

KAVN310001412020



**IN THE COURT OF ITINERARY SENIOR CIVIL JUDGE  
HUVINAHADAGALI**

**Dated this the 06<sup>th</sup> day of March 2026**

**PRESENT**

**MADHUSUDHANA D K. B.A. LL.B.**

Itinerary Senior Civil Judge  
Huvinahadagali

**OS No.12/2020**

- PLAINTIFFS:**
- 1) Smt. Idli Sanna Ningamma  
W/o Late Sanna Bharamappa  
Aged 67 Years  
R/o Hirehadagali Village  
Huvinahadagali Taluk.**
  - 2) Smt. Hanumakka  
W/o B.Erappa  
Aged 50 Years  
R/o Beerabbi Village  
Huvinahadagali Taluk.**
  - 3) Sri. Idli Dilleppa  
S/o Late Sanna Bharamappa  
Aged 48 Years  
R/o Hirehadagali Village  
Huvinahadagali Taluk.**
  - 4) Sri. Idli Kariyappa  
S/o Late Sanna Bharamappa  
Aged 45 Years  
R/o Hirehadagali Village  
Huvinahadagali Taluk.**
  - 5) Smt. Geetavva**

**W/o Jondi Thirukappa  
Aged 42 Years  
R/o Hyarada Village  
Huvinahadagali Taluk.**

- 6) Smt. Meenakshavva  
W/o Prakash  
Aged 40 Years  
R/o Allipura Village  
Huvinahadagali Taluk.**

**(By Sri. Prashanth V Patil Advocate)**

**V/s**

- DEFENDANTS: 1) Smt. Renukavva  
W/o Ramappa  
D/o Late Idli Dodda Bharamappa  
Aged 42 Years  
R/o Hirehadagali Village  
Huvinahadagali Taluk.**
- 2) Smt. Idli Neelavva  
W/o Ningappa  
D/o Late Idli Dodda Bharamappa  
Aged 40 Years  
R/o Hirehadagali Village  
Huvinahadagali Taluk.**
- 3) Smt. Giddappanavar  
@ Idli Annakka  
W/o Parashuramappa  
D/o Late Idli Dodda Bharamappa  
Aged 38 Years  
R/o 1<sup>st</sup> Ward, Kotedibba Area  
Near Kalleshwara Temple  
Huvinahadagali Taluk.**
- 4) Smt. Idli Dodda Ningavva  
W/o Idli Ningappa  
Aged 67 Years  
R/o Hirehadagali Village  
Huvinahadagali Taluk.**

- 5) **Smt. Idli Revakka**  
**W/o Yamanappa**  
**D/o Late Idli Ningappa**  
**Aged 47 Years**  
**R/o Ayyana Halli Village**  
**Huvinahadagali Taluk.**
- 6) **Smt. Mannappanavar**  
**@ Idli Uchavva**  
**W/o Halappa**  
**D/o Late. Idli Ningappa**  
**Aged 44 Years**  
**R/o Hirekolachi Village**  
**Huvinahadagali Taluk.**
- 7) **Smt. Badakannanavar**  
**@ Idli Lakshmavva**  
**W/o B.Lakshmappa**  
**D/o Late Idli Ningappa**  
**Aged 38 Years**  
**R/o Beerabbi Village**  
**Huvinahadagali Taluk.**
- 8) **Sri. Idli Guddappa**  
**S/o Late Idli Ningappa**  
**Aged 30 Years**  
**R/o Hirehadagali Village**  
**Huvinahadagali Taluk.**
- 9) **Smt. Bendigeri Pakkiravva**  
**W/o Bendigeri Mallappa**  
**Aged 44 Years**  
**R/o Hyarada Village**  
**Huvinahadagali Taluk.**
- 10) **Smt. Pramila**  
**W/o Manjunath**  
**R/o 2<sup>nd</sup> Ward, Kote Area**  
**Hirehadagali Village**  
**Huvinahadagali Taluk.**

**(D1, D2, D4 to D8 by Sri. B.M.M.S, D9 Sri. B.J, D10 by Sri.A.R.J Advocates and D3 exparte)**

<b>Date of institution of Suit.</b>	:	26.02.2020
<b>Nature of suit</b>	:	PARTITION SUIT
<b>Date of commencement of evidence</b>	:	22.01.2021
<b>Date on which Judgment was pronounced</b>	:	06.03.2026
<b>Total duration</b>	:	Years    Months    Days 06        00        08

**MADHUSUDHANA D K**

Itinerary Senior Civil Judge  
Huvinahadagali

***JUDGMENT***

The Plaintiffs No.1 to 6 have filed the above Suit for Partition of 1/6<sup>th</sup> Share out of 1/3<sup>rd</sup> Share of Late Idli Sanna Bharamappa in respect of the Items No. 1 to 6 of the Plaint 'B' Schedule Properties.

2. The Case of the Plaintiffs is that, the Plaintiffs and Defendants No.1 to 8 are the Members of Hindu Joint Family and one Late Idli Hanumanthappa was the Propositus of their Family. The Propositus Idli Hanumanthappa was having 3 Sons by name Idli Dodda Bharamappa, Idli Ningappa and Idli Sanna Bharamappa. The Plaintiffs are Wife and Children of 3<sup>rd</sup> Son Idli Sanna Bharamappa, the Defendants No.1 to 3 are Children of the 1<sup>st</sup> Son Idli Dodda Bharamappa and Defendants No.4 to 8 are Wife and Children of 2<sup>nd</sup> Son Idli Ningappa. The Propositus had acquired the Suit Schedule Properties by way of inheritance and he

was died intestate. After the death of Propositus and his 3 Sons, the Plaintiffs and Defendants No.1 to 8 are having Joint Possession and Cultivation over the Suit Schedule Properties. Due to differences between the Women Folk of the Family, the Plaintiffs and Defendants No.1 to 8 are Residing separately but, there was no Partition in the Properties. The Plaintiffs have demanded for Partition and the Defendants have promised to effect Partition. But, the Defendants have dodged the Partition. The Defendants No.1 to 4 have got their names entered in the Mutation Register by creating an unregistered Partition Deed dated 27.02.2012 and the Defendants No.1 to 3 have also created another Registered Partition Deed dated 20.09.2016 in respect of the Item No.4. On the basis of said Documents, these Defendants have obtained change of Khatha of the Item No.4 and Item No.6. The Plaintiffs have filed a Suit for Partition in OS No.95/2017 before the Civil Judge and JMFC Court in Huvinahadagali. On 07.02.2020, the Plaintiffs have withdrawn the said Suit with liberty to file Fresh Suit for Partition. The Defendant No.9 has obtained change of Khatha of the Item No.2 and Item No.5 in spite of not having any manner of Right, Title or Possession. The Defendant No.3 has sold an extent of 2A in Item No.4 in favor of the Defendant No.10 under Registered Sale Deed dated 09.07.2020. The said Mutation Register and Sale Deed of the Defendant No.10 are obtained without knowledge and consent of the Plaintiffs and they came into existence during the pendency of the Suit and therefore, they are not binding on the Plaintiffs. Therefore, the Plaintiffs have filed the Suit and prayed for the Decree.

3. After the Service of Summons, the Defendant No.3 remained *exparte* and the remaining Defendants have appeared through their Respective Advocates.

4. The Defendant No.4 has filed her Written Statement and same is adopted by the Defendants No.1, 2 and 5 to 8. The Defendant No.9 and Defendant No.10 have filed their separate Written Statements.

5. The Defendant No.4 has denied the Case of the Plaintiffs as false. She has contended that, *after the death of Idli Hanumanthappa, a Partition was effected on 13.06.2008 between Dodd Bharamappa, Sanna Bharamappa and Daughters of Dodda Bharamappa in the presence of Village Elders. As per the Partition List, Schedule No.1 to 3 were made and Schedule No.1 was fallen to the Share of Defendants No.1 to 3, Schedule No.2 was fallen to the Share of Defendants No.4 to 8 and Schedule No.3 was fallen to the Share of Plaintiffs. Since then, the Parties are enjoying their Respective Shares. The Plaintiffs have filed the Suit in OS No.95/2017 but, they did not give any Evidence and then, they have got dismissed the said Suit. Plaintiffs have obtained change of Revenue Records on the basis of Partition and they have filed this Suit to give harassment to the Defendants.* Therefore, the Defendant No.4 has prayed for dismissing the Suit.

