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**TITLE SHEET FOR JUDGMENT IN SUITS**

Government of Karnataka (C.R.P.67)

Form No.9 (Civil)  
Title sheet for  
Judgments in suits  
(R.P.91)

**IN THE COURT OF SENIOR CIVIL JUDGE, YADGIR.  
AT: YADGIR**

Present: **Sri. Balasaheb Wadavade,**  
**B.Com., LL.B.(Spl.)**  
Senior Civil Judge and CJM,  
Yadgir

**Dated this the 10<sup>th</sup> Day of March-2026****O.S. No.103/2021**

- Plaintiffs** : 1. Devikamma W/o Ramalingappa  
Bangi, Age : 60 Years,  
Occ : Household and agriculturist,
2. Sudarshan S/o Ramlingappa Bangi,  
Age : 32 Years, Occ: agriculturist,
3. Vijayalaxmi D/o Ramlingappa Bangi,  
Age : 28 Years, Occ : Household,
4. Pushpa D/o Ramlingappa Bangi,  
Age : 26 Years, Occ : Household,
5. Narayana S/o Ramlingappa Bangi,  
Age : 24 Years, Occ : Agriculturist,

All are residing at Chaditoota Ganj Road,  
Yadgir

**(Plaintiffs are represented by Sri. M.V. Advocate)**

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V/s

- Defendants** :
1. Gangamma W/o Gangappa Bangi,  
Age : 40 Years, Occ: Household and  
agriculturist,
  2. Siddalinga S/o Gangappa Bangi,  
Age : 23 Years, Occ : Agriculturist.
  3. Sahebreddy S/o Gangappa Bangi,  
Age : 21 Years, Occ: Agriculturist,
  4. Mounesh S/o Gangappa Bangi,  
Age : 19 Years, Occ : Agriculturist,

All are residing at Chaditoota Ganj Road,  
Yadgir.

**(Defendants are represented by Sri. S.B.P  
Adv.)**

Date of institution of suit.	:	18-08-2021		
Nature of the suit	:	Suit for Partition and Separate Possession.		
Date of commencement of recording of evidence	:	12-07-2022		
Date on which the judgment was pronounced	:	10.03.2026		
Total duration	:	Years	Months	Days
		4	6	23

## J U D G M E N T

This is a suit filed by the plaintiffs by seeking  
following reliefs,

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**i)** It be decreed that plaintiffs are entitled 1/5th share each in the suit schedule properties, directing to effect the partition and handed over the separate possession of 1/5th share of the plaintiffs be given by metes and bounds.

**ii)** Cost of the suit may be awarded.

**iii)** Any other relief to which the Hon'ble court may deems fit may kindly be granted on the interest of justice and equity.

**2. FACTS OF THE PLAINTIFFS CASE ARE AS UNDER;**

Subject matter of the suit properties are agricultural lands. Th plaintiffs and defendants are blood related each other.

**3.** It is further stated by the plaintiffs that Ramalingappa had got two wives by name Venkatamma who died 30 years ago by leaving behind her son by name Gangappa, after death of

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Venkatamma ie first wife, the Ramlingappa got married with the plaintiff No.1, the plaintiff No.2 to 4 are the sons and daughters of the plaintiff No.1 and Ramlingappa, the Ramlingappa was died about 5 months ago, the suit schedule properties are in the name of first wife's son by name Gangappa earlier, the suit properties are purchased by the grandfather of the Gangappa and grandfather of the defendant No.2 to 04.

4. It is further stated by the plaintiffs that suit schedule properties are ancestor properties of them and defendants, their common ancestor by name Monappa S/o Gangappa had purchased suit schedule properties in the year of 1965-66. Thereafter, the suit schedule properties are transferred in their sons names by name Mareappa S/o Monappa and Prakash S/o Monappa and Ramlingappa's son by name

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Gangappa S/o Ramlingappa who is the grandson of Monappa.

**5.** It is further stated by the plaintiffs that after death of Gangappa, portion of suit schedule land was transferred in the revenue records in the year 2013 as per MR No H54 dated 13-11-2013 and mutation order passed on 28-12-2013, they are legal co-sharer over the suit schedule properties.

