



IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, HOSUR

**Present : Thiru.B.Santhosh B.A.B.L.,
Additional District Judge, Hosur**

Monday, the 03rd day of August, 2026

O.S. No.198/2020

CNR. No.TNKI0E0009412020

1) Mrs.Suloka,

2) Mrs.Shyamala,

...Plaintiffs

/Vs./

1) Mr.Vijaya Reddy,

2) Mr.Srinatha Reddy,

3) Mr.Shiva Reddy,

4) Mr.S.Pradeep,

...Defendants

This suit is filed on 17.02.2020 and has come up for final hearing before this court on 20.07.2026 in the presence of Thiru.T.Gopala Reddy, Learned Counsel for the Plaintiffs and Thiru.C.Lakshmi Naga Shankar, Learned Counsel for the 4th Defendant, and Defendants 1 to 3 were remained exparte, and upon perusal of entire case records, and having stood over for consideration till this day, this court delivered the following:

JUDGMENT

1) Suit for partition, declaration to declare the sale deed dated 13.7.2005 in Doc.No.6261/2005 S.R.O. Hosur as Null and Void, and for Permanent Injunction restraining the 4th defendant from making encumbering the suit property till partition is effected between the plaintiffs and the 1st and 2nd defendants and to award cost.



2) Brief Facts Stated in the Plaint:

The suit property is situated at Zuzuvadi Village, Hosur Taluk within the jurisdiction of this court. The 1st defendant is the father of the plaintiff and the 2nd defendant is the plaintiff's and the 1st and 2nd defendants constitute a joint Hindu undivided families. There is no partition between the plaintiff and 1st and 2nd defendants. The 3rd defendant is the brother of the 1st defendant. The suit property in Sy.No.671/3 to an extent of Hec.1.82.0 belong to the 1st and 3rd defendants. The 1st and 3rd defendants who are the brothers and therefore the 1st defendant is entitled to half extent which is the suit property and the 3rd defendant is entitled to half each share in the property in Sy.No.671/3 of Zuzuvadi Village. The UDR patta for the property was issued in the name of the 1st and 3rd defendant jointly. The 1st and 3rd defendants are cultivating in their properties separately allotted to them patta was issued exclusively in their names. The plaintiff's are entitled to the suit property belonging to the 1st defendant. The 4th defendant is added only as a formal party to suit and no relief is claimed against him. After the marriage, the plaintiff's settled in their husband's house, and they used to assist the 1st and 2nd defendants in cultivating the joint family properties belonging to the 1st defendant. So, 1st defendant used to share mahasool in the suit property with the plaintiff, and there is the house in the suit property in which the 2nd defendant is residing. The 1st and 2nd defendants were leading their wayward life and were not concentrating in agricultural life works, and they were not



sharing the agricultural mahasool with the plaintiffs for the last few years. Further, the defendants 1st and 2nd proclaimed in the village that they have created some documents in favor of the party. Therefore, the plaintiffs, suspecting the bonafideness of the 1st and 2nd defendants, have verified the entries in the Sub Registrar Office and came to know that 1st and 2nd defendants have created a nominal document in favor of the 4th defendant along with the 3rd defendant and other family members, for an extent of 1 acre 89 cents in the suit Sy.No.671/3 in Doc.No.6261/2005, dated 13.7.2005, in favor of the 4th defendant. The said document is not binding on the plaintiff share, the sale deed is a void document, the other family members are 1st defendant are not at all having any right in the suit property. The suit property is still in joint possession of the plaintiff and the 1st and 2nd defendants. The plaintiffs demanded a legitimate share in the joint family property, but the 1st and 2nd defendants did not come forward for an amicable partition and the plaintiff has issued legal notice to the defendant on 21.02.2020 calling upon them to cancel the nominal sale deed created by the 1st and 2nd defendants in favor of the 4th defendant and to divide the suit properties into 4 equal shares and allot 2 such shares to the plaintiff by metes and bounds. The 1st and 2nd defendants evaded the notice with false endorsement, and the 4th defendant has received notice, but the defendants did not issue any reply nor complete the legal notice. The 4th defendant is attempting to create encumbrance in the said property, and therefore the



plaintiffs have come forward in the suit for Partition, Declaration, and respect of Document, and for Permanent Injunction.

