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**IN THE COURT OF THE PRL CIVIL JUDGE AND JMFC,
YADGIRI**

PRESENT
SRI. ARUN CHOUGULE
B.A.,LL.,B.(HONS.)

PRL.CIVIL JUDGE & JMFC, YADGIRI.

DATED THIS THE 27th DAY OF MARCH-2026.

ORIGINAL SUIT NO.231/2016

<u>PLAINTIFF/S:</u>	<p>1. Ushamma D/o Yenkappa @ Venkataiah, Age: 24 years, Occ: Agriculture,</p> <p>2. Shekhar S/o Yenkappa @ Venkataiah, Age: 22 years, Occ: Agriculture,</p> <p>3. Jayamma D/o Yenkappa @ Venkataiah, Age: 20 years, Occ: Agriculture,</p> <p>All are R/o H.NO.2-35, Belkatur (V), Tandur Mandal, R.R. Dist. Telangana.</p>
	(By Sri.Y.V/R.K Advocates)
//V/s//	
<u>DEFENDANT/S:</u>	<p>1. Venkataiah S/o Pedda Dasthapa, (Since dead represented by his LRs)</p> <p>1a). Eshwaramma W/o Venkataiah, Age: 53 years, Occ: Agriculture, R/o H.No.2-4, Chapetla village, Tq: Gurumitkal, Dist: Yadgiri.</p>

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	<p>1b). Raju S/o Venkataiah, Age: 34 years, Occ: Agriculture, R/o H.No.2-4, Chapetla village, Tq: Gurumitkal, Dist: Yadgiri.</p> <p>2. Ananthaiah S/o Pedda Dasthappa, Age: 43 years, Occ: Agriculture, R/o H.No.2-4, Chapetla village, Tq: Gurumitkal, Dist: Yadgiri.</p> <p>3. Pedda Dasthappa S/o Ammanna, (Since dead represented by his LRs)</p> <p>3a). Gireppa Gouda S/o Pedda Dasthappa, Age: 57 years, Occ: Agriculture, R/o H.No.2-4, Chapetla village, Tq: Gurumitkal, Dist: Yadgiri.</p> <p>3b). Manikappa Gouda S/o Pedda Dasthappa, Age: 52 years, Occ: Agriculture, R/o H.No.2-4, Chapetla village, Tq: Gurumitkal, Dist: Yadgiri.</p> <p>3c). Mahesh Gouda S/o Pedda Dasthappa, Age: 43 years, Occ: Agriculture, R/o H.No.2-4, Chapetla village, Tq: Gurumitkal, Dist: Yadgiri.</p> <p>4. Sayamma W/o Krishnaiah, Age: 60 years, Occ: Agriculture,</p>
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	R/o Indnoor, Kodangal Mandal, MBNR Dist.			
	(D-1 & 3 dead) (D-1(b) & 3(a to c) by Shri.M.S.K Advocate) (D-1(a), 2 & 4 are placed ex parte)			
Date of Institution of suit	:	23.08.2019		
Nature of suit	:	Partition and Separate Possession.		
Date of commencement of recording of evidence	:	31.01.2026		
Date of pronouncement of judgment	:	27.03.2026		
Total Duration	:	<u>Year/s</u>	<u>Month/s</u>	<u>Day/s</u>
		09	07	11

J U D G M E N T

The plaintiffs have filed the present suit seeking the relief of partition and separate possession claiming 1/3rd share in the suit properties.

SCHEDULE

A) Agricultural land bearing Sy.No.112 measuring 06 acres 19 guntas with a revenue assessment of Rs.5.60 situated at Chapetla village, Tq: & Dist: Yadgiri within the following boundaries:

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East : Land of Karappa.
West : Land of Bhem Reddy.
North : Land of Adgal Bhemshappa.
South : Land of Manikayappa.

B) Agricultural land bearing Sy.No.38/AA and 38/E measuring 06 acres 20 guntas with a revenue assessment of Rs.1.83 situated at Chapetla village, Tq: & Dist: Yadgiri within the following boundaries:

East : Land of Venkataiah.
West : Land of Shakuntamma.
North : Land of Subhash.
South : Land of Ashappa.