**6.** It is further stated by the plaintiffs that suit schedule properties are joint and undivided family properties of them and defendants which is governed by the Mithakashara school of law. They are members of the Hindu undivided family. Suit properties are mere standing in the name of first wife's son would not deprived their legal right over the suit schedule properties.

**7.** It is further stated by the plaintiffs that they are approached the defendant No.1 and requested to

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effect partition between them and defendants in suit schedule properties but she denied and refused to effect a partition. Then they are approach the elders of local people and their relatives, they all went to the house of defendant No.1 and requested to effect partition between them and defendants but she did not heed their request and refused to effect partition in the suit schedule properties and stated that you have no right to claim partition.

**8.** It is further stated by the plaintiffs that they are having legal right over the suit properties.

**9.** It is further stated by the plaintiffs that the defendant No.1 is trying to alienate the suit schedule properties to other persons. If the defendants are succeed then it will put heavy and irreparable loss to them which can not be compensated in terms money and also it may lead to multiplicity of litigation.

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**10.** It is further stated by the plaintiffs that above stated facts constitute the cause of action and immediate cause of action arose to them on 02-10-2020 when they are approach to the defendants and also with the local people and held Panchayat in her house at that time, defendants are stated that the partition can not be effected and no suit schedule properties are given to them and refused to effect partition over the suit schedule properties. Hence they have filed this suit.

**11.** After institution of the suit, this court has issued suit summons against the defendants. Suit summons were duly served upon them. The defendants are appeared through counsel and filed written statement wherein they have admitted that Ramlingappa had two wives by name Venkatamma and Devikamma. They further stated that during the life time of Venkatamma, Ramalingappa has got second marriage with the

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Devikamma. So second marriage with the Devikamma by the Ramalingappa, shall not recognized by the Hindu Law. Thus plaintiff No.2 to 4 are illegitimate children of the Ramalingappa. So plaintiffs are not entitled shares in the suit properties.

**12.** Further they have denied the plaint para No.7 to 18. They further stated that Gangappa is son of Ramlingappa, Gangappa was died by leaving behind the defendant No.1 as wife and defendant No.2 to 4 are the sons of Gangappa. After the death of Gangappa, the defendant No. 1 to 4 are inherited and succeed the suit schedule properties as the first class heirs. The plaintiffs are the stranger to the suit schedule lands.

**13.** They further stated that defendants are the absolute owner and possessor of the suit schedule lands. The suit schedule lands are inherited and succeed after the death of Ramlingappa who is father of the defendants.

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**14.** They further stated that they are the sons of second wife of the Ramlingappa, they are not entitled share in the ancestral lands, the father of defendants by name Ramalingappa not acquired the suit schedule lands as the self acquired property. In the ancestral lands, the illegitimate children are not entitle to share in the suit schedule lands.

**15.** They further stated that father of the defendant No.2 to 4 by name Ramlingappa sold the land bearing Sy No.25/5 measuring 2 acres 06 guntas in favour of the Goutam chand S/o Pukraj Ji Dhoka through registered sale deed bearing document No. 4012/2013-2014. The consideration amount is paid to the plaintiffs. the plaintiff No. 2 by name Sudershan is the consent witness in this sale deed. Even though, the plaintiffs are not entitled share in the suit schedule properties because they are received their share,

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hence the plaintiffs are not share in the suit schedule properties.

**16.** They further stated that Ramlingappa, Mareappa and Prakash are already divided their shares. They are separated from their share. They are residing separately since so many years.

**17.** They further stated that the plaintiffs are not come to court with clean hands. They have filed this false suit against them with an intention to harass them. Suit of the plaintiffs is false and the defendant No.1 and 2 are entitled compensatory cost of Rs 10000/-. They have prayed to dismiss the suit with compensatory cost of Rs.10,000/- to meet the ends of justice.

**18.** On the basis of pleading, the following issues that have framed by my previous officer,

**ISSUE No.1 :** Whether the plaintiffs prove that suit schedule properties are ancestral joint family

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properties and they are in joint possession and enjoyment?

