

KAUK510000342026



Presented on : 08-01-2026
Registered on : 08-01-2026
Decided on : 27-04-2026

IN THE COURT OF CIVIL JUDGE & JMFC, HALIYAL
AT: HALIYAL, UTTARA KANNADA

Dated this 27th day of April, 2026

PRESENT

Smt. Geeta. B.A.LL.B (Hon's) LL.M.,
Civil Judge and JMFC, Haliyal
ORIGINAL SUIT NO: 04/2026

BETWEEN:

1. Smt. Sharada W/o Devendra Munavalli
Age: 59 years, Occ: Household,
R/o: Tergaon, Tq: Haliyal (U.K)
2. Smt. Sangeeta W/o Bhahubali
Age: 37 years, Occ: Housewife
R/o: Tergaon Taluka Haliyal (U.K)
3. Bharatesh S/o Devendra Munavalli
Age: 34 years, Occ: Agriculture
R/o: Tergaon, Taluka Haliyal (U.K).

.....Plaintiff

(By Sri. C.M.M., Advocate for Plaintiff)

AND:

1. Sri. Gopal S/o Bharmappa Munavalli
Age: 65 years, Occ: Agriculture
R/o: Tergaon, Taluka Haliyal, (U.K).

..Defendant

(By Sri. S.V.M., Advocate for Defendant)

Date of Institution	:	08.01.2026
Nature of the suit	:	Declaration
Date of Evidence	:	17.04.2026
Date of Judgment	:	27-04-2026
Total Duration	:	Year/s Month/s Day/s
		00 03 19

JUDGMENT

This is a suit filed by the plaintiffs against the defendant for the relief of declaration, to declare them as only Class-I Legal heirs of deceased Sri. Devendra Bharamappa Munavalli, who died on 08.10.2022 at Tergaon Village.

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

It is averred by the plaintiffs that, the husband of plaintiff no.1 and father of plaintiff no.2 and 3 by name Sri. Devendra Bharamappa Munavalli died on 08.10.2022 at Tergaon Village. As such, plaintiffs are only Class-I legal heirs to deceased Sri. Devendra Bharamappa Munavalli to inherit the property held by him. There are no other legal heirs to deceased except plaintiffs. The deceased has held a tractor in his name, the

plaintiff being class I legal heirs are entitled to get it transfer in their names. Therefore, on 04.12.2025 plaintiffs approached ARTO, Dandeli to transfer it in the name of plaintiff No.3 but the defendant being brother of deceased Sri. Devendra Bharamappa Munavalli has raised an objection before ARTO, Dandeli on 06.12.2025 claiming that he is also one of the legal heir and entitled to the properties held by deceased Sri. Devendra Bharamappa Munavalli. The claim of defendant is false and not tenable. Therefore, the ARTO, Dandeli has instructed the plaintiff to approach Civil Court and obtain legal heirship certificate. Hence, plaintiffs constrained to file this suit.

3. After issuance of summons, defendant appeared through his counsel and filed written statement denying the plaintiff averments and contended that, he is also legal heir to his deceased brother by name Sri. Devendra Bharamappa Munavalli, the claim of plaintiffs is not tenable. With these contentions, defendant prayed to dismiss the suit.

4. In view of above rival pleadings following issues have been framed;

ISSUES

1. *Whether plaintiffs prove that, they are only Class-I legal heirs of deceased Sri. Devendra Bharamappa Munavalli, who died on 08.10.2022 at Tergaon?*
2. *Whether defendant proves that, he is also legal heirs to deceased Sri. Devendra Bharamappa Munavalli, who died on 08.10.2022 at Tergaon?*
3. *Whether plaintiffs are entitle for the relief of declaration as sought in the plaint?*
4. *What order or decree?*

5. In order to prove their case, the plaintiff No.3 was examined as PW.1 and got marked 06 documents as Ex.P1 to Ex.P6. In support of his contentions defendant not entered witness box and not adduced any evidence.

6. Heard arguments.

7. After analyzing the pleadings of the parties, oral and documentary evidence placed on record and after hearing arguments, answers to the above Issues are as under:-

Point No.1 : In the Affirmative

Point No.2 : In the Negative

Point No.3 : In the Affirmative

**Point No.4 : As per final order,
for the following:-**

:REASONS:

8. POINTS NO.1 AND 2:- These points are connected with each other, in order to avoid repetition of facts and for the sake of convenience, these points are taken together for common discussion.

It is the case of plaintiff that, the husband of plaintiff no.1 and father of plaintiff no.2 and 3 by name Sri. Devendra Bharamappa Munavalli, died on 08.10.2022 at Tergaon Village. As such, plaintiffs are only Class-I legal heirs to deceased Sri. Devendra Bharamappa Munavalli to inherit the property held by him. There are no other legal heirs to deceased except plaintiffs to inherit the properties left by him. The defendant denied the contentions of plaintiffs and stated that he being brother of deceased, he is also legal heir to inherit the properties held by him.