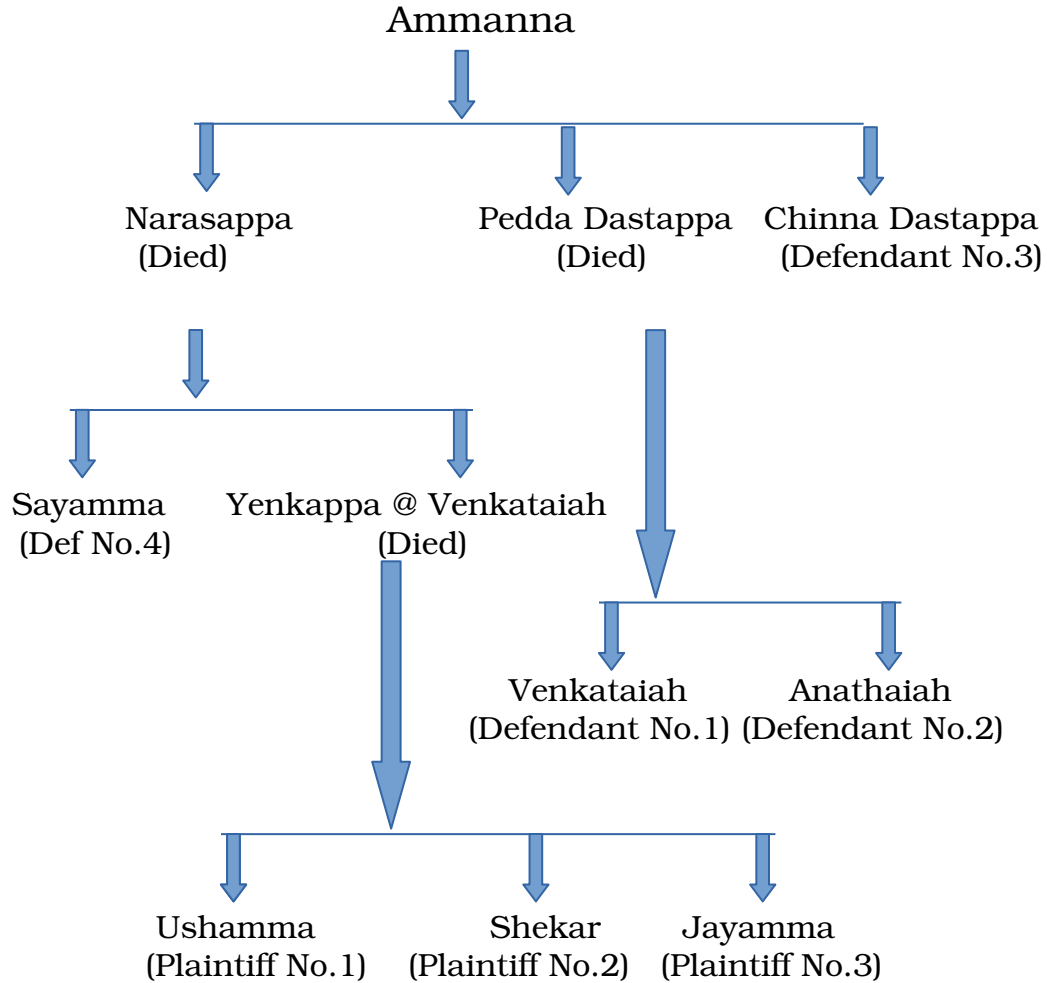
C) House bearing Gram Panchayath No.2-4 situated at Chapetla village, Tq: & Dist: Yadgiri within the following boundaries:

East : Road.
West : House of Kistaiah.
North : House of Dastappa.
South : House of Kalal Subash.

2. The brief facts of the plaintiffs' case are as under;

The plaintiffs, along with the plaint, have produced the family pedigree, which is as under:

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2.1 That, one Ammanna was the propositus of the family, who had 3 sons by names Narasappa (deceased), Pedda Dastappa (deceased) and Chinna Dastappa (defendant No.3). That, deceased Yankappa and Sayamma (defendant No.4) are the children of deceased Narasappa. The plaintiffs are the

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children of said deceased Yankappa @ Venktaiah. The defendants No.1 and 2 are the sons of deceased Pedda Dastappa.

2.2 It is stated that deceased propositus by name Ammanna was the owner and in possession of the suit properties. After his death, his 3 sons inherited the suit properties. That, the plaintiffs and the defendants are the members of Hindu joint family and they are in joint possession and enjoyment of the suit properties. It is stated that, the defendant No.4 is having no share in the suit properties as cash and gold was given to her at the time of her marriage by her father in lieu of her share. That, in the year 2015, the plaintiffs came to know that the defendants No.1 to 4, colluding with each other, have illegally got their names entered to the records of suit properties. As such, the plaintiffs demanded partition in the suit properties, but the defendants went on postponing the same on one or the other reasons. Hence, the plaintiff got issued legal notice dated 04.04.2016 to the defendants No.1 to 3 and they also tried to convene panchayath for effecting partition. However, the defendants No.1 to 3 influenced the villagers by their money

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and muscle power. Hence, the plaintiffs were constrained to file the present suit.

3. After registration of the suit, summons was issued to the defendants. Defendants No.2 and 3 appeared through their counsel, but did not file their written statement within the prescribed time, and defendants No.1 and 4 remained *ex parte*. As such, the suit was posted for evidence of the plaintiffs.

4. Thereafter, as the plaintiffs did not lead their evidence in spite of giving sufficient time, by an order dated 04.01.2021, the suit was dismissed for non-prosecution.

5. The plaintiffs, thereafter, filed petition for restoration of suit in Civil Misc.No.3/2021, which was allowed by an order dated 13.08.2024 and the suit was restored to its original stage.

6. After restoration of the suit, notice was issued to the defendants. The defendants No.1 and 3 came to be reported dead, and the defendants No.2 and 4 did not appear before the court in spite of service of court notice. Hence, they are noted absent.

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7. Thereafter, defendants No.1(a) and (b) and 3(a) to (c) being the LR's of deceased defendant No.1 and 3 were brought on record and summons was issued to them. As the defendant No.1(a) did not appear before the Court in spite of service of summons, she is placed *ex parte*. Defendants No.1(b) and 3(a) to (c) though appeared through their counsel, they did not file their written statement.

8. Thereafter, the plaintiffs got examined the plaintiff No.1 as Pw.1 and produced Ex.P-1 to Ex.P-27 documents and closed their side evidence. The evidence of the defendants is taken as nil.

9. Thereafter, I have heard arguments of learned counsel for the plaintiffs and perused the records. Learned counsel for the defendants did not submit his arguments in spite of giving sufficient time and opportunities. Hence, the matter was posted for judgment.

10. The points that arise for consideration of this Court as under;

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P O I N T S

- 1) Whether the plaintiffs prove that suit properties are ancestral joint family properties of themselves and the defendants?
- 2) Whether the plaintiffs are entitled to the relief sought in the plaint?
- 3) What order or decree?

11. Having regard to the material placed on record, the above points are answered as under:

Point No.1: In the Negative.

Point No.2: In the Negative.

**Point No.3: As per final order
for the following;**

R E A S O N S

12. **POINTS NO.1 & 2** : As these points are interconnected, they are taken up together for discussion to avoid repetition of facts and evidence.

12.1 The plaintiffs have filed the present suit seeking the relief of partition and separate possession claiming 1/3rd share in the suit properties.

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12.2 The plaintiffs have got examined the plaintiff No.1 as Pw.1 and produced Ex.P-1 to 27 documents.

12.3 Agricultural land bearing Sy.No.112 measuring 06 acres 19 guntas situated at Chapetla village is the suit item No.A property. Ex.P-1 is the hand written RTC pertaining to Sy.No.112/Aa1 measuring 03 acres 20 guntas. The entries in the said RTC show that said 03 acres 20 guntas land belonged to one Narasappa S/o Yankappa. Ex.P-2 is the hand written RTC pertaining to Sy.No.112/2Aa. Entries in the said RTC show that, 03 acres of land was standing in the names of one Nagappa S/o Tippanna and Yankayya S/o Narasappa (deceased father of plaintiffs No.1 to 3). Ex.P-3 is the hand written RTC pertaining to Sy.No.112/2Aa, which show that 03 acres of land was standing in the names of defendants No.2 and deceased father of the plaintiffs by name Yankayya S/o Narasappa. Ex.P-4 is the hand written RTC pertaining to Sy.No.112/E, which show that 03 acres of land was standing in the names of defendant No.2 and father of the plaintiffs. Ex.P-5 is the RTC pertaining to Sy.No.112/Aa/1, which show that 02 acres of land was standing in the names of defendants No.1 and 4. Ex.P-6 is the hand

