plaintiff No.2 has filed affidavit in lieu of his chief examination and examined himself as P.W.1 and reiterated the plaint averments. Further the

plaintiff No.2 has produced and got marked **Ex.P-1** which is the death certificate of father of plaintiffs by name Late **Sri Chandrakanth S/o Vishnu Mule** who died on 24-05-2021 at Bangalore. **Ex.P-2** which is the death certificate of plaintiffs mother by name Late Smt. Rathnamala C Mule who died on 04/12/2015 at Bangalore. **Ex.P-3 to P.5** are the notarized copies of Aadhaar Cards of plaintiffs respectively. **Ex.P.6** is the TAX paid receipt. **Ex.P-7** is the Paper publication published in “Jana Maadhyama” daily newspaper. All of these documents are in consonance with the plaint averments and to establish the relationship of the plaintiffs with deceased.

8.3 Further, defendant has not contested the matter. However, paper publication is given by plaintiffs calling upon objections from public. But none appeared and filed any objections to the plaint. Therefore, the case of the plaintiffs remained unchallenged and unrebutted. Further the documents furnished by plaintiffs clearly establish the relationship of plaintiffs with that of deceased.

8.4 However, the duty is casted upon the court to see whether suit of the plaintiffs can be decreed as prayed for, since the

defendant is placed ex-parte. It is settled principle of law that, the plaintiffs have to prove their case with cogent and corroborative oral and documentary evidence to get the suit decreed. The absence of defendant cannot be the ground for decreetal of suit as prayed for. In other words, the absence of defendant in itself cannot be the ground for decreetal of the plaintiffs suit.

- 8.5 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 plaintiffs 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 male who died intestate. When a Hindu male dies without a will (intestate), his legal heirs are determined by the Hindu Succession Act, 1956. More particularly, Sec.8 and 9 of Hindu Succession Act,1956 deals with such scenario. The same are reproduced for better appreciation.

Section. 8. General rules of succession in the case of males.—The property of a male Hindu dying intestate shall devolve according to the provisions of this Chapter:—

(a) firstly, upon the heirs, being the relatives specified in class I of the Schedule;

(b) secondly, if there is no heir of class I, then upon the heirs, being the relatives specified in class II of the Schedule;

(c) thirdly, if there is no heir of any of the two classes, then upon the agnates of the deceased; and

(d) lastly, if there is no agnate, then upon the cognates of the deceased.

(emphasis supplied)

Section. 9. Order of succession among heirs in the Schedule.—Among the heirs specified in the Schedule, **those in class I shall take simultaneously and to the exclusion of all other heirs;** those in the first entry in class II shall be preferred to those in the second entry; those in the second entry shall be preferred to those in the third entry; and so on in succession.

(emphasis supplied)

8.6 Further, the said act provides for the schedule wherein the list of legal heirs is mentioned. The list of Class-I legal heirs is as follows;

“Son; daughter; widow; mother; son of a pre-deceased son; daughter of a pre-deceased son; son of a pre-deceased daughter; daughter of a pre-deceased daughter; widow of a pre-deceased son; son of a pre-deceased son of a pre-deceased son; daughter of a pre-deceased son of a pre-deceased son; widow of a pre-deceased son of a pre-deceased son; 1/son of a pre-deceased daughter of a pre-deceased daughter; daughter of a pre-deceased daughter of a pre-deceased daughter; daughter of a pre-deceased son of a pre-deceased daughter; daughter of a pre-deceased daughter of a pre-deceased son]”. (

emphasis supplied)

8.7 With this background, now let me go through the pleadings and evidence on record. It is the case of the plaintiffs that Plaintiffs are the children of the deceased late. **Sri**

Chandrakanth S/o Vishnu Mule. The mother of plaintiffs also expired. The plaintiffs are the only Class-I legal heir and defendant is not the Class-I legal heir of deceased, as discussed above, as they fall within Class-I of legal heir of deceased who died intestate. In that scenario, the defendant never becomes the Class-I legal heir of deceased. Further more, the defendant do not fall within the list appended to Hindu Succession as Class-I legal heir. Hence, he cannot be the Class-I legal heir of deceased.

- 8.8** Further, there are no materials on records which creates doubt about the case of the plaintiffs. The plaintiffs have produced cogent and corroborative oral as well as documentary evidence before this court in order to prove their suit. Moreover, even after service of summons, defendant did not chose to appear before this court, because of which the evidence lead in by plaintiff is remained unchallenged and UN-rebutted. Therefore, the from the materials on records, it is clearly forthcoming that, plaintiffs are the only Class-I legal heir of **deceased Late Sri Chandrakanth S/o Vishnu Mule who expired on 24-05-2021 at Bangalore**, being the children of deceased.

Hence, plaintiffs are entitled to the relief sought for.

Accordingly, I hold point No.i and ii in **Affirmative**.

9. **Point No.iii** : In view of my findings on the aforesaid Points

I proceed to pass the following:

O R D E R

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

Consequently, the Plaintiffs are declared as the ONLY Class-I legal heir of deceased Late Sri. Chandrakanth S/o Vishnu Mule who was expired on 24-05-2021 at Bangalore.

No order as to cost.

Draw the decree accordingly.

(Dictated to the stenographer typed by her directly on the computer, corrected by me, signed then pronounced in the open court on this the 02nd day of June-2026)

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

: ANNEXURE :

List of witness examined on behalf of the plaintiffs:

P.W.1: Sri. Santosh S/o Chandrakanth Mule

List of documents exhibited on behalf of the plaintiffs:

Ex.P-1 : Death certificate of father of plaintiffs by name Late

Chandrakanth S/o Vishnu Mule

Ex.P-2 : Death certificate of plaintiffs mother by name Late Smt.
Rathnamala C Mule

Ex.P-3 to P.5 : Notarized copies of Aadhaar Cards of plaintiffs

Ex.P-6 : TAX paid receipt

Ex.P-7 : Paper publication published in 'Jana Maadhyama'
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.**

**(Judgment pronounced in the open Court
vide separate order)**

ORDER

Civil Judge & JMFC., Dandeli.