**ISSUE No.2 :** Whether the defendants prove that they are absolute owners and possessors of suit schedule properties?

**ISSUE No.3 :** Whether the defendants further prove that plaintiffs are ill legitimate children, hence they do not have share in the suit schedule properties?

**ISSUE No.4 :** Whether the plaintiffs are entitled to the reliefs as sought for?

**ISSUE No.5 :** What order or decree ?

**19.** Heard arguments on both sides. Perused the case papers.

**20.** In order to prove the issues, the plaintiff No.1 examined herself as PW-1 and got marked documents and one person by name Chandappa S/o Malleshappa examined as PW-2 and closed her side evidence. On the other hand, defendant No.1 examined herself as

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DW-1 and got marked documents, three persons are examined as DW-2 to 4 and closed her side evidence.

**21.** My answer to the above issues are as under:

**ISSUES No.1 :** In the partly affirmative.

**ISSUES No.2 :** In the partly affirmative.

**ISSUES No.3 :** In the negative.

**ISSUES No.4 :** In the party affirmative.

**ISSUES No.5 :** As per final order for the following:

### **R E A S O N S**

**22. ISSUE No.1 :** In order to prove this issue, the plaintiff No.1 examined herself as PW-1 by filing examination in chief affidavit, wherein she has reiterated the contents of plaint averments.

**23.** To substantiate her oral evidence, she has produced the following documents,

Ex.P-1 is the certified copy of the hand written RTC extract bearing R.S.No.47-48-52/२ measuring 14

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acres 15 guntas of land stood in the name of Abdulkadeer S/o Haji Abul Rahiman R/o Haji Yadgiri. It is for the year 1965 to 1968.

Ex.P-2 is the certified copy of the hand written RTC extract bearing R.S.No.47-48-52/2 measuring 14 acres 15 guntas of land stood in the name of Mannappa S/o Gangappa wherein name of Abdulkadeer S/o Haji Abul Rahiman R/o Haji Yadgiri was rounded. It is for the year 1968 to 1969. It further suffice that 14 acres 15 guntas of land was purchased by the Mannappa S/o Gangappa.

Ex.P-3 is the certified copy of the hand written RTC extract bearing R.S.No.47-48-52/2 measuring 14 acres 15 guntas of land stood in the name of Monnappa S/o Gangappa. It is for the year 1973 to 1978.

Ex.P-4 is the certified copy of the hand written RTC extract bearing R.S.No.47-48-52/2 measuring 14

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acres 22 guntas of land stood in the name of Monnappa S/o Gangappa. It is for the year 1978 to 1983.

Ex.P-5 is the certified copy of the hand written RTC extract bearing R.S.No.47-48-52/౩ measuring 14 acres 15 guntas of land stood in the name of Mareppa S/o Monappa. It is for the year 1983 to 1988.

Ex.P-6 is the certified copy of the hand written RTC extract bearing R.S.No.47-48-52/౩ measuring 14 acres 15 guntas of land out of it 4 acres 34 guntas of land stood in the name of Mareppa S/o Monappa, 4 acres 34 guntas of land stood in the name of Prakash S/o Monappa and 4 acres 34 guntas of land stood in the name of Gangappa S/o Ramalingappa wherein name of Monappa S/o Gangappa was rounded. It is for the year 1988 to 1993.

Ex.P-7 is the certified copy of the hand written RTC extract bearing R.S.No.47-48-52/౩ measuring 14

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acres 15 guntas of land out of it 4 acres 34 guntas of land stood in the name of Mareppa S/o Monappa, 4 acres 34 guntas of land stood in the name of Prakash S/o Monappa and 4 acres 34 guntas of land stood in the name of Gangappa S/o Ramalingappa. It is for the year 1993 to 1998.

Ex.P-8 is the certified copy of the hand written RTC extract bearing R.S.No.47-48-52/2 measuring 14 acres 15 guntas of land out of it 4 acres 34 guntas of land stood in the name of Mareppa S/o Monappa, 4 acres 34 guntas of land stood in the name of Prakash S/o Monappa and 4 acres 34 guntas of land stood in the name of Gangappa S/o Ramalingappa. It is for the year 1998 to 2003.

