



**IN THE COURT OF THE CIVIL JUDGE & JMFC.,
AT:HAGARIBOMMANAHALLI**

DATED THIS THE 25TH DAY OF JULY 2026

:: PRESENT ::

SRI. SAYED MOHIUDDIN URF KHAWAJA PEERAN,

CIVIL JUDGE & J.M.F.C., HAGARIBOMMANAHALLI. B.A., LL.B. (Spl.),

O.S.No.154/2023

- PLAINTIFF/s** : 1) **Smt.Huluagamma**
W/o Kadara Hanumanthappa
D/o Chithodigeppa
Aged about: 70 years,
R/o Basapura, Gangavathi Taluk,
Koppala District.
- 2) **Sri. Siddappa S/o Chithodigeppa**
Aged about: 46 years,
R/o Choudapura Village,
Harapanahalli Taluk, Vijayanagara District.
- 3) **Smt. Akkamma W/o Basavarajappa,**
Aged about: 35 years,
R/o Kulahalli Village,
Gangavathi Taluk, Koppala District.
- 4) **Kumari Shankramma D/o Basavaraja,**
Aged about: 17 years, Minor
- 5) **Kumara Basavantha S/o Basavaraja,**
Aged about: 15 years, Minor

6) **Kumari Indramma D/o Basavaraja,**

Aged about: 13 years, Minor

Plaintiff No.4 to 6 are minors and the children of the Plaintiff No.3 natural guardian mother and they are in care and custody of the plaintiff No.3

Smt. Akkamma W/o Basavaraja,

Aged about: 37 years,

R/o Kulahalli Village,

Harapanahalli Taluk, Vijayanagara District.

(Rep. by Sri.H.N.,- Advocate)

Vs

DEFENDANT/s : 1) Sri. Anjineppa

S/o Late Thimmappa @ Gundappa

Aged about: 38 years, Occ: Agriculturist,

R/o Holagundi Village, Hadagali Taluk,

Vijayanagara District.

2) **Sri. Siddalingappa**

S/o Late Thimmappa @ Gundappa

Aged about: 35 years, Occ: Agriculturist,

R/o Holagundi Village, Hadagali Taluk,

Vijayanagara District.

(Placed exparte)

Date of institution of the suit	25-11-2023
Nature of the suit	PARTITION AND SEPARATE POSSESSION
Date of commencement of recording of evidence	19-09-2024
Date on which the Judgment was pronounced	25-07-2026

TOTAL	YEARS	MONTHS	DAYS
	2	8	0

(SAYED MOHIUDDIN URF KHAWAJA PEERAN)
CIVIL JUDGE & JMFC.,HAGARIBOMMANAHALLI.

JUDGMENT

The plaintiffs have filed the present suit against the defendants for the relief of partition and separate possession with respect of suit schedule property bearing Sy.No.657, measuring 10.12 acres situated at Morigeri Village, H.B.Halli Taluk.

2. According to the plaintiffs, the plaintiffs and defendants are the members of Hindu Undivided Joint Family. The suit schedule property is the ancestral property of the plaintiffs and defendants. One Bovi @ Vadra Hulugappa is the propositus of the plaintiffs and defendants family, the said Bhovi @ Vadra Hulugappa and his wife Thimmavva are no

more. They had two sons 1) Thimmappa @ Gundappa and 2) Chitodigeppa. The Thimmappa @ Gundappa and his wife Durugavva died, the defendant No.1 and 2 are their children. Chitodigeppa and his wives Bheemakka and Jayamma died. The plaintiff No.1 and 2 and Late Basavaraja husband of plaintiff No.3 are children to them. The plaintiff No.1 is residing her matrimonial house, plaintiff No.2 is residing at Choudapura Village, after the death of husband of the plaintiff No.3, the plaintiff No.3 residing at Kulahalli Village. The plaintiffs and defendants are having equal share in the suit schedule property. They have requested the defendants to allot their legitimate share in the suit schedule property. But defendants have fails to allot the same. With left no option they have filed the present suit seeking jointly $\frac{1}{2}$ share in the suit schedule property and prays to decree the same.

3. After registration of the suit, suit summons was issued to the defendants, the defendants served with the same. In response to the same the defendants have not appeared before the Court and proceeding made exparte.