6. The Defendant No.9 has contended in her Written Statement that, *she is the Absolute Owner of the Item No.2 and Item No.5 of the Suit Schedule Property as she has succeeded to them from her father Idli Bharamappa. The Plaintiffs are not concerned with the said two Properties and therefore, Suit against the said two Properties is not Maintainable.*

7. The Defendant No.10 has contended in her Written Statement that, *she had purchased the extent of 2A of the Item No.4 from the Defendant No.3 under a Registered Sale Deed dated 09.07.2020 and she has obtained change of Khatha and become the Absolute Owner of the same. She is a Bonafide Purchaser for value and therefore, Suit against her extent of 2A in Item No.4 is liable to be dismissed.*

8. On the basis of the above pleadings, My Predecessor in the Office has framed the following:

#### **ISSUES**

- 1) Whether the Plaintiffs prove that the Suit Schedule Properties are their Ancestral and Joint Family Properties having Joint Possession with Defendants No.1 to 8?**
- 2) Whether the Defendant No.9 proves that she is the Absolute Owner and Person in Possession of Item No.2 and 5 of the Suit Schedule Properties having succeeded by her father?**
- 3) Whether the Plaintiffs are entitled the relief as sought for**
- 4) What Order or Decree?**

#### **ADDITIONAL ISSUES**

- 1) Whether the Defendant No.5 to 8 prove that the Suit Schedule Properties are already been partitioned between them, Defendant No.1 to 3 and Plaintiffs as contended in the Written Statement?**

**2) Whether the Defendant No.10 proves that he is the bonafide purchaser of item No.4 of 'B' Schedule Properties having purchased under the Registered Sale Deed dated 09.07.2020 for a lawful consideration from Defendant No.3?**

9. The Plaintiffs have examined the Plaintiff No.3 as the PW1 and they got marked Ex.P1 to Ex.P45 and they have also examined PW3. The Defendants No.10 and 8 are examined as DW1 and DW2 and they have got marked Ex.D1 to Ex.D8 and Ex.D9 to Ex.D15.

10. The Counsels for Plaintiffs, Defendants No.1, 2 and 4 to 8 and Defendant No.10 have addressed their Arguments. The Defendant No.10 has relied on the Judgment in **RSA No.200055/2024 dated 23.09.2024**. The Counsel for Defendants No.1, 2 and 4 to 8 has relied on the reported Judgments in **2019 (6) SC 409** in between **Tulasidhara Vs Narayanappa** and **2025 SCC Online SC 2358** in between **P. Anjanappa Vs A.P.Nanjunadappa**.

11. On appreciation of the evidence and Legal Aspects involved in the above Case, now, My answers to the above Issues are as follows:

**ANSWERS**

**ISSUE NO.1 : In the Affirmative**

**ISSUE NO.2 : In the Negative**

**ISSUE NO.3 : In the Affirmative**

**ADDITIONAL**

**ISSUE NO.1 : In the Negative**

**ADDITIONAL**

**ISSUE NO.2 : In the Negative**

**ISSUE NO.4 : As per the Final Order,  
for the following:**

**REASONS**

12. **ISSUES NO.1 TO 3 AND ADDITIONAL ISSUES NO.1 AND 2:** To avoid repetition of giving reasoning on the above interlinked Issues, I will discuss them together.

13. I have already narrated the Case of the Plaintiffs and the Defendants at the inception of the above Judgment and therefore, to avoid repetition of same narration, I will not reiterate the same here.

14. The Defendant No.4 being the Family Member of the Plaintiffs and Defendants No.1, 2, 3 and 5 to 8 has not specifically denied the Relationship of the Plaintiffs as Joint Family Members. The careful reading of the Written Statement of the Defendant No.4 shows that, she has contended that, *on 13.06.2008, a Palupatti was entered between the 1<sup>st</sup> Son Dodda Bharamappa and 3<sup>rd</sup> Son Sanna Bharamappa and 3 Schedules were allotted Respectively to the Shares of Plaintiffs, Defendants No.1 to 3 and Defendants No.4 to 8.* Therefore, the nature of the Suit Schedule Properties and the Relationship between the Plaintiffs and the Defendants No.1 to 8 is not seriously disputed by the Defendants. In addition to it, the Defendant No.8 Sri. Idli Gudadappa deposed as DW2. During his cross-examination, the said DW2 has given certain admissions about the nature of the Properties as inherited by the Propositus Idli Hanumanthappa from his Ancestors by deposing that, *ಈ ದಾವೆಯ ಎಲ್ಲಾ ದಾವಾ ಸ್ವತ್ತುಗಳು ನಮ್ಮ ತಾತ ಇದ್ದಿ ಹನುಮಂತಪ್ಪನಿಂದ ಬಂದ ಆಸ್ತಿಗಳು ಎಂದರೆ ಸರಿ.* Therefore, the Plaintiffs have proved the Suit Schedule Properties are Ancestral and Joint Family Properties and **the Issue No.1 is answered in the Affirmative.**

