

**IN THE COURT OF HON'BLE PRINCIPAL SENIOR CIVIL JUDGE
AT :: BHONGIR**

Dated this the 19th day of October, 2022

Present:-Sri KATRAGADDA DASHARATHA RAMAIAH.,
Prl. Senior Civil Judge,
Bhongir.

O.S No.207 of 2019

Between :-

Jakkula Maheshwari, W/o Jakkula Nartsaiah @ Narsimha, age: 21 yrs, Occ: Student, R/o Vemulakonda village of Valigonda mandal, Yadadri -Bhongir District.

....Plaintiff

AND

1. Jakkula Narsaiah @ Narsimha, age: 52 years,
 2. Jakkula Yadaiah, S/o Achaiah, age: 56 years,
 3. Jakkula Shankaraiah, S/o Achaiah, age: 54 years,
- All are R/o Venkatapuram village of Valigonda mandal, Yadadri-Bhongir district.

... Defendants No.1 to 3

This suit is coming before me for final hearing and disposal in the presence of Sri Ch.Narendra Prasad, learned counsel for the plaintiff and Defendant Nos.1 to 3 having remained *ex parte*, and the suit having stood over for consideration till this day, and after hearing both sides, and perusing the material on record, this Court made the following

-.JUDGMENT: -

This is a suit filed by the plaintiffs seeking partition and separate possession of suit schedule property situated at Venkatapuram Village, Valigonda Mandal, Yadadri-Bhongir District. (Hereinafter referred to as the suit schedule 'A' property).

2. The brief averments of the plaint are that Plaintiff is the daughter of Def.No.1 and Def.No.2 & 3 are her paternal uncles who all constitute a Joint Hindu Family who acquired agricultural lands from their ancestors as reflected in the revenue records. As per pahani for the year 2016 -17, 2017 -18 all such properties were in the name of plaintiff's grandfather i.e Late Achaiah constituting land Ac.0.38 gts in Sy.No.33/AA, Acs.0-29 gts

in Sy.No.34/A/1, Ac.0-2.02 gts in Sy.No.43/A2, Ac.0.15 gts in Sy.No.44/AA1, Ac.0-02 gts in Sy.No.56/E1, Ac.0.17 gts in Sy.No.39/AA/13, Ac.3.22 gts in Sy.No.41/A46 total admeasuring Acs.8-05 gts situated at Venkatapuram Village, Valigonda Mandal, Yadadri-Bhongir District (Hereinafter referred as Schedule "A" Property). In addition to the above, as per pahanies for the year 2016 -17, 2017 - 18 the properties comprising of Ac.1.36 gts in Sy.No.33/Vu, Acs.1-18 gts in Sy.No.34/E, Ac.1-16 gts in Sy.No.43/A5, Ac.0.29 gts in Sy.No.44/AA5, Ac.0.03gts in Sy.No.56/E5 total admeasuring Acs.5-22 gts situated at Venkatapuram Village, Valigonda Mandal, Yadadri-Bhongir District (Hereinafter referred as Schedule "B" Property) are in the name of Late Buchamma I.e plaintiff's grandmother.

3. It is also submitted as per entries in Pahanies for the year 2016-17 & 2017 -18 certain lands are in the name of Defendant No.1 I.e Ac.0.38 gts in Sy.No.33/A, Ac.0-29 gts in Sy.No.34/A/2, Ac.0-29 gts in Sy.No.43/4, Ac.0-14 gts in Sy.No.44/4, Ac.0-01 gts in Sy.No.56/E2 total admeasuring Ac.2-31 gts situated at Venkatapuram Village, Valigonda Mandal, Yadadri-Bhongir District (Hereinafter Referred as Schedule "C" property) and Defendant No.2 also had certain lands Ac.0.38 gts in Sy.No.33/AA1, Ac.0-29 gts in Sy.No.34/A/1, Ac.0.28 gts in Sy.No.43/5, Ac.0-15 gts in Sy.No.44/5, Ac.0.02 gts in Sy.No.56/E/5 total admeasuring Ac.2-32 gts situated at Venkatapuram Village, Valigonda Mandal, Yadadri-Bhongir District (Hereinafter referred as Schedule "D" property). So also, Defendant No.3 also got certain lands as per Pahanies for the year 2016-17 & 2017 -18 comprising of Ac.0.38 gts in Sy.No.33/AA2, Ac.0-28 gts in Sy.No.34/A/2, Ac.0-14 gts in Sy.No.44/6, total admeasuring Ac.2-29 gts situated at Venkatapuram Village, Valigonda Mandal, Yadadri-Bhongir District (Hereinafter referred as Schedule "E" property).

4. It is further submitted that all the aforesaid A to E schedule properties are in joint possession of plaintiff and Defendants No.1 to 3 without any partition by metes & bounds as the same was enjoyed by distribution crop shares among them though patta of the entire suit

schedule properties nominally stood in the names of defendant Nos.1 to 3 and their deceased parents. While the things stood thus, Defendant No.1 neglected to maintain plaintiff and her mother, who were necked out from his house about one year ago without providing any maintenance or minimum needs or necessities to the plaintiff. Further, plaintiff came to know through the villagers that the defendants in collusion with each other are trying to alienate entire suit schedule properties to third parties to defeat the lawful, legitimate right of the plaintiff over the said properties, as such on 18.05.2019 plaintiff requested for partition in panchayath but defendants did not heed to village elders advise bluntly refusing to give share to plaintiff. Hence, the plaintiff had approached this court for her lawful and legitimate share in the suit schedule properties by this suit.

5. The Defendant No.1 to 3 remained ex-parte even on service of summons from this court.

6. On behalf of the plaintiff, she herself examined as Pw1 and Ex.A1 to A3 were marked on her behalf.

7. Heard the counsel for the plaintiff.

8. Now the point for consideration is:

Whether the Plaintiff is entitled for half ($\frac{1}{2}$) share out of $\frac{1}{3}^{rd}$ share to be acquired by Defendant No.1 in Schedule A to E properties as prayed for or not ?

9. On perusal of entire material available on record, it is noted that the sole plaintiff examined herself as Pw1 reiterating entire contents of her plaint in her chief affidavit and marked Exs.A1 to A3, of them the Ex.A1 i.e Form 1-B Dt:25.06.2019 reflects that Schedule "E" property is in the name of Def.No.3 and Ex.A2 i.e Form 1-B (2 No's) Dt:24.05.2019 reflecting that Schedule "C" & "D" properties are in the name of Def.No's. 1 & 2 supports the contention of the plaintiff as to possession of certain properties in the name of Defendants No.1 to 3. Whereas it is also noted

that as per the pahanies for the year 2016-17 & 2017 - 18 both Schedule A & B properties are in the names of Later Achaiah & Late Buchamma I.e deceased grand parents of plaintiff which clearly elicits that all such properties belonging to the joint family of the plaintiff and defendants were not partitioned by metes and bounds as on the date of filing of this suit.

10. The main contention of the plaintiff is that defendant No.1 being her father had neglected plaintiff and her mother to provide with bare necessities even on having sufficient means holding Schedule C property, who even necked them out of his house nor bothered to provide plaintiff's legitimate share in the joint family property I.e half share out of 1/ 3rd share to be acquired by Defendant No.1, instead he in collusion with other defendants No.2 & 3 are trying to alienate the entire suit schedule A to E properties without knowledge of the plaintiff in devoid of her legitimate share in joint family properties. All such contentions were not negated by any defendant as they all remained exparte even on receipt of summons from the court nor represented by any counsel on their behalf till this day remained *ex-parte* without contesting. However, as discussed above, Exs.A1 to A3, documents corroborates the claim of the plaintiff. Hence the point is answered in favor of plaintiff and against the defendants No.1 to 3.

In the result, this suit is preliminarily decreed exparte in favor of plaintiff by passing preliminary decree without costs, declaring that the plaintiff is entitled for **(½) Half share out of 1/3rd share to be acquired by Defendant No.1 from the entire Suit Schedule "A to E" properties.**

Dictated to the Stenographer, transcribed by him, corrected and pronounced by me in the open Court on this the 19th day of October, 2022.

**Principal Senior Civil Judge,
Bhongir.**

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR THE PLAINTIFFS:

P.W.1: J.Maheshwari

FOR THE DEFENDANTS:

-None-

EXHIBITS MARKED

FOR THE PLAINTIFFS:

Ex.A1: Meeseva 1-B ROR namuna dated 25.06.2016 (2 Nos)

Ex.A2: Meeseva 1-B ROR namuna dated 25.06.2016

Ex.A3: Certified copy of pahani for the year 2016-2017 & 2017-2018

FOR THE DEFENDANTS:

-Nil-

**Principal Senior Civil Judge,
Bhongir .**