

KABC0A0029822023



C.R.P.67

Govt. of Karnataka

Form No.9 (Civil)
Title Sheet for
Judgments in Suits
(R.P.91)

TITLE SHEET FOR JUDGMENTS IN SUITS

**IN THE COURT OF THE XXVIII ADDITIONAL CITY CIVIL
AND SESSIONS JUDGE (CCH-29) MAYOHALL, BENGALURU**

Dated this the 1st day of December, 2025.

PRESENT:

Sri BALAPPA APPANNA JARAGU, B.Sc., LL.M.,
XXVIII Additional City Civil and Sessions Judge,
Bengaluru.

ORIGINAL SUIT No.26133/2023

PLAINTIFF : Ramappa,
S/o. Late Annayappa
@ Dodda Annayyappa,
Aged about 58 years,
Residing of Govindapura
Village, Jadigenahalli Hobli,
Hoskote Taluk,
Bengaluru Rural District-562 114.

(By Sri Thyagaraj M., Advocate)

-VERSUS-

DEFENDANTS : 1. Nanjamma,
W/o. Late Annayappa
@ Dodda Annayyappa,
Aged about 76 years.

Cont'd..

2. Smt. Munirathnamma,
D/o. Late Annayappa
@ Dodda Annayyappa,
Aged about 55 years.
3. Smt. Gowramma,
W/o. Anandraj,
Aged about 45 years.
4. Ashwini,
D/o. Anandraj,
Aged about 27 years.
5. Chaithra,
D/o. Anandraj,
Aged about 25 years.
6. Chethan,
S/o. Anandraj,
Aged about 22 years.
7. Smt. Yashodamma,
W/o. Late Shankar,
Aged about 43 years.
8. Ranjith,
S/o. Late Shankar,
Aged about 24 years.
9. Gowthami,
D/o. Late Shankar,
Aged about 22 years.

Defendants No.1 to 9 are
residing of Govindapura
Village, Jadigenahalli Hobli,
Hoskote Taluk,
Bengaluru Rural District – 562 114.

10. Manjunatha G.D.,
S/o. Late Annayappa @
Dodda Annayyappa,
Aged about 42 years,
Residing at Kothur Village,

Mookanapalli Post, Hosur Taluk,
Krishnagiri District,
Tamil Nadu – 635 126.

Permanent resident of
Govindapura Village,
Jadigenahalli Hobli,
Hoskote Taluk,
Bengaluru Rural District – 562 114.

11. Chandrashekar Basavasankaraiah,
S/o. Basavasankaraiah,
Aged about 43 years,
Residing at No.3/173, Kamarajar
Street Kottai Bagalur,
Krishnagiri District,
Tamil Nadu – 635 126.

(D.1 to 11 : Ex-parte)

Date of Institution of the Suit :	03-08-2023
Nature of the Suit (Suit on pronote, Suit for declaration and possession, Suit for injunction etc,)	Partition Suit
Date of the commencement of recording of the evidence :	01-09-2025
Date on which the Judgment was pronounced :	01-12-2025
	Year/s Month/s Day/s
Total duration :	02years, 03months, 28days.

(BALAPPA APPANNA JARAGU)
XXVIII Additional City Civil and
Sessions Judge, Mayohall, Bengaluru.

J U D G M E N T

This suit is instituted by the plaintiff against the defendants for the relief of partition and separate possession of his 1/6th share in suit schedule mentioned property by metes and bounds. The plaintiff has further sought for declaration to declare, registered sale agreement dated 24.12.2020 executed by defendant No.1 and defendant No.10 in favour of defendant No.11 in respect of suit property is not binding on his share in suit property. The plaintiff has also sought for permanent injunction, restraining defendants No.1, 10 and 11 from alienating suit schedule property in favour of third parties and grant of such other reliefs.