15. The Defendant No.9 has contended that, *she became the Absolute Owner of the Items No.2 and 5 of the Suit Schedule Properties for having inherited them from her father Late Idli Bharamappa.* But, to substantiate her contentions, the Defendant No.9 has not appeared before the Court to give her Oral and Documentary Evidence. Further, during the cross-examination of the PW1 and DW2, the Plaintiff No.3 and Defendant No.8 belongs to the same Family have categorically deposed that, *the Defendant No.9 not belongs to the Family of the Plaintiffs and Defendants No.1 to 8.* The Defendant No.9 is represented before the Court by her Advocate. But, the Advocate for the Defendant No.9 has not made any efforts to put any suggestions to the PW1 and DW2 that, *the Defendant No.9 is also a Family Member of the Plaintiffs and Defendants No.1 to 8.* Therefore, the Defendant No.9 has failed to prove that, she is the Absolute Owner of the Items No.2 and 5 of the Suit Schedule Properties and therefore, ***the Issue No.2 is answered in the Negative.***

16. The Defendants No.4 to 8 have pressed into Service the unregistered Palupatti dated 13.06.2008 and it is marked as Ex.D15. It is the contention of the Defendant No.4 that, *as per the Schedules of the Ex.D15 Palupatti, Partition was already effected and Sharers have obtained change of Mutation and enjoying their Respective Shares.* The Counsel for the Defendants No.4 to 8 has also pressed into Service the above cited Reported Judgments of the Hon'ble Apex Court. It is not disputed that, *the Ex.D15 is a Palupatti and as held by the Hon'ble Apex Court, a Palupatti is only a List of Properties Partitioned and it can be said to be a Family Arrangement.* But, *Whether Shares were allocated as per the Palupatti?*

is the only question that needs answer. During her cross-examination, the Defendant No.8 who deposed as the DW2 clearly admitted that, *change of Mutation of the Properties was not made as per the Palupatti marked as Ex.D15 but, they (Defendants ) have obtained change of Mutation after the death of their father in the Year 2012.* In the words of DW2, she has deposed that, *ದಾವಾ ಐಟಂ ನಂ.4ರ ಹಕ್ಕು ಬದಲಾವಣೆಯನ್ನು ನಾವು ಮತ್ತು ನನ್ನ ದೊಡ್ಡಪ್ಪನ ವಾರಸುದಾರರು ವೈಯಕ್ತಿಕ ಪತ್ರದ ಮೇಲೆ ಖಾತೆ ಬದಲಾವಣೆ ಮಾಡಿಸಿಕೊಂಡಿದ್ದೇವೆ ಎಂದು ಹಕ್ಕು ಬದಲಾವಣೆ ವಹಿಗಳಲ್ಲಿ ನಮೂದಾಗಿದೆ ಎಂದರೆ 4 ಮಂದಿ ಪಂಚಾಯತಿ ಕೂಡಿ ಮಾಡಿಕೊಂಡ ಪತ್ರದ ಮೇಲೆ ಖಾತೆ ಮಾಡಿಸಿಕೊಂಡಿದ್ದೇವೆ ಆ ಪತ್ರದ ಹೆಸರೇನು? ಎಂದರೆ ಪಾಲುವಟ್ಟಿ ಇರುತ್ತದೆ. ನಾವು 2012ರಲ್ಲಿ ಅಂದರೆ ನಮ್ಮ ತಂದೆ ತೀರಿಕೊಂಡ ನಂತರ ಆ ಪತ್ರ ಹಾಜರುಪಡಿಸಿ ಹಕ್ಕು ಬದಲಾವಣೆ ಮಾಡಿಸಿಕೊಂಡಿದ್ದೇವೆ* The above Statements of the DW2 prove that, *though, the Palupatti was entered in the Year 2008, the Defendants have not obtained change of Mutation as per the said Palupatti and it was only after the Year 2012, the Defendants have obtained change of Mutation after the death of their father.* Therefore, the marking of the Ex.D15 is not helpful for the Defendants No.4 to 8 to prove the Partition of the Year 2008. For these reasons, ***the Additional Issue No.1 is answered in the Negative.***