4. The plaintiffs in order to prove their case, the plaintiff No.2 examined as PW1, plaintiff No.3 examined as PW2, two witnesses examined as PW3 and PW4 and got marked documents Ex.P.1 to Ex.P.13. On the other hand, the defendants have not appeared before the Court and proceeding made exparte. During the course of trial in view of order on I.A.No.V the children of Late Basavarajappa and plaintiff No.3 are impleaded in the present suit as plaintiff No.4 to 6.

5. Heard the arguments and perused the records.

6. The following points arise for my consideration:-

1) **Whether the plaintiffs prove that the suit schedule property is the ancestral property of the plaintiffs and defendants?**

2) **Whether the plaintiffs are entitled for the relief sought for?**

3) **What order or decree?**

7. My answer to the above points is as follows:

Point No.1: In the **AFFIRMATIVE.**

Point No.2: In the **AFFIRMATIVE.**

Point No.3: **As per final Order, for the following:**

:: REASONS ::

8. Points No.1 and 2 :: As the facts involved in point Nos.1 and 2 are interlinked together, hence they are taken up together for common consideration.

9. The present suit is filed by the plaintiffs against the defendants for the relief of partition and separation possession with respect of the suit schedule property. The plaintiffs in order to prove their case, the plaintiff No.2 examined as PW1, plaintiff No.3 examined as PW2, two witnesses examined as PW3 and PW4 and got marked documents Ex.P.1 to Ex.P.13. Certified copies of the RTC extracts of the suit schedule property bearing Sy.No.657 measuring 10.12 acres for the year 1968-69, 1975-76 to 1979-80, 1978-79 to 1983-84, 1983-84 to 1987-88 Ex.P.1. to Ex.P.3. Sketch Ex.P.4. RTC extract of the suit schedule property for the year 2023-24 Ex.P.5. Death certificates of Vadra Hulugappa, Thimmavva, Thimmappa, Durugamma, Chitodigappa, Bheemakka, Jayamma and Bhovi Basavaraja Ex.P.6 to Ex.P.13.

10. Specific case of the plaintiffs is that, the suit schedule property is the ancestral property of the plaintiffs and defendants. One Bovi @ Vadra Hulugappa is the propositus of plaintiffs and defendants family, said Hulugappa and his wife Thimmavva are no more. They had two sons by name Thimmappa @ Gundappa and Chitodigeppa. The said Thimmappa @ Gundappa and his wife Durugavva died. Defendant No.1 and 2 are their children. The Chitodigeppa and his wives Bheemakka and Jayamma died. The plaintiff No.1 and 2 and Late Basavaraja who is the husband of plaintiff No.3 are their children. The plaintiff No.3 is the wife of Late Basavaraja, plaintiff No.4 to 6 are the children of Late Basavaraja and plaintiff No.3. They are having their legitimate share in the suit schedule property. They have requested the defendants to allot their legitimate share in the suit schedule property, but the defendants have failed to allot the same. The plaintiffs are having jointly $\frac{1}{2}$ share in the suit schedule property. Hence, they have filed the present suit seeking the relief of partition of their jointly $\frac{1}{2}$ share in the suit schedule property.

11. I have perused the oral and documentary evidence adduced by the plaintiffs. The plaintiffs have produced the certified copies of RTC extracts of suit schedule property bearing Sy.No.657 measuring 10.12 acres for the year 1968-69, 1975-76 to 1979-80, 1978-79 to 1983-84 and 1983-84 to 1987-88 Ex.P.1 to Ex.P.3. In the said RTC extracts name of grand father of defendant No.1, 2, plaintiff No.1, 2, Late Basavaraja, father-in-law of plaintiff No.3 and great-grand-father of plaintiff No.4 to 6 Vadra Hulugappa is entered. The plaintiff has produced the RTC extract of suit schedule property Sy.No.657 measuring 10.12 acres for the year 2023-24. In the said RTC extract also name of Vadra Hulugappa is entered. On going through the above said documents it discloses that as on the date of filing of the suit the suit schedule property stands in the name of the said Vadra Hulugappa. The plaintiffs have produced the death certificates of Vadra Hulugappa and his wife Thimmvva Ex.P.6 an Ex.P.7. As per said documents it discloses that the said Vadra Hulugappa died on 01.06.1984 and his wife Thimmava died on 01.06.1989. The plaintiffs have produced

