



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

REGULAR FIRST APPEAL NO. 1685 OF 2019 (PAR/INJ)

BETWEEN:

SRI. V. RAGHAVENDRA,
S/O ALTE P.VENKATESH,
NO.171, 9TH CROSS,
KADIRAPPA ROAD,
DODDIGUNTA, COX TOWN,
BENGALURU 560005.

...APPELLANT

(BY SRI G FREDY CHARLES, ADVOCATE FOR
SRI DILRAJ ROHIT SEQUEIRA, ADVOCATE)

AND:

SMT. MUNILAKSHMAMMA
AGED ABOUT 83 YEARS,
W/O.N.PAPAIAHM,
(SINCE DECEASED BY HER LRS)

1. SMT P CHANDRAMMA
AGED ABOUT 78 YEARS,
W/O LATE SUBRAMANI,
NO.614, RAMU NILAYA,
BANASWADI MAIN ROAD,
BENGALURU 560043.
2. SRI P RAVI
AGED ABOUT 72 YEARS,
S/O SRI.N.PAPAIAH,
NO.171/3, 9TH CROSS,
KADIRAPPA ROAD,
DODDIGUNTA, COX TOWN,

Digitally signed
by BELUR
RANGADHAMA
NANDINI

Location: HIGH
COURT OF
KARNATAKA



BENGALURU-560005.
(R2 DECEASED)

3. SMT KALACHADNRA SHEKAR
W/O SRI.CHANDRASHKEAR,
NO.52, SHREYAS COLONY,
11TH CROSS, 3RD MAIN,
7TH PHASE, J.P.NAGAR,
BENGALURU-560078.
4. SMT LATHA
W/O ALTE BAYANNA,
NO.301/2, 3RD CROSS,
NRI COLONY, KALKERE,
RAMAMURTHYNAGAR MAINROAD,
BENGALURU-560043.
5. SMT PREMA,
AGED ABOUT 65 YEARS,
W/O BALAKRISHNA,
NO.14, ANNAIAH REDDY ROAD,
ULSOOR, BENGALURU - 560 008.
6. SMT HEMAVATHI,
AGED ABOUT 56 YEARS,
W/O SRI JAGADISH BABU,
NO.163, OLD NO.44,
7TH CROSS, KADIRAPAP ROAD,
DIDDIGUNTA, COX TOWN,
BENGALURU-560005.
7. SMT MANJULA,
AGED ABOUT 59 YEARS,
W/O SRI RAMASWAMY,
NO.35/2, 2ND CROSS,
SREENIVAS REDDY LAYOUT,
RAMAMURTHYNAGAR MAIN ROAD,
BENGALURU-560043.
8. SRI P CHANDRAKUMAR,



AGED ABOUT 53 YEARS,
S/O LATE N.PAPAI AH,

9. SMT CHANDRAKAUMARI,
AGED ABOUT 48 YEARS,
D/O LATE N.PAPAI AH,

10. SRI P NAVEEN PRASAD,
AGED ABOUT 42 YEARS,
S/O LATE N.PAPAI AH,

11. SRI R RAGHAVENDRA
AGED ABOUT 40 YEARS,
S/O RAMU,

ALL ARE RESIDING AT NO.169,
7TH CROSS, KADIRAPPA ROAD,
DODDIGUNTA, COX TOWN,
BENGALURU - 560005.

12. SMT P PRABHAVATHI,
AGED ABOUT 40 YEARