

IN THE COURT OF THE SENIOR CIVIL JUDGES AND JMFC
AT KUDLIGI

O.S. No. 42/2014.

R. MaheshappaPlaintiff

V/s.

R. Sharanappa And others.Defendants

ISSUES

1. Whether the plaintiff proves that the defendant No. 1 to 19 are members of the joint family and the suit properties are undivided joint family co-parcenary properties of plaintiff and defendants 1 to 19.
2. Whether the plaintiff proves that the defendant No. 3 has alienated suit properties in favour of the defendant No. 20.
3. Whether the defendants proves that the plaintiff has not included the person namely R. Siddappa son of Channabasappa who is the brother of the plaintiff and further proves that whether the said person is necessary and proper party in the suit.

4. Whether the defendants proves that the land bearing Sy. No. 419-C measuring 0.12 Cents and Sy. No. 420/B measuring 1.12 acres which are situated at Joladakudligi and the said properties are necessary properties to include in the suit as joint family properties.
5. Whether the defendants proves that the suit is hit by latches and acquiescence since the sale deeds, mutations, revenue documents are not challenged by the plaintiff.
6. Whether the defendants proves that item No. 2 of the suit property is the suit property is the paternal property of defendant No. 3.
7. Whether the defendants No. 3 proves that he has been continued in peaceful possession and enjoyment of the item No. 2 property along with other properties as contended by him as per M. No. 142/95-96.
8. Whether the defendants No. 5 proves that the defendant No. 3 had executed a relinquishment deed in his favour on 21-07-2013.

9. Whether the defendants No. 3 has got right, title to execute the relinquishment deed in favour of defendant No. 5.
10. Whether the defendants proves that the plaintiff has no any right or share over the suit item No. 2 of the suit schedule mentioned properties.
11. Whether the defendant No. 11 proves that the suit filed by the plaintiff is barred by limitation.
12. Whether the defendant NO. 11 proves that the non joinder of necessary parties to including the suit is not maintainable as contended by him.
13. Whether the defendant No. 11 proves that the suit filed by the plaintiff for seeking partition of his 1/5th share is false, vexatious and not maintainable under law as contended by him.
14. Whether the defendant No. 11 proves that the father of the plaintiff had one brother Siddappa and his son Virupakshappa and further proves that another brother of Siddalingappa daughter Halamma are the necessary parties to impleading the suit.

15. Whether the defendant No. 5 proves that the plaintiff is not mentioned boundaries for the suit?

16. Whether the defendant No. 5 proves that the plaintiff is paid the insufficient court fee.

17. Whether the plaintiff is entitled for the relief sought for?

18. What Order or Decree.

Place : Kudligi
Date : 11-03-2016

Senior Civil Judge
and JMFC, Kudligi.