

In the Court of :PRL.CIVIL JUDGE AND JMFC,YADGIR

Case No. :O.S./0000017/2026

P-1 Sangeetha D/o Tippanna Vs Tippanna S/o Sanganna

Date : 27-04-2026

Business

: Perused the records. The plaintiff has filed the present suit seeking the relief of partition and separate possession claiming $\frac{1}{2}$ share in the suit lands bearing Sy.Nos.123 measuring 04 acres 06 guntas, Sy.No.5 measuring 04 acres 14 guntas and Sy.No.396 measuring 37 guntas all situated at Killanakera village of Yadgiri Taluk and District. The case of the plaintiff is that she is the daughter of the defendant, they are members of joint family and the suit properties are their joint family properties. That, the suit properties were originally owned and possessed by the plaintiff's grandfather by name Sanganna and after his death, the same were inherited by the defendant and his name was entered in the revenue records as absolute owner and possessor thereof. It is alleged that the defendant being the father of the plaintiff and karta of the family has started ill-treating the plaintiff and mismanaging the family affairs. That, the defendant without any family and legal necessity is proposing to alienate the suit properties to fulfill his ill-wishes. Hence, the plaintiff was constrained to file the present suit for partition and separate possession of $\frac{1}{2}$ share in the suit lands. The case of the plaintiff, as set out in the plaint, is that the suit schedule properties originally belonged to her deceased grandfather and are presently standing in the name of the defendant, who is the plaintiff's father. The plaintiff has produced RTCs which show that the suit lands are standing in the name of the defendant. Entries of column No.10 of the RTCs show that the defendant has acquired the properties in a partition. In the present case, the entire claim of the plaintiff is founded on the assertion that the suit properties belonged to her grandfather. However, there is no averment as to how the grandfather acquired the properties. There is no pleading that the properties are ancestral or coparcenary in nature, nor is there any foundation laid to show the existence of the joint family or coparcenary from which the plaintiff can claim a right by birth. A mere statement that the properties belonged to the grandfather does not ipso facto establish that the properties are ancestral. In the absence of specific pleadings regarding the nature of the property, the court cannot presume existence of coparcenary rights. As the properties belonged to father of the defendant, after the death of his father, the defendant has acquired the same U/s 8 of the Hindu Succession Act. As such, the properties are separate properties in the hands of the defendant and the plaintiff has no rights to claim partition in the same. Hence, this court is of the opinion that the plaint does not disclose a cause of

action within the meaning of Order 7 Rule 11(a) of CPC. Accordingly, the following: ORDER For the foregoing reasons, the plaint is hereby rejected under Order VII Rule 11(a) of the Code of Civil Procedure, 1908 for non-disclosure of cause of action. No order as to costs.

Nature of Disposal : PLAINT REJECTED

Disposal Date : 27-04-2026

PRL.CIVIL JUDGE AND JMFC, YADGIR