3) Brief facts stated in written statement of 4th defendant, is as follows:-

The 1st to 3rd defendants remained exparte in the suit. The 4th defendant denied the allegations raised in plaint para 1 to 7. The Sy.No.671/3 to an extent of Hec.1.82.0 or 4 acre 49 cents of Zuzuvadi Village of Hosur Taluk originally belonged to Narayana Reddy, S/o. Late Chinna Abbaiyah @ Goopali Reddy ancestrally. The said Krishna Reddy has 4 sons namely Vijaya Reddy, Shivappa Reddy, Ramakrishna Reddy, and Srinivas Reddy. The said Vijay Reddy and his brother Shiva Reddy were entered as Pattadaras for Sy.No.671/3 under UDR patta No.767. The 4th defendant purchased an extent of 1 acre 89 cents in Sy.No.671/3 with specific boundaries on the Eastern side portion of land belong to Vijay Reddy and Vendee's land, West by Sy.No.672 Gopala Reddy's land, North by land belonging to Krishna Reddy and Pilla Reddy, South by land in Sy.No.671/3 of Narayana Reddy. The 4th defendant purchased the said property from Narayana Reddy, Vijay Reddy, Shivappa Reddy, Ramakrishna Reddy, Srinivas Reddy, Minor Somashekar Reddy, Minor Kanta, Minor Kusuma, Minor Vidhya Reddy, Srinath Reddy under a registered sale deed dated 13.7.2005 in Doc.No.6261/2005 of SRO Hosur for a consideration of Rs.1,00,000/-. Since the date of purchase the 4th defendant was in peaceful possession and enjoyment of the property. The 4th defendant purchased the property in year 2005 and it is well past the law of limitation.



The plaintiff failed to include the other vendors in the suit. Therefore, the suit is also liable to be dismissed on the ground of non-joinder of necessary parties. The said to Narayana Reddy and others executed a GPA in favor of Bagyamma, the G.P.A. holder Bagyaman sold an extend of 1 acre in Sy.No.671/3 with the specific boundaries in favour of 2nd defendant Srinath Reddy under a registered sale deed dated 18.7.2005 in Doc.No.6356/2005 of S.R.O. Hosur. The plaintiff included Srinath Reddy as 2nd defendant, but however, failed to claim any relief against him on the sole basis and reason that he is the son of 1st defendant Vijay Reddy. The 1st to 3rd defendants have joined hands with the plaintiffs to file the suit with an intention to grab the suit property owned by the 4th defendant. The 2nd defendant had converted his extent of 1 acre in Sy.No.671/3 into various house plots and has subsequently transacted into various buyers. The plaintiff has failed to include them as parties to the suit. The plaintiffs were married long back and settled in their matrimonial home and they very well knew that suit properties purchased by this defendant in the year 2005 itself, after a lapse of 15 years the plaintiffs have come up with this suit without any right and title. The sale deed executed in the year 2005 is valid and enforceable in law. The plaintiffs cannot seek the sale deed executed in the year 2005 as null and void. The family of the 1st to 3rd defendants have got other properties, if the plaintiffs are having any partition right, they may work out with other family properties. The plaintiffs has filed suit only to harass the 4th defendant, the 4th defendant



is a bonafide purchaser of the property. The plaintiffs and the 1st and 3rd defendants colluded together and filed the present suit. The plaintiff ought to have impleaded her brothers and sisters who are also necessary party in the suit, and therefore the 4th defendants sought to dismiss the suit.

4) This court has framed the following issues based on the pleadings and documents:-

- 1) Whether the contention of plaintiff that suit property is the ancestral properties of the defendants 1 to 3 and plaintiff is established?
- 2) Whether the suit is bad for non inclusion of all the joint family properties and all the co-shares?
- 3) Whether suit is barred by limitation?
- 4) Whether plaintiffs are entitled and share in suit property and if so to what extent?
- 5) Whether plaintiffs are entitled to Preliminary Decree as sought for?
- 6) Whether plaintiffs are entitled to declaration regarding the sale deed in Doc.No.6261/2005 as sought for?
- 7) Whether 4th defendant entitled to seek equity to allot the suit property to the share of his vendor as sought for?
- 8) Whether plaintiffs are entitled to relief of permanent injunction as sought for?
- 9) What other reliefs?