17. The Defendant No.10 has contended that, she has purchased the extent of 2A of Item No.4 from the Defendant No.3 under a Registered Sale Deed dated 09.07.2020. The Defendant No.3 who sold the said 2A of Item No.4 in favor of the Defendant No.10 remained exparte in the Suit. The Defendant No.10 has got marked her Sale Deed as per Ex.D1. The Ex.D1 dated 09.07.2020 contains recitals about *Defendant No.3 acquiring Item No.4 to her Share in a Registered Partition Deed of 2016-17.* The Plaintiffs and Defendants have not marked any Registered Partition Deed in the Suit and

the Defendant No.10 has also not marked any such Partition Deed showing acquisition of Item No.4 by the Defendant No.3. The DW2 has pleaded ignorance about the Registered Partition Deed effected between the Defendants No.1 to 3 on 19.09.2016 by saying that, **1 ರಿಂದ 3 ನೇ ಪ್ರತಿವಾದಿಗಳು ಐಟಂ ನಂ.4 ರಲ್ಲಿ 6 ಎಕರೆ 84 ಸೆಂಟ್ಸ್ ಗೆ ದಿನಾಂಕ 19.09.2016 ರಂದು ನೊಂದಾಯಿತ ಪಾಲುವಿಭಾಗ ಪತ್ರ ಮಾಡಿಸಿಕೊಂಡಿದ್ದಾರೆ ಎಂದರೆ ಅದರ ಬಗ್ಗೆ ನನಗೆ ಮಾಹಿತಿ ಇಲ್ಲ.** In her own cross-examination, the Defendant No.10/DW1 has deposed that, *she is not aware of any details and her husband is aware of the same.* The Counsel for the Defendant No.10 has relied on the Judgment of the Hon'ble High Court of Karnataka in **RSA No.200055/2024 dated 23.09.2024.** In the said Judgment, the Hon'ble High Court was pleased to observe that, ***it is settled position of law that in case the undivided share in a joint property is purchased by a third party, the third party purchaser cannot have any equity and his remedy is to file a suit for partition.*** Therefore, the Defendant No.10 has failed to prove that, *she is a lawful purchaser of 2A in Item No.4 under her Sale Deed.* The Defendant No.10 has to workout her remedy from the Defendant No.3 only in the Final Decree Proceedings and her relief to get the purchased Property is subject to the Share that will be allotted to the Defendant No.3 in the Item No.4 in the Final Decree Proceedings. Therefore, ***the Additional Issue No.2 is answered in the Negative.***

18. Since the Relationship of the Plaintiffs as Members of Hindu Joint Family and the nature of the Properties as Ancestral Properties is proved by the Plaintiffs, the Plaintiffs are entitled for Share in the Suit Schedule Properties. Therefore, ***the Issue No.3 is answered in the Affirmative.***

19. **ISSUE NO.4:** For the above discussion, I proceed to pass the following:

**ORDER**

***The Suit of the Plaintiffs is Decreed with Costs.***

***The Plaintiffs are entitled for 1/6<sup>th</sup> Share each out of 1/3<sup>rd</sup> Share of Late Idli Sanna Bharamappa in the Suit Schedule Properties.***

***The Defendants No.1 to 3 together are entitled for 1/3<sup>rd</sup> Share in the Suit Schedule Properties and the Defendants No.4 to 8 together are entitled for 1/3<sup>rd</sup> Share in the Suit Schedule Properties.***

***Draw Preliminary Decree.***

**MADHUSUDHANA D K**  
Itinerary Senior Civil Judge  
Huvinahadagali

**ANNEXURES****List of witnesses examined for the plaintiff**

PW1: Sri. Idli Kariyappa

PW2: Sri. Ramappa

PW3: Sri. Mudegoudra Channaveeragowda

**List of exhibits marked for the plaintiff**

Ex.P1 to

Ex.P16:Sixteen RTC Extracts

Ex.P17 &

Ex.P18:Mutation Register Extracts

Ex.P15 to

Ex.P43:Twenty Five RTC Extracts

Ex.P44:Certified Copy of Registered Partition Deed  
dated 19.09.2016

Ex.P45:DCB Register

Ex.P46:One RTC Extract

**List of witnesses examined for the defendants**

DW1:Smt.Pramila

DW2:Idli Guddappa

**List of exhibits marked for the defendants**

Ex.D1: Registered Sale Deed dated 09.07.2020

Ex.D2 &

Ex.D3:Two RTC Extracts

Ex.D4 to

Ex.D6:Mutation Register Extracts

Ex.D7:Encumbrance Certificate

Ex.D8:Tax Paid Receipt

Ex.D9:Mutation Register Extract

Ex.D10 &

Ex.D11:Two RTC Extracts

Ex.D12 to

Ex.D14:Mutation Register Extracts

Ex.D15:Original Copy of Palupatti

Sd/-

**MADHUSUDHANA D K**

Itinerary Senior Civil Judge

Huvinahadagali