

IN THE COURT OF THE PRINCIPAL JUNIOR CIVIL JUDGE,
AT JAGTIAL.

PRESENT: SMT. SRINIJA KOHIRKAR
PRINCIPAL JUNIOR CIVIL JUDGE
JAGTIAL.

Tuesday, the 2nd day of July, 2024

O.S.NO.209 OF 2023

Between:-

Elugandhula @ Velugandula Anjaiah, S/o. Rajaveeru, age 69 yeas,
Occ:Ration Dealer, R/o. Pudur village of Kodimial mandal, Jagtial
district.

...Plaintiff.

And

1. Elugandula Kalavathi, W/o. Rajaveeru, age 83 years, Occ:House hold,
 2. Elugandula Srinivas, S/o. Rajaveeru, Age 66 years, Occ:Business,
 3. Elugandula Swaroopa, D/o. Rajaveeru, age 46 years, Occ:House hold,
- all are R/o. H.No. 7-1-548, Pudur village of Kodimial mandal of Jagtial district.

...Defendants.

Claim:- Suit for Partition and Separate Possession

This suit is coming on 03.06.2024for me for final hearing in the presence of **Sri D. Laxma Reddy**, Learned Advocate for plaintiffs and defendants remained **exparte**, having been heard and stood over for consideration till this day, the court delivered the following:-

: J U D G M E N T :

1. The suit is filed by the plaintiff under Section 26 R/W Order IV and VII of Code of Civil Procedure, 1908 for partition and separate possession of suit properties i.e. G.P. No. 7-3 and 7-3/A, House sight to an extent of Ac.0-07 gts situated at Pudur shivar of Kodimial mandal of Jagtial district.

2. The brief averments of the Plaint are as follows:

(a). Plaintiff submits that the parties to the suit are Hindu's and they are governed by Mithakshara School of Law. The defendant No.1 is the step mother of plaintiff, the defendant No.2 and 3 are children of defendant No.1. The plaintiff submit that after the birth of the plaintiff his mother by name Bhulaxmi was died, after the death of his mother, father of plaintiff married defendant No.1. the defendant No.2 and 3 were born to the defendant No.1 through the father of plaintiff. The father of plaintiff was died in the year 2000 by leaving the plaintiff and defendants No.1 to 3 as his legal heirs. The plaintiff and defendants No.1 to 3 constitute Hind coparcenary joint family members.

(b). The plaintiff further submits that the house bearing G.P. No. 7-3 and 7-3/A which were dismantled in an extent of Ac.0-07 gts situated at Pudur shivar of Kodimial mandal and which are joint family properties of plaintiff and defendants No.1 to 3 which are ancestral properties. The plaintiff further submits that after the death of the father of plaintiff the plaintiff schedule properties were nominally mutated in the name of the defendant No.1 as she is the elder of the family but the plaintiff and defendants are in joint possession and enjoyment over the same. That the plaintiff and the defendants No.1 to 3 being the members of Hindu joint family have got 1/4th share each in undivided suit schedule properties.

(c). The plaintiff further submits that the defendant no.1 to 3 taking the advantage of name of defendant no.1 in the Gramapanchayath records are trying to disposes the plaintiff from the plaint schedule properties and the defendant No.1 to 3 colluded with each other and trying to alienate the plaint schedule propeties to third parties without consent of the plaintiff. On that plaintiff requested the defendant No.1 to affect partition of plaint schedule properties, but defendant No.1 post poned the same. The plaintiff started his demand for partition of joint family properties, but the defendants No.1 to 3 colluded with each other and they are in ordre to avoid share to the plaintiff and trying to alienate the suit schedule properties.

(d). The plaintiff further submits that on and after 30.03.2023 the plaintiff demanded the defendant no.1 for partition of his 1/4th share in the suit schedule properties but she refused the same. Hence, this suit.

3. Though summons were served on defendants, they did not choose to appear before this Court, as such defendants were set exparte on 13.10.2023.

4. To prove the case, on behalf of plaintiff, plaintiff himself examined as PW-1 and Exs.A-1 to A7 are marked.

5. Heard the submissions of learned Counsel for the Plaintiff. Perused the record.

6. Now the point for determination is whether the Plaintiff is entitled for the relief of partition and separate possession in respect of suit schedule properties as prayed for?

POINT:

7. This is a suit for partition and separate possession. The defendant No.1 is the step mother of plaintiff, the defendant No.2 and 3 are children of defendant No.1. The plaintiff submit that after the birth of the plaintiff his mother by name Bhulaxmi had died, after the death of his mother, father of plaintiff married defendant No.1. the defendant No.2 and 3 were born to the defendant No.1 through the father of plaintiff. The father of plaintiff was died in the year 2000 by leaving the plaintiff and defendants No.1 to 3 as his legal heirs. The plaintiff and defendants No.1 to 3 constitute Hind co-parcenary joint family members.

8. The plaintiff further submits that the house bearing G.P. No. 7-3 and 7-3/A which were dismantled in an extent of Ac.0-07 gts situated at Pudur shivar of Kodimial mandal and which are joint family properties of plaintiff and defendants No.1 to 3 which are ancestral properties. The plaintiff further submits that after the death of the father of plaintiff the plaintiff schedule properties were nominally mutated in the name of the defendant

No.1 as she is the elder of the family but the plaintiff and defendants are in joint possession and enjoyment over the same. The plaintiff further submits that on and after 30.03.2023 the plaintiff demanded the defendant no.1 for partition of his 1/4th share in the suit schedule properties but she refused the same.

9. During the course of trial, the plaintiff by name Elugandula @ Velugandula Anjaiah got examined as P.W.1. In his evidence, he had reiterated the contents of the plaint. PW1 deposed that plaintiff and defendants are entitled to each 1/4th share in the suit schedule properties. PW1 further deposed on oath that in order to deprive the rights of the plaintiff, the defendants are not coming forward to partition the suit schedule property with an intention to alienate the suit schedule properties to third parties.

9. To substantiate the above facts, PW1 relied on Ex.A1 to Ex.A7. On perusing Ex.A1 to Ex.A7 i.e. Ex.A1 is the original ownership certificate shows that in the name of Elagandula Kalavathi Pudur village Kodimaial mandal who is defendant No.1, Ex.A2 is the Original ownership certificate, Grampahchayath Office at Pudur dt. 22.01.2020 which shows that originally the father of plaintiff is the owner of suit schedule property vide revision register in the year 1979 on the file of Panchayath Secretary, G.P., Pudur village of Kodimial. Thereafter, in the year 1988 the said property

was mutated on the name of defendant No.1. Thereafter, the said suit schedule properties were on the name of plaintiff's father on Demand register on the file of Panchayath Secretary. Ex.A2 is issued by Panchayath Secretary, G.P. Pudur. Ex.A3 is the Family member certificate by Elugandula Rajaveeru, Office of the mandal revenue officer at Kodimial, dt.10.05.2022 is issued by Mandal Revenue Officer, Kodimial which shows that the plaintiff and defendants No.1 to 3 are joint family members, Ex.A4 is the Attested copy of revision Register extract year 1990-1991 by Elugandula Rajaveeram, Ex.A5 is the Attested copy of revision Register extract year 1992-1993, Ex.A6 is the Attested copy of revision Register extract year 1997-1998 shows that originally the father of plaintiff was the owner of suit schedule property, Ex.A7 is the Attested copy of revision Register extract 2001-2002 shows the name of defendant No.1.

10. Since the plaintiff is successful in proving his case as to suit schedule property is joint family properties. The plaintiff clearly alleged in the plaint that the suit schedule properties are joint family properties and he is having right over the suit schedule properties. This pleading of the plaintiff remained unchallenged by the defendants. Therefore, the said pleading of the plaintiff which is supported by oral and documentary evidence will have to be accepted as true and correct, in the absence of any rebuttal evidence. Consequently, this court is of the view that the plaintiff is entitled for a share in the suit schedule property. This point is answered

accordingly.

11. **In the result**, the suit is decreed without costs, declaring that the plaintiff and defendant No.1 to 3 are entitled to 1/4th share each in the suit schedule property. There shall be preliminary decree accordingly.

Typed to my dictation, corrected and pronounced by me in the open Court on this the 2nd day of July, 2024.

Principal Junior Civil Judge,
Jagtial

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR PLAINTIFFS

Pw1- Elugandhula @ Velugandhula Anjaiah

FOR DEFENDANT

Ex-parte

EXHIBITS MARKED

FOR PLAINTIFFS:

Ex.A1 Original ownership certificate, dt.22.01.2020

Ex.A2 Original ownership certificate, dt. 22.01.2020

Ex.A3 Family member certificate, dt. 10.05.2022

Ex.A4 Attested copy of revision Register extract year 1990-1991

Ex.A5 Attested copy of revision Register extract year 1992-1993

Ex.A6 Attested copy of revision Register extract year 1997-1998

Ex.A7 Attested copy of revision Register extract 2001-2002.

FOR DEFENDANT:

NIL

Principal Junior Civil Judge,
Jagtial