the death certificates of parents of defendant No.1 and 2 Thimmappa and Durugamma Ex.P.8 and Ex.P.9. As per said documents it discloses that father of defendant No.1 and 2 died on 01.06.1989 and mother of defendant No.1 and 2 died on 01.06.2003. The plaintiffs have produced the death certificate of father of plaintiff No.1 and 2, Late Basavaraja, father-in-law of plaintiff No.3 and grand father of plaintiff No.4 to 6 Chitodigappa Ex.P.10. On going through the said document it discloses that the said Chitodigappa died on 01.06.1996. The plaintiffs have produced the death certificate of mother of plaintiff No.1 and 2 Bheemakka Ex.P.11. On going through the said document it discloses that the said Bheemakka died on 01.06.2024. The plaintiffs have produced the death certificate of mother of Late Basavaraja and mother-in-law of plaintiff No.3 and grand mother of plaintiff No.4 to 6 Jayamma Ex.P.12. As per the said document it discloses that the said Jayamma died on 01.06.2000. The plaintiffs have produced the death certificate of brother of plaintiff No.1 and 2, husband of plaintiff No.3, father of plaintiff No.4 to 6 Bhovi Basavaraja Ex.P.13. As per the said

document it discloses that the said Bhovi Basavaraja died on 25.09.2018. As per the above said oral and documentary evidence it discloses that the suit schedule property belongs to the ancestor of the plaintiff and defendant Vandra Hulugappa. As per the evidence on record it discloses that, the father of the defendant No.1 and 2 Thimmappa and Chitodigeppa who is the father of plaintiff No.1 and 2 and Late Basavaraj are having $\frac{1}{2}$ share each in the suit schedule property. The plaintiffs are jointly claiming $\frac{1}{2}$ share in the suit schedule property. In support of documentary evidence the plaintiffs have examined two witnesses i.e., PW3 and PW4 they have clearly supported the case of the plaintiffs. As per the records it clearly discloses that the plaintiffs are jointly having $\frac{1}{2}$ share in the suit schedule property and defendant No.1 and 2 are jointly having $\frac{1}{2}$ share in the suit schedule property. The oral and documentary evidence adduced by the plaintiffs is remained unchallenged and unrebutted. In the absence of any contra evidence there is no reasons to disbelieve the evidence of the plaintiffs. In spite of service of suit summons the defendants have not appeared before the

Court and proceeding made exparte. The conduct of the defendants clearly goes to show that they have admitted the case of the plaintiffs. Hence, I answered **Point No.1 and 2 in the AFFIRMATIVE.**

12. Point No.3: - For the aforesaid reasons and discussions made above, I proceed to pass the following:-

ORDER

The suit of the plaintiffs is hereby decreed with costs.

The plaintiffs are jointly entitle for $\frac{1}{2}$ share in the suit schedule property.

The defendant No.1 and 2 are jointly entitle for $\frac{1}{2}$ share in the suit schedule property.

Draw preliminary decree accordingly.

*(Dictated to the Stenographer, transcribed & computerized by him, transcript revised & corrected by me, and then pronounced in the open Court on this the **25th DAY OF JULY 2026.**)*

(SAYED MOHIUDDIN URF KHAWAJA PEERAN)
CIVIL JUDGE & JMFC., HAGARIBOMMANAHALLI

-ANNEXURE-

The list of witnesses examined on behalf of plaintiffs:

- PW.1 : Siddappa S/o Chitodigeppa.
PW.2 : Akkamma W/o Late Basavaraja.
PW.3 : Bennihalli Hussain Peer Sab S/o Sanna Rajasab.
PW.4 : H. Ravikumar S/o Chamarappa.

The list of documents exhibited on behalf of plaintiffs:-

- Ex.P.1 to 3 : Certified copies of the RTC extracts of the suit schedule property bearing Sy.No.657 measuring 10.12 acres for the year for the year 1968-69, 1975-76 to 1979-80 1978-79 to 1983-84, 1983-84 to 1987-88 to 1987-88
Ex.P.4 : Sketch
Ex.P.5 : RTC extract of the suit schedule property for the year 2023-24
Ex.P.6 to 13: Death certificates of Vadra Hulugappa, Thimmavva, Thimmappa, Durugamma, Chitodigappa, Bheemakka, Jayamma and Bhovi Basavaraja

The list of witnesses examined on behalf of defendants:-

- Nil -

The list of documents exhibited on behalf of defendants: -

- Nil -

**(SAYED MOHIUDDIN URF KHAWAJA PEERAN)
CIVIL JUDGE & JMFC., HAGARIBOMMANAHALLI.**