5) On perusal of the above issues the 7th issue is not proper and therefore the 7th issue is striked out. Further on perusal of the pleanings, this court is inclined to frame the following Additional Issue:

- 1) Whether the 4th defendant is bonafide purchaser of the suit property?
- 6) The 2nd plaintiff has examined herself as PW-1 and marked Ex.A-1 to Ex.A-5 and one Subramani Reddy examined as PW-2 and one Srinivasan examined as PW-3. On the side of defendants the 4th defendant examined as



DW-1 and no documents were marked. Both sides arguments heard.

7) Issue No.1:-

Admittedly, the suit property is situated at Zuzuvadi Village, Hosur Taluk within the jurisdiction of this court. The suit property is situated in Sy.No.671/3, dry extent, Hec.1.82.0, Asst., Rs.1.13, and in this an extent of 2 acre 25 cents on the Western side. Admittedly the 1st defendant is the father of the plaintiff and the 2nd defendant. It is also admitted fact that the 3rd defendant is the brother of the 1st defendant. It is not disputed that the plaintiffs, 1st and 2nd defendants constitute a joint Hindu undivided family, and there is no partition between the plaintiffs and the 1st and 2nd defendants. The plaintiffs submitted that the suit property belong to the 1st and 3rd defendants who are brothers, and the UDR patta for the suit property was issued in their names, and the patta was also issued exclusively in their names. The 2nd plaintiff is examined as PW-1, the PW-1 has specifically deposed about the said fact in their testimony. The plaintiff has also examined one Subramani Reddy as PW-2 he also deposed that the suit properties originally belong to the 1st and 3rd defendants. The plaintiffs has examined one, Srinivasan has PW3, the PW3 also specifically deposed that the suit property originally belong to the 1st and 3rd defendants. The 4th defendant in his written statement as stated that the suit property originally belonged to Narayana Reddy ancestrally. The said Narayana Reddy had 4 sons, namely Vijay Reddy, Shivappa Reddy, Ramakrishna Reddy, and Srinivas Reddy. The



said Vijay Reddy is the 1st defendant. The said Vijay Reddy is the father of the plaintiffs and the 2nd defendant. Therefore, the 4th defendant also admitted that the suit properties were originally ancestral properties of the plaintiffs and the 1st and 2nd defendants. Therefore, there is no dispute regarding the fact that the suit properties are originally the ancestral properties of the plaintiffs and 1st and 2nd defendants. The 4th defendant is examined as DW1. He has also deposed in his chief examination as proof affidavit that the suit properties belong to the 1st and 3rd defendants ancestrally and who are brothers. Therefore, it is clear that the suit properties are the ancestral properties of the plaintiffs as well as the 1st and 2nd defendants, and therefore the Issue No.1 is decided in favor of the plaintiff.

8) Additional Issue No.1 and Issue No.4:-

The plaintiff submitted that the suit property in Sy.No.671/3 belong to the 1st and 3rd defendants, and the revenue records also stands in their name, and they were cultivating the property separately as the 1st and 3rd defendants got equal share in the property in Sy.No.671/3 and the half extent of the property of the 1st defendant is the suit property and the said property is ancestral property and therefore the plaintiffs who are the legal heirs of the 1st defendant is also having right of share in the same. But, the 1st and 2nd defendants, along with 3rd defendant and their other legal heirs have created a registered sale deed in favor of 4th defendant in Doc.No.6261/2005 dated 13.7.2005 in respect of the suit property without the knowledge and consent



of the plaintiff and therefore the said document is not valid in law and the plaintiffs are having right to the suit property. The 4th defendant submitted that he had purchased an extent of 1 acre, 89 cents in Sy.No.671/3 with specific boundaries from Narayana Reddy, Shivappa Reddy, Ramakrishna Reddy, Srinivas Reddy, who are all the sons of Narayana Reddy and Minor Somsheker Reddy, Minor Kantha, Minor Kusuma, represented by their father Ramakrishna Reddy, Minor Venu Reddy, Minor Vithya, children of Srinivasa Reddy, Srinath Reddy S/o. Vijay Reddy, under registered sale deed at 13.7.2005 in Doc.No.6261/2005, for a sale consideration of Rs.1,00,000/-, and since the date of purchase, the 4th defendant is in possession and enjoyment of the suit property. The said registered sale deed is marked as Ex.A1 on the side of the plaintiff. The PW1 deposed that the 1st to 3rd defendants and their legal heirs are not having exclusive right in the suit property to sell the same to the 4th defendant, because the plaintiffs are also having right in the suit property as co-parceners and also by birth, and therefore the said registered sale deed is not valid in law. The PW1 in the cross examination also deposed that in the Ex.A1 sale deed it is specifically mentioned that the suit property is the ancestral property of the Narayana Reddy, and further PW1 also deposed that there is no partition among the family members of the said Narayana Reddy and the 3rd defendant in respect of the said property. Therefore, it is clear from the evidence of PW1 that there is no partition in respect of the family properties of the plaintiff, 1st to 3rd