Ex.P-9 is the computerized RTC extract bearing R.S.No.52/\*/4 measuring 14 acres 14 guntas of land out of it 4 acres 31 guntas of land stood in the name of Mareppa S/o Monappa, 4 acres 31 guntas of land

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stood in the name of Prakash S/o Monappa and 4 acres 32 guntas of land stood in the name of Gangappa S/o Ramalingappa. It is for the year 2013 - 2014.

Ex.P-10 is the computerized RTC extract bearing R.S.No.52/\*/\*4 measuring 14 acres 14 guntas of land out of it 4 acres 31 guntas of land stood in the name of Mareppa S/o Monappa, 4 acres 31 guntas of land stood in the name of Prakash S/o Monappa and 4 acres 32 guntas of land is standing in the name of defendant No.1 . It is for the year 2014 to 2015.

Ex.P-11 is the computerized RTC extract bearing R.S.No.52/\*/\*4 measuring 14 acres 14 guntas of land out of it 4 acres 31 guntas of land stood in the name of Mareppa S/o Monappa, 4 acres 31 guntas of land stood in the name of Prakash S/o Monappa and 4 acres 32 guntas of land is standing in the name of defendant No.1. It is for the year 2015 -2016.

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Ex.P-12 is the computerized RTC extract bearing R.S.No.52/\*/4 measuring 14 acres 14 guntas of land out of it 4 acres 31 guntas of land stood in the name of Mareppa S/o Monappa, 4 acres 31 guntas of land stood in the name of Prakash S/o Monappa and 4 acres 32 guntas of land is standing in the name of defendant No.1. It is for the year 2016 - 2017.

Ex.P-13 is the computerized RTC extract bearing R.S.No.52/\*/4 measuring 14 acres 14 guntas of land out of it 4 acres 31 guntas of land stood in the name of Mareppa S/o Monappa, 4 acres 31 guntas of land stood in the name of Prakash S/o Monappa and 4 acres 32 guntas of land is standing in the name of defendant No.1. It is for the year 2017 - 2018.

Ex.P-14 is the computerized RTC extract bearing R.S.No.52/\*/4 measuring 14 acres 14 guntas of land out of it 4 acres 31 guntas of land stood in the name of Mareppa S/o Monappa, 4 acres 31 guntas of land

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stood in the name of Prakash S/o Monappa and 4 acres 32 guntas of land is standing in the name of defendant No.1. It is for the year 2018 - 2019.

Ex.P-15 is the computerized RTC extract bearing R.S.No.52/\*/4 measuring 14 acres 14 guntas of land out of it 4 acres 31 guntas of land stood in the name of Mareppa S/o Monappa, 4 acres 31 guntas of land stood in the name of Prakash S/o Monappa and 4 acres 32 guntas of land is standing in the name of defendant No.1. It is for the year 2019 - 2020.

Ex.P-16 is the certified copy of the hand written RTC extract bearing R.S.No.56/9-2 measuring 2 acres 20 guntas of land stood in the name of Gangappa S/o Ramalingappa wherein name of Narasappa S/o Shantappa, Bheemann S/o Shantappa and Suresh S/o Shantappa was rounded. It is for the year 1998 to 2003.

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Ex.P-17 and 18 are the computerized RTC extracts bearing R.S.No.56\*/1 measuring 15 acres 1 gunta of land PK-5 guntas remaining 14 acres 36 guntas of land out of it 2 acres 21 guntas of land stood in the name of Anil Kumar S/o Buggappa, 4 acres 39 guntas of land stood in the name of Sidramappa S/o Sabanna, 4 acres 36 guntas of land is jointly standing in the name of Basavarajappa S/o Soganna Arali-Yadgiri and Banadeshwar S/o Soganna Arali-Yadgiri and 2 acres 20 guntas of land is standing in the name of defendant No.1.