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written RTC pertaining to Sy.No.112/Aa/2, which show that 01 acre 22 guntas of land was standing in the name of defendant No.1 Yankayya S/o Dastappa. Ex.P-13 is the RTC bearing Sy.No.112 for the year 2015-16, which show that 02 acres and 01 acre 09 guntas of land is standing in the name of defendant No.1 and 03 acres is standing in the joint names of defendant No.2 and father of the plaintiffs.

12.4 Agricultural land bearing Sy.No.38/Aa and 38/E measuring 06 acres 20 guntas situated at Chapetla village is the plaint schedule 'B' property. Ex.P-14 to 24 RTCs show that, 15 guntas of land bearing Sy.No.38/Aa is standing in the name of deceased propositus Ammanna and 28 guntas bearing Sy.No.38/E is standing in the joint names of defendant No.3 Sanna Dastappa and deceased father of defendant No.1 and 2 by name Dodda Dastayya. In the plaint schedule, The plaintiffs have shown that Sy.No.38/Aa and 38/E are measuring 06 acres 20 guntas. However, Ex.P-14 to 24 RTCs show that there is only 01 acre 03 guntas of land in the plaint schedule 'B' property bearing Sy.No.38/Aa and 38/E.

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12.5 As already noted above, the plaintiffs claims that deceased propositus Ammanna was the owner of the suit properties. However, the above referred documents show that plaint schedule 'A' property bearing Sy.No.112 bearing old Sy.No.112/Aa1, 112/2Aa, 112/E belonged to one Narasappa S/o Yankappa, which was later mutated in the names of one Nagappa S/o Tippanna and deceased father of the plaintiffs by name Yankayya S/o Narasappa. Sy.No.112/E was standing in the names of defendant No.2 and father of the plaintiffs. There is no material to show that plaint schedule 'A' property belonged to the deceased propositus and that it is an ancestral property. The entries in Ex.P-2 RTC show that Sy.No.112/2Aa measuring 03 acres was a purchased land of one Nagappa and father of the plaintiffs. The plaintiffs have not even chosen to produced relevant mutation orders pertaining to the suit lands. As such, there is no material to decide as to how the properties were acquired by the father of the plaintiffs and the defendants. Insofar as plaint schedule item No.B is concerned, as already noted above, the plaintiffs have shown that it is measuring 06 acres 20 guntas. However, as per Ex.P-14 to 24 RTCs, there is only 01 acre 03 guntas of land. Insofar as plaint schedule 'C'

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house property bearing panchayath No.2-4 is concerned, the plaintiffs have not produced any document in respect of the same. As such, there is no material on record to show that suit properties are ancestral properties of plaintiffs and defendants. Hence, the plaintiffs are not entitled to the reliefs sought in the plaint. Accordingly, points No.1 and 2 are answered in the Negative.

13. **POINT NO.3:** In view of the above discussion, this Court proceeds to pass the following;

ORDER

The suit of the plaintiffs is hereby dismissed with costs.

Draw decree accordingly.

(Dictated to the stenographer, transcribed and typed by him, corrected and then pronounced by me in the open Court on this **27th Day of March-2026**).

(ARUN CHOUGULE)
PRL.CIVIL JUDGE & JMFC,
YADGIRI

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**ANNEXURE****I. Witnesses examined for the plaintiff:**

PW-1 : Smt.Ushamma D/o Yenkappa @ Venkataiah.

II. Documents marked for the plaintiff:

Ex.P-1 to 24 : RTCs.

Ex.P-25 : Legal notice dated 04.04.2016.

Ex.P-25(a to c) : Postal receipts.

Ex.P-26: Postal envelop.

Ex.P-26(a): Notice.

Ex.P-27: Postal acknowledgment.

III. Witnesses examined for the defendants:

- Nil -

IV. Documents marked for the defendants:

-Nil-

(ARUN CHOUGULE)
PRL.CIVIL JUDGE & JMFC,
YADGIRI