9. In order to prove their contentions, plaintiff No.3 examined as PW1, filed affidavit in lieu of examination in chief and got marked 06 documents as Ex.P1 to P6. Ex.P1 is the death certificate of deceased Sri. Devendra Bharamappa Munavalli, who died on 08.10.2022, in which the name of plaintiff No.1 is shown as his wife. Ex.P2 is the genealogy certificate issued by Deputy Tahashildar Haliyal stating that plaintiff No.1 and 2 are mother and sister of plaintiff No.2. Ex.P.3 is the paper publication issued in Bharath Vaibhas new paper dated 16.01.2026 calling upon the public at large to say any objections

to declare plaintiffs as only Class-I legal heirs to deceased Sri. Devendra Bharamappa Munavalli. Ex.P.4 is the SSLC marks card of plaintiff No.3 in which his father name as Sri.Devendra Bharamappa Munavalli and the name of plaintiff No.1 shown as his mother. Ex.P.5 and 6 are the Aadhar cards of plaintiff No.1 and 2. At Ex.P.5 the husband name of plaintiff No.1 shown as Sri. Devendra Munavalli. In support of his contentions defendant not entered witness box and not adduced any evidence.

10. On perusal of documentary evidence, Ex.P1 proves that, Sri. Devendra Bharamappa Munavalli, died on 08.10.2022 and the name of plaintiff No.1 shown as his wife. Ex.P4 SSLC marks card of plaintiff No.3 proves that, plaintiff No.3 is the son of deceased Sri. Devendra Bharamappa Munavalli. Ex.P.2 genealogy certificate proves that plaintiff No.2 is the own sister of plaintiff No.3. Therefore, it is proved that plaintiffs being wife, daughter and son of deceased Sri. Devendra Bharamappa Munavalli are only his Class I legal heirs under Section 8 of Hindu succession Act, 1956 to inherit the property held by him. Further, the defendant contended that he being brother of deceased Sri. Devendra Bharamappa Munavalli is also legal heir to him, as such he is also entitled to inherit his properties. It is settled law that, brother of deceased comes under Schedule-I Class-II of Hindu succession Act, 1956, therefore he cannot be Class-I legal heir to deceased Sri. Devendra Bharamappa Munavalli. Further, as per Section 8 Hindu Succession Act, when a person died intestate, the

property held by him shall devolve firstly, upon the heirs, being the relatives specified in Class-I of the schedule, Secondly, if there is no heir of Class-I, then upon the heirs, being relative specified in Class-II of the schedule. Therefore, defendant being brother of deceased Sri.Devendra Bharamappa Munavalli will not get any properties of deceased when the Class-I legal heirs of deceased Sri. Devendra Bharamappa Munavalli are alive. Therefore, defendant failed to prove that he is also legal heir to inherit properties held by deceased Sri. Devendra Bharamappa Munavalli.

11. Further, in spite of issuance of paper publication, nobody has appeared before the court objecting to declare plaintiffs as Class-I legal heirs to deceased Sri. Devendra Bharamappa Munavalli to inherit his properties. Therefore, the plaintiffs proved that they being wife, daughter and son of deceased Sri. Devendra Bharamappa Munavalli are only Class-I legal heirs to him under Section 8 of Hindu Succession Act. The defendant failed to prove that he is also Class-I legal heir to deceased Sri. Devendra Bharamappa Munavalli. **Hence, I answer Issue No.1 in the Affirmative and Issue No.2 in the Negative.**

12. Issue No.3:- In view of discussion on Issue No.1 and 2, it is proved that plaintiffs being wife, daughter and son of deceased Sri. Devendra Bharamappa Munavalli are only Class-I legal heirs to him under Section 8 of Hindu Succession Act. Under these circumstances, plaintiffs are entitled for declaration that they are only Class-I legal heirs to deceased Sri. Devendra

Bharamappa Munavalli. Hence, **I answer Issue No.3 in the Affirmative.**

13. Issue No.4:- In the circumstances of the case, no order as to costs. In view of discussion on above issues for the reasons stated therein, I proceed to pass the following:

ORDER

The suit of the plaintiffs is hereby decreed.

It is hereby declared that, the plaintiffs are Class-I legal heirs of deceased Sri. Devendra Bharamappa Munavalli as per Section 8 of Hindu Succession Act, 1956.

Draw decree accordingly.

(Dictated to the Stenographer, transcribed and typed by her, then corrected, signed and pronounced by me in the Open Court on this the **27th day April, 2026**)

Sd/-
(Geeta)
Civil Judge and JMFC.,
Haliyal

ANNEXURE

List of witnesses examined for the Plaintiffs :-

P.W.1 : Bharatesh S/o Devendra Munavalli

List of documents marked for the Plaintiffs :-

- EX.P1 : Death Certificate of Devendra Munavalli
Ex.P2 : Genealogy
Ex.P3 : Paper Publication issued in Kannada
Bharat Vaibhav Daily Newspaper dated
16.01.2026
Ex.P4 : SSLC Marks card
Ex.P.5 & 6 : Notarized copy of Aadhaar Card of plaintiffs

List of witnesses examined for the Defendant/s :-

-Nil-

List of documents marked for the Defendant/s :-

-Nil-

Sd/-
(Geeta)
Civil Judge and JMFC.,
Haliyal