Ex.P-19 and 20 are the computerized RTC extracts bearing R.S.No.56\*/1 measuring 15 acres 1 gunta of land PK-5 guntas remaining 14 acres 36 guntas of land out of it 2 acres 21 guntas of land stood in the name of Anil Kumar S/o Buggappa, 4 acres 39 guntas of land stood in the name of Sidramappa S/o Sabanna, 4 acres 36 guntas of land is jointly standing

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in the name of Basavarajappa S/o Soganna Arali-Yadgiri and Banadeshwar S/o Soganna Arali-Yadgiri and 2 acres 20 guntas of land is standing in the name of defendant No.1.

Ex.P-21 is the computerized RTC extract bearing R.S.No.56\*/1 measuring 10 acres 1 gunta of land PK-4 guntas remaining 09 acres 36 guntas of land out of it 2 acres 21 guntas of land stood in the name of Anil Kumar S/o Buggappa, 4 acres 39 guntas of land stood in the name of Sidramappa S/o Sabanna, 4 acres 36 guntas of land is jointly standing in the name of Basavarajappa S/o Soganna Arali-Yadgiri and Banadeshwar S/o Soganna Arali-Yadgiri and 2 acres 20 guntas of land is standing in the name of defendant No.1. It is for the year 2019-2020.

Ex.P-22 is the computerized RTC extract bearing R.S.No.4\*/ measuring 1 acre 2 guntas of land PK-2 guntas remaining 01 acre of land stood in the name of

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Mareppa S/o Monappa Booyi. It is for the year of 2019-2020.

Ex.P-23 is the certified copy of the M.R.No.H54/2013-2014 dated 28.12.2013.

**24.** Further PW-1 cross examined by the learned counsel for the defendants wherein she admits that Mohanappa is the father in law, Ramalingappa, Mariyappa and Prakash are the children of her father in law. She further stated that Venkatamma and herself are the wives of Ramalingappa. She further stated that Venkatamma is the first wife of Ramalingappa. After the demise of Venkatamma, Ramalingappa has got marriage with her. She admits that Monappa had purchased the said properties out of his own income. She further admits that partition were effected in between Mariyappa, Prakash and Gangadhar and no share were allotted to the Ramalingappa who is the husband of the plaintiff No.1.

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He further admits that Ramalingappa was having survey No.25/5 to the extent of 2 acres 6 guntas of land. She further admits that suit properties are standing in the name of defendant No.1.

**25.** Further one person by name Chandappa S/o Malleshappa examined as PW-2 by filing examination in chief affidavit wherein he stated evidence in support to PW-1. Further PW-2 cross examined by the learned counsel for the defendants wherein he admits that Ramalingappa had two wives by name Venkatamma who the first wife and Devakamma who is the second wife. He further stated that 6-7 acres of land stood in the name of husband of defendant No.1.

**26.** Perused the oral and documentary evidence of the parties, it reveals that suit properties are belongs to the Monappa S/o Gangappa. Thereafter his two sons and grandson by name Mareppa, Prakash and Gangappa were partition in the 14 acres 22 guntas of

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land and each one has got 4 acres 34 guntas of land but no land given to the Ramalingappa. After the death of Gangappa, name of the defendant No.1 mutated in the suit properties. It is admitted fact that Ramalingappa had two wives by name Venkatamma and Devakamma. It is admitted fact that plaintiff No.1 is the wife and plaintiff No.2 to 5 are children and defendant No.1 is the daughter in law and defendant No.2 to 4 are the grandsons of Ramalingappa. So Ramalingappa was inherited the suit properties from his father by name Monappa. Ex.P-1 and 16 suffice that suit properties are not the ancestral properties but suit item No1 is only joint family property of the plaintiffs and defendants. Further suit item No.2 property is the self acquired property of the defendant No.1 **as per section 14 of the Hindu Succession Act, 1956** because it is not stood in the name of Monappa or Ramalingappa. Hence on the above said reasons

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this court answers the issue No.1 in the partly affirmative.

**27. Issue No.2 and 3 :** Since these issues are inter linked to each other, hence these issues are taken together for common discussion to avoid the repetition of facts,

In order to prove these issues, the defendant No.1 examined as DW-1 by filing examination in chief affidavit wherein she reiterated the contents of written statement. In support to her evidence, she has produced, following documents,

Ex.D-1 is the certified copy of the hand written RTC extract bearing R.S.No.47-48-52/2 measuring 14 acres 15 guntas of land stood in the name of Abdulkadeer S/o Haji Abul Rahiman R/o Haji Yadgiri. It is for the year 1965 to 1968.