2. The case of the plaintiff in brief is as under:-

That, plaintiff and defendant No.2, deceased Anandraj, deceased Shankar and defendant No.10 are children of Dodda Annayyappa @ Annayyappa through defendant No.1/Smt. Nanjamma herein. The defendant No.1 has acquired suit 'A' schedule property, which is Southern portion of Sy.No.181/1 and 181/2 to an extent of 30498.5 square feet, situated at Vibhuthipura

Village, Varthur Hobli, Bengaluru under registered partition deed dated 19.06.2015 effected in between herself and her brother Krishnappa. The defendant No.1 has voluntarily thrown suit schedule property into the common stock by abandoning her absolute right over suit property. Hence suit property has blended in joint family property of plaintiff and defendants No.1 to 10. The plaintiff has applied for the encumbrance certificates in respect of suit property for the purpose of availing bank loan. It is come to knowledge of plaintiff that, defendant No.11 is an agreement holder of suit property which has been executed by defendant No.10 being General Power of Attorney holder of defendant No.1. After coming to know about agreement of sale dated 24.12.2020 executed in favour of defendant No.11, plaintiff has demanded for allotment of his legitimate share in suit property. The defendants No.1 to 10 in order to deprive the share of plaintiff and without consent of plaintiff agreed to sell suit property in favour of defendant No.11 under registered agreement of sale. On these pleadings, the plaintiff has prayed to decree suit as prayed in plaint.

3. Even after service of the summons, defendants have not tendered their appearance before court and contested suit, consequently they were placed ex-parte.

4. On the basis of plaint averments and other documents produced before the court, the following points arises for my consideration:-

POINTS

1. Whether the plaintiff proves that, defendant No.1 having acquired suit property has thrown it voluntarily into common stock and hence suit property blended in joint family property of plaintiff and defendants No.1 to 10?
2. Whether the plaintiff further proves that, suit property has acquired characteristic of joint family property of plaintiff and defendants No.1 to 10?
3. Whether the plaintiff is entitled for relief as prayed for?
4. What order or decree?
5. To substantiate the case of the plaintiff, the plaintiff examined himself as PW1 and produced in 7

documents as Exs.P1 to Ex.P.7. The defendants have not lead any evidence.

6. I have heard the arguments of learned counsel for plaintiff and learned counsel for defendants and I have perused the case records.

7. My answers to the above issues are as under–

POINT No.1 - In the negative;

POINT No.2 - In the negative;

POINT No.3 - In the negative;

POINT No.4 - As per final order,

for the following –

REASONS

8. **POINT Nos.1 TO 3** :- As these points are inter-related to each other and involves common appreciation of facts and evidence on record, findings on one point are bearing on other points, in order to avoid repetition of facts and for convenience sake, discussion all points are taken together for common discussion.

9. It is specifically pleaded by plaintiff and same is deposed by him, who examined as P.W.1 before court

that, he himself, defendant No.2, deceased Anandraj, deceased Shankar and defendant No.10 are children of Dodda annayyappa @ Annayyappa and Smt. Nanjamma, who is defendant No.1 herein. It is further stated, defendants No.3 to 6 are legal heirs of deceased Anandraj and defendants No.7 to 9 are legal heirs of deceased Shankar. Genealogical tree of plaintiff and defendants No.1 to 10 has been produced as per Ex.P.2.

10. It is specific case of plaintiff that, defendant No.1 has acquired suit schedule property under registered partition deed dated 19.06.2015 and defendant No.1 has voluntarily thrown suit schedule property into common stock by abandoning her absolute right over suit property. The plaintiff has produced certified copy of partition deed dated 19.06.2015 as per Ex.P.3. As per plaint averments and contents of Ex.P.3, it is very much evident that, partition between defendant No.1 and her brother Krishnappa was effected in their family properties and in said partition, suit schedule property allotted as share of defendant No.1.

11. It is pertinent to note here that, as defendant No.1 from family of her father had acquired suit property, as per provisions of Section 14 of Hindu Succession Act, suit schedule property is absolute property of defendant No.1. Records of rights of suit property have been produced as per Exs.P.4 and P.5. In these records of rights, name of defendant No.1 and her brother Krishnappa jointly entered to Sy.No.181/1 and 181/2, situated at Vibhuthipura Village, Varthur Hobli, Bengaluru.

12. The plaintiff has claimed suit property acquired characteristic of joint family of plaintiff and defendants No.1 to 10. It is specific contention of plaintiff that, defendant No.1 being absolute owner of suit property has voluntarily thrown suit property into common stock by abandoning her absolute right over suit property. Fact to be noted here, in order to substantiate such contention of plaintiff has not placed any material on record. On the other hand, in records of rights of suit property, name of defendant No.1 and

her brother jointly entered into suit property as owner and possessor of suit property.

13. Admittedly, defendant No.1 has acquired suit property as per Ex.P.3 dated 19.06.2015. Ex.P.4 and P.5 are the records of rights of suit property of the year 2022-23. In said documents also name of defendant No.1 shown to suit property as owner and possessor. Very contention of Exs.P.4 and P.5 itself falsify claim of plaintiff that, defendant No.1 being absolute owner of suit property has thrown suit property into common stock by abandoning her right over suit property. In order to accept case of plaintiff there must be some positive act by defendant No.1 to abandoned her right over suit property and thrown it into common stock.

14. Further it is to be noted here, according to plaintiff, defendant No.10 being General Power of Attorney holder of defendant No.1 has executed agreement of sale dated 24.12.2020 in respect of suit property in favour of defendant No.11. Very contention of plaintiff that, defendant No.10 being General Power of Attorney holder of defendant No.1 executed agreement

of sale in respect of suit property itself sufficient to come to right conclusion, till today defendant No.1 is exercising her right over suit property which is acquired by her under Section 14 of Hindu Succession Act.

15. Absolutely there is no material on record to show, defendant No.1 has relinquished her right over suit property and voluntarily thrown suit property into common stock and suit property blended in joint family property of plaintiff and defendants No.1 to 10. It is to be noted, no doubt it is true, agreement of sale does not confirm any title over suit property in favour of defendant No.11, but plaintiff can claim share in suit property subject to establishing suit property has acquired characteristic of joint family property of himself and defendants No.1 to 10.

16. As already discussed, absolutely there is no material on record to show, defendant No.10 relinquished her absolute right over suit property and thrown it in common stock and suit property acquired characteristic of joint family property of plaintiff and defendants No.1 to 10. When suit property has not

acquired characteristic of joint family of plaintiff and defendants No.1 to 10, based an agreement of sale said to have been executed by defendant No.10 as General Power of Attorney holder of defendant No.1 in favour of defendant No.11, plaintiff cannot claim his share in suit property. Hence, I answer **Point Nos.1 to 3 in the negative.**

17. **POINT No.4** :- In view of the above said findings on **Point Nos. 1 to 3**, I proceed to pass the following:-

ORDER

The suit of the plaintiff is hereby
dismissed with costs.

Draw decree accordingly.

(Dictated to the Stenographer directly on computer, typed & computerized by her, corrected and signed by me and then pronounced in the open Court on this the **1st** day of **December, 2025**).

(BALAPPA APPANNA JARAGU)
XXVIII Additional City Civil and
Sessions Judge, Mayohall, Bengaluru.

A N N E X U R E1. LIST OF WITNESSES EXAMINED FOR THE PLAINTIFF:-Examined on:

P.W.1 : Ramappa

01-09-2025

2. LIST OF DOCUMENTS MARKED FOR THE PLAINTIFF:-Ex.P.1 : Digital copy of agreement of sale
dated 24.12.2020.

Ex.P.2 : Family tree.

Ex.P.3 : Digital partition deed dated 19.06.2015.

Exs.P.4 : RTC
and P.5Exs.P.6 : Encumbrance certificates.
to P.73. LIST OF WITNESSES EXAMINED FOR THE DEFENDANT:-

- None -

4. LIST OF DOCUMENTS MARKED FOR THE DEFENDANT:-

- NIL -

(BALAPPA APPANNA JARAGU)
XXVIII Additional City Civil and
Sessions Judge, Mayohall, Bengaluru.