defendants. The PW2, Subramani Reddy also deposed that he did not know about the sale deed executed by the 1st to 3rd defendants and his legal heirs to the 4th defendant and he has deposed that the property is in possession and enjoyment of the 1st defendant Vijay Reddy. The PW3 Srinivasan also deposed that the father of the plaintiff is doing cultivation of the suit property and is cultivating Tomato and Beans with the suit property and he also deposed that he did not know whether the suit property was sold out before the marriage of the plaintiff. Therefore, it is clear from the evidence of PW1 to PW3 that the suit property is in possession of the 1st defendant and there is no partition took place in respect of the suit property, and the plaintiffs are also having right in the suit property. It is admitted fact that the suit properties are ancestral property. The plaintiffs are the daughters of the 1st defendant. The 4th defendant admitted that the suit property is the ancestral property of the said Narayanaswami, who is the father of the 1st defendant, and 3 others. Therefore, the plaintiffs are co-parceners having right by birth in the suit property, as they are also co-parceners of the ancestral properties. The Ex.A1 document was executed on 13.7.2005, that is after the Hindu Succession Amendment Act 2005 came into force. The said argument is not executed before the enforcement of the Hindu Succession Amendment Act 2005 that is on the date of 20.12.2004. The plaintiffs are having right in respect of the co-parcenary right in respect of the suit property by birth. Therefore, the Ex.A1 sale deed executed after the Hindu Succession



Amendment Act 2005 without the consent and knowledge of the plaintiff is not valid in law, for the simple reason that the plaintiffs are co-parceners by birth, and they are having co-parcenary right in respect of the suit property. Admittedly, the plaintiffs have not executed the Ex.A1 in favor of the 4th defendant, further, the legal heirs of the Ramakrishna Reddy, Srinivas Reddy were also added as parties to the Ex.A1 sale deed. When the legal heirs of Ramakrishna Reddy and Srinivas Reddy were added as parties to the Ex.A1 sale deed, what is the necessity for omitting the plaintiffs as parties to the said Ex.A1 sale deed was not explained by the 4th defendant. Further, the 1st to 3rd defendants remained exparte in the suit and they did not choose to contest to the suit. Therefore, the conduct of the 1st to 3rd defendants in remaining exparte in the suit also clearly shows that they have executed the said document without the consent and knowledge of the plaintiffs. Therefore, from the above evidence, it is clear that the plaintiffs are having co-parcenary right in the suit property by birth. The plaintiffs are having right of 2/4th share in the suit property. Hence Additional Issue No.1 and Issue No.4 are decided in favour of the plaintiff.

9) Issue No.2:-

The 4th defendant submitted that there are many properties owned by the family of Narayana Reddy, and the 1st to 3rd defendants. But those properties were not added in the suit properties, and therefore the suit is bad for partial partition. Further, the 4th defendant also submitted that the other



parties to the Ex.A1 registered sale deed were also not added as parties to the suit, and therefore the suit is also bad for non-joinder of necessary parties. The PW1 has admitted in the cross examination that only the suit property is available, and she also denied that in the Ex.A-1 sale deed, the Eastern side of the property belongs to 1st defendant and others. The PW-1 further deposed that there is no partition took place in respect of the properties of their father, the grandfather and paternal grand father. Further, it is seen from the evidence of PW-2 Subramani Reddy, Narayana Reddy purchased 2 ½ acre and gave it to their daughters and 4 ½ acre was given to his brothers. Therefore, it is clear that the other properties of the family were already given to the brothers and daughters. However, the suit property is not allotted to any person. The 4th defendant did not come forward with any documentary evidence that there are other suit properties available for partition. The 4th defendant did not come forward with any specific survey numbers available for partition to be included in the suit property. The 4th defendant has only raised a vague plea that the other properties were not included in the suit property. Therefore, the said contention that the suit is bad for partial partition is not proved by the 4th defendant.

10) The 4th defendant also submitted that the vendors of the Ex.A1 registered sale deed were not added as parties to the suit, and therefore the suit is bad for non-joinder of necessary parties. The plaintiffs are having co-parcenary right by birth in the suit property, and therefore the execution of the



Ex.A1 registered sale deed by the 1st to 3rd defendants and their legal heirs are not valid in law. The Ex.A1 registered sale deed was executed by Narayana Reddy, grandfather of the plaintiffs, 1st to 3rd defendants, namely Vijay Reddy, Shivappa Reddy, Srinath Reddy, and their legal heirs, represented by their fathers. Therefore, it is sufficient that the 1st to 3rd defendants are added parties to the suit and there is no necessity to include the minors who were represented by the 1st to 3rd defendants. Apart from that, the said document has been executed only to depriving the right of the plaintiff, and when the legal heirs of the 1st to 3rd defendants were added as parties to the Ex.A1 registered sale deed without adding the plaintiffs as parties clearly shows that the said document is executed only to deprive the right of the plaintiffs. And therefore inclusion of all the vendors in the Ex.A1 registered sale deed is not necessary as the parties are minors and they were represented by their fathers. And, therefore, the suit is not bad for non joinder of necessary parties. Hence, issue No.2 is also decided in favour of plaintiffs.

11) Issue No.3:

The 4th defendant submitted that the Ex.A1 registered sale deed was executed in the year 2005, whereas the plaintiff has filed suit only in the year 2020 after 15 years challenging the Ex.A1 registered sale deed. Therefore, the suit is barred under the law of limitation. The plaintiffs has filed the present suit for partition, declaration in respect of the Ex.A1 registered sale deed and for permanent injunction. There is no limitation to file suit for partition so far



as the relief in respect of Ex.A1 registered sale deed is concerned. The plaintiff has clearly pleaded in the plaint that she came to know about the Ex.A1 registered sale deed only in the year 2020, and thereafter she has issued a Ex.A2 legal notice to the defendants and the same was received by the 4th defendant and notice sent to the other defendants was returned. The postal receipts are marked as Ex.A3, the acknowledgement card is marked as Ex.A4, the returned covers are marked as Ex.A5. The 4th defendant did not issue any reply notice to the 4th defendant and in his written statement he has not stated about the receipt of legal notice or as to why he has not issued any reply notice to the DW1. During the cross examination, it was confronted that by the learned counsel for the plaintiffs pertaining to the Ex.A2 legal notice and the DW1 has admitted that he did not issue reply notice, but after receiving the Ex.A2 legal notice, he went to Vijay Reddy who is the 1st defendant and he told that he will take care of the issue and therefore he has not replied for the same. But, the DW1 has not pleaded the said fact in his written statement and therefore his evidence pertaining to the said fact is unbelievable and cannot be relied upon. Therefore, the non-issuance of the reply notice by the 4th defendant draws adverse inference against him. Further, the PW1 clearly deposed that she was not aware of the Ex.A1 registered sale deed at the time of the execution of the said document. The PW2 as well as PW3 also deposed that they were not aware of the Ex.A1 registered sale deed executed in favor of the 4th defendant in the year 2005.



Further, the 4th defendant did not come forward with any documentary evidence to prove that the plaintiffs were aware of the Ex.A1 registered sale deed even in the year 2005. Therefore it is clear from the pleadings and the evidence of PW1 that the plaintiffs came to know about the Ex.A1 registered sale deed only in the year 2020. Therefore, they had issued Ex.A2 legal notice to the defendants, and the suit has been filed in the very same year, which is within the period of Limitation. Hence, the Issue No.3 is also decided in favour of plaintiffs.

12) Issue No.8:-

It is already decided that the Ex.A1 registered sale deed was executed by the 1st to 3rd defendants and their legal heirs without the consent and knowledge of the plaintiffs in favor of the 4th defendant, and therefore the said Ex.A1 registered sale deed is not valid in law. The 4th defendant depose that he is the absolute owner of the suit property by virtue of Ex.A1 registered sale deed and he is in possession and enjoyment of the suit property. The 4th defendant did not produce any documents to show that he is in possession and enjoyment of the suit property. The DW1 during his cross examination depose that in the year 2020, when he went to fence the suit property, the 1st defendant objected the same, and therefore he was not able to fence the suit property and therefore, he has lodged a complaint before the Zuzuvadi police station, but the DW1 has not pleaded about the said facts in his written statement. Therefore, the said fact cannot be relied upon in evidence, as there



is no pleading to that effect. Further, the DW1 deposed that he has lodged a complaint at the Zuzuvadi police station, but the suit property comes under the jurisdiction of Hudco police station. The said fact is not denied by the DW1 in his evidence and the DW1 has not lodged any complaint at Hudco police station in respect of the said dispute. Therefore, the reason stated by the DW1 that he has lodged a complaint at Zuzuvadi police station is false and therefore it is unbelievable. The PW1 to PW3 has clearly deposed that the 1st defendant is in possession and enjoyment of the suit property. The PW1 also admitted in his evidence that when he went to fence the suit property, the 1st defendant objected the same. Therefore, it is clear that the 1st defendant is in possession and enjoyment of the suit property. The DW1 did not depose in his chief examination that he went to the suit property to fence the same therefore, the evidence of DW1 is unbelievable. The 1st defendant is in possession and enjoyment of the suit property. The DW1 did not produce any oral and documentary evidence to prove his possession. Therefore, it is clear that the suit property is not partitioned so far between the plaintiffs and the defendants and since the DW1 himself admitted that he went to the suit property to fence the same, clearly shows that he wants to create encumbrance in the same, based on the Ex.A1 registered sale deed which is not valid in law. If the 4th defendant created encumbrance, the plaintiff will be put into irreparable loss and mental agony and therefore the balance of convenience is in favour of the plaintiffs who are having co-parcenary right by birth in the



suit property. Therefore, the plaintiffs are entitled for the relief of permanent injunction. Hence Issue No.8 is also decided in favour of the plaintiff.

13) Issue No.5:-

It has been decided in the earlier issues that the plaintiffs are having co-parcenary right by birth in the suit property and therefore, the plaintiffs are entitled for 2/4th share with the suit property. Hence, Issue No.5 is decided in favour of plaintiff.

14) Issue No.6:-

It has been decided in the earlier issue is that the Ex.A1 registered sale deed is not valid in law, as it was executed by the parties in favor of the 4th defendant to deprive the right of the plaintiffs and therefore the plaintiffs are entitled for declaration in respect of the sale deed in Doc.No.6261/2005 is null and void. Hence, the issue No.6 decided in favour of plaintiffs.

15) Issue No.9:-

Considering the nature and circumstances of the case, and the relationship of the parties, this court is of the opinion that the plaintiffs are not entitled for any other relief, the party shall bear their own cost.

In the result, the suit is decreed. No Costs.

- i) The plaintiffs are having right of 2/4th share in the suit property.
- ii) The declaration is ordered declaring that the sale deed dated 13.07.2005 in Doc.No.6261/2005 of S.R.O., Hosur is not a valid document and therefore it is Null and Void, and not binding upon the plaintiffs.



iii) The Permanent Injunction is granted, restraining the 4th defendant from making encumbrance in the suit property till partition is effected by metes and bounds and the share of the plaintiffs stated above was allotted to the plaintiffs.

Dictated to Stenographer typed by her directly, corrected and pronounced by me in the open court, this the 3rd day of August, 2026.

Additional District Judge,
Hosur.

Annexure:

Plaintiff side witnesses:

PW-1 - Tmt.Shyamala,

PW-2 - Thiru.Subramani Reddy,

PW-3 - Thiru.Srinivasan,

Plaintiffs Side Exhibits :

Ex. Nos.	Description of documents
Ex.A1	Certified copy of Sale Deed dated 13.07.2005
Ex.A2	Office copy of Legal Notice dated 21.02.2020
Ex.A3	Original Postal Receipts
Ex.A4	Original Acknowledgment card
Ex.A5	Original Returned Postal covers

Defendant side Witnesses:

DW-1 - Thiru.Pradeep,

Defendant side Exhibits: -NIL-

Additional District Judge,
Hosur.