Ex.D-2 is the certified copy of the hand written RTC extract bearing R.S.No.47-48-52/2 measuring 14

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acres 15 guntas of land stood in the name of Mannappa S/o Gangappa wherein name of Abdulkadeer S/o Haji Abul Rahiman R/o Haji Yadgiri was rounded. It is for the year 1968 to 1969. It further suffice that 14 acres 15 guntas of land was purchased by the Mannappa S/o Gangappa.

Ex.D-3 and 4 are the is the certified copy of the hand written RTC extract bearing R.S.No.47-48-52/౩ measuring 14 acres 15 guntas of land stood in the name of Monnappa S/o Gangappa.

Ex.D-5 is the certified copy of the hand written RTC extract bearing R.S.No.47-48-52/౩ measuring 14 acres 15 guntas of land stood in the name of Mareppa S/o Monappa where in name of Manappa S/o Gangappa was rounded.

Ex.D-6 is the certified copy of the hand written RTC extract bearing R.S.No.47-48-52/౩ measuring 14 acres 15 guntas of land out of it 4 acres 34 guntas of

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land stood in the name of Mareppa S/o Monappa, 4 acres 34 guntas of land stood in the name of Prakash S/o Monappa and 4 acres 34 guntas of land stood in the name of Gangappa S/o Ramalingappa wherein name of Monappa S/o Gangappa was rounded.

Ex.D-7 and 8 are the certified copy of the hand written RTC extracts bearing R.S.No.47-48-52/౩ measuring 14 acres 15 guntas of land out of it 4 acres 34 guntas of land stood in the name of Mareppa S/o Monappa, 4 acres 34 guntas of land stood in the name of Prakash S/o Monappa and 4 acres 34 guntas of land stood in the name of Gangappa S/o Ramalingappa.

Ex.D-9 is the computerized RTC extract bearing R.S.No.47-48-52/౩ measuring 14 acres 15 guntas of land out of it 4 acres 34 guntas of land stood in the name of Mareppa S/o Monappa, 4 acres 34 guntas of land stood in the name of Prakash S/o Monappa and 4

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acres 34 guntas of land stood in the name of Gangappa S/o Ramalingappa.

Ex.D-10 to 14 are the computerized RTC extracts bearing R.S.No.47-48-52/2 measuring 14 acres 14 guntas of land out of it 4 acres 31 guntas of land stood in the name of Mareppa S/o Monappa, 4 acres 31 guntas of land stood in the name of Prakash S/o Monappa and 4 acres 32 guntas of land stood in the name of Gangappa S/o Ramalingappa.

Ex.D-15 and 16 are the computerized RTC extract bearing R.S.No.52\*/4 measuring 14 acres 14 guntas of land out of it 4 acres 32 guntas of land is standing in the name of defendant No.1.

Ex.D-17 is the computerized RTC extract bearing R.S.No.56\*/1 measuring 10 acres 1 gunta of land PK-4 guntas remaining 9 acres 37 guntas of land out of it 2 acres 20 guntas of land is standing in the name of defendant No.1.

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Ex.D-18 is the certified copy of the sale deed dated 08.11.2013. Perused the same it reveals that Ramalingappa had sold land bearing R.S.No.25/5 measuring 2 acres 6 guntas of land in favour of Gountamchand S/o Mokraj Bee Dhokka for a sum of Rs.4,82,000/- on 08.11.2013.

**28.** Further DW-1 cross examined by the learned counsel for the plaintiffs wherein she admits that plaintiff No.1 is the mother in law, plaintiff No.2 is the brother in law, plaintiff No.3 and 4 are the sister in law, plaintiff No.5 is the brother in law and defendant No.2 to 4 are her children. She further admits that Gangappa is her husband. They have 4 acres 32 guntas of land in RS.No.52 and in 2 acres 20 guntas of land in RS.No.56/2. She further stated that Monappa is the father of her father in law by name Ramalingappa. She further stated that Monappa had three sons by name Ramalingappa, Mareppa and

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Prakash. She further stated that Venkatamma is the first wife of Ramalingappa and her husband is the son of Venkatamma. She further stated that during the life time of Venkatamma, Ramalingappa married with the Devikamma.

**29.** One person by name Mallyaya S/o Eranna examined as DW-2 by filing examination in chief affidavit wherein he stated evidence in support to DW-1. DW-2 cross examined by the learned counsel for the plaintiffs wherein he admits that suit properties are ancestral properties.

**30.** Another one person by name Mallyaya S/o Devendrappa examined as DW-3 by filing examination in chief affidavit wherein he stated evidence in support to DW-1. DW-3 cross examined by the learned counsel for the plaintiffs wherein he admits that suit properties are ancestral properties. He stated that plaintiff No.1 sold her share. He further stated that during the life

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time of Monappa, his 3 sons by name Ramalingappa, Mareppa and Prakash were partition the properties. He further stated that suit properties come to the share of defendant No.1. He stated that after the death of first wife of Ramalingappa by name Venkatamma, Ramalingappa got marriage with the first plaintiff.

**31.** Another one person by name Bhimaraya S/o Mallappa examined as DW-4 by filing examination in chief affidavit wherein he stated evidence in support to DW-1. DW-4 cross examined by the learned counsel for the plaintiffs wherein he admits that suit properties are ancestral properties. He further stated that 2 acres 6 guntas of land alienated by the plaintiff No.1.

**32.** Perused the plaint, wherein plaintiffs have stated in the plaint para No.5 that after the death of Venkatamma, Ramalingappa had married with the plaintiff No.1. Further this fact, is denied by the defendants in the written statement but in the written

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statement para No.14, they have admitted that they are the second wife's children of the Ramalingappa. Further DW-1 has stated that during the life time of the first wife of the Ramalingappa by name Venkatamma, Ramalingappa had got second marriage with the plaintiff No.1. So itself suffice that DW-1 has failed to prove this fact. Further DW-3 has supported the evidence of plaintiffs that he has clearly stated that after the death of Venkatamma, Ramalingappa had married with the plaintiff No.1. Further suit property bearing RS.No.47, 48, 52/3 out of it 4 acres 32 guntas of land come to the share of Ramalingappa but it was given to the son of Ramalingappa ie Gangappa who is the husband of the defendant No.1. Further Ex.D-18 suffice that suit property bearing RS.No.25/5 measuring 2 acres 6 gutnas of land was sold by the husband of the plaintiff No.1 and father in law of the defendant No.1 by name Ramalingappa S/o Monappa

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in favour of Goutamchand S/o Mukharaj Jee Dhoka for a sum of Rs.4,82,000/- on 08-11-2013. Further Ex.D-17 suffice that suit property RS.No.56\*/1 measuring 10 acres 1 gunta PK 4 guntas of land remaining 9 acres 37 guntas out of it 2 acres 20 guntas of land of land is standing in the name of defendant No.1. So suit schedule item No.2 property is the self acquired property of the defendant No.1 **as per section 14 of the Hindu Succession Act, 1956.**

Further suit item No.1 is the self acquired property of the Ramalingappa. Thus defendants are not the absolute owners and possessors of the suit item No.1 but defendant No.1 is the absolute owner of the 2 acres 20 guntas of land in RS.No.56\*/1. Further defendants have contended that plaintiff No.2 to 5 are ill legitimate children of the Ramalingappa but in order to prove this fact, no cogent documents are produced by defendants. Hence consideration of the evidence of

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the parties and pleadings and admission of the DW-3, this court come to conclusion that plaintiff No.2 to 5 are not the ill legitimate children of the Ramalingappa and they are the legal childern of the Ramalingappa and plaintiff No.1 is the wife of Ramalingappa. Therefore on the above said reasons this court answers the issue No.2 in the partly affirmative and 3 in the negative.

**33. Issue No.4:** Further in the instant suit, parties are a Hindu. Hence, Mitakshara Law is applicable to them. Perused the plaint, it reveals that common ancestor of plaintiffs and defendants by name Monappa S/o Gangappa was died intestate by leaving behind the husband of the plaintiff No.1, father of the plaintiff No.2 to 5 and father in law of the defendant No.1 and grand father of the defendant No.2 to 4 by name Ramalingappa, Mareppa and Prakash. They were partition in the ancestral property. Further suit

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property come to the share of Ramalingappa. Further Ramalingappa was died intestate by leaving behind plaintiff No.1 as wife and plaintiff No.2 to 5 are children and husband of the defendant No.1 by name Gangappa as class-I legal heirs **as per section 8 of the Hindu Succession Act, 1956.** Hence, plaintiffs and husband of the defendant No.1 by name Gangappa are having equal share in the suit schedule item No.1 and not in the RS.No.56\*/1 measuring 2 acres 20 guntas of land. Further son of the Ramalingappa by name Gangappa also died intestate by leaving behind defendant No.1 as wife and defendant No.2 to 4 are children as class-I legal heirs **as per section 8 of the Hindu Succession Act, 1956.** Share of the Gangappa ie 1/2 share is distributed between defendants. Hence defendant No.1 to 4 are having 1/8<sup>th</sup> share each in the suit schedule item No.1 and full share in the RS.No.56\*/1 measuring 2 acres

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20 guntas of land. Thus PW-1 has discharged the burden of proof **as per section 104 of the Bharatiya Sakshya Adhinyam, 2023**. Hence consideration of evidence of PW-1, 2 DW-1 to 4, documents and provision of law, this court comes to conclusion that plaintiffs is entitled 1/10th share each suit schedule item No.1 and not in the RS.No.56\*/1 measuring 2 acres 20 guntas of land. Further defendant No.1 to 4 are entitled 1/8<sup>th</sup> share each in the suit schedule item No.1 and full share in the RS.No.56\*/1 measuring 2 acres 20 guntas of land. Thus on the above said reasons this court answers the Issue No.4 in the partly affirmative.

**34. ISSUE No.5:** In view of reasons stated in the issues No.1 to 4 this court proceeds to pass the following;

**ORDER**

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Suit of the plaintiffs is hereby partly decreed with cost.

plaintiffs are entitled 1/10th share each suit schedule item No.1 and not in the RS.No.56\*/1 measuring 2 acres 20 guntas of land

Further defendant No.1 to 4 are entitled 1/8<sup>th</sup> share each in the suit schedule item No.1 and full share in the RS.No.56\*/1 measuring 2 acres 20 guntas of land.

Pending interim applications if any, stands disposed off.

Draw decree accordingly.

(Typed by me on the laptop, corrected by me and then pronounced in the open court on this the 10<sup>th</sup> day of March-2026)

(Balasaheb Wadavade)  
**Sr.Civil Judge & CJM,**  
**Yadgir**

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**A N N E X U R E****The list of witnesses examined on behalf of Plaintiffs:**

- PW-1 : Devikamma W/o Ramalingappa Bangi.  
PW-2 : Chandappa S/o Malleshappa Bandalli.

**The list of documents exhibited on behalf of plaintiffs:**

- Ex.P-1 to 8 : Certified copies of Hand written RTC extracts.  
Ex.P-9 to 15 : Computerized RTC extracts.  
Ex.P-16 : Certified copy of Hand written RTC extract.  
Ex.P-17 to 22 : Computerized RTC extracts.  
Ex.P-23 : Mutation copy.

**The list of witnesses examined on behalf of Defendants:**

- DW-1 : Gangamma W/o Gangappa Bangi.  
DW-2 : Mallayya S/o Eranna.  
DW-3 : Mallayya S/o Devindrappa.  
DW-4 : Bhimaraya S/o Mallappa.

**The list of document exhibited on behalf of Defendants:**

- Ex.D-1 to 8 : Certified copies of Hand written RTC extracts.  
Ex.D-9 to 17 : Computerized RTC extracts.  
Ex.D-18 : Sale deed.

(Balasaheb Wadavade)  
**Sr. Civil Judge & CJM,**  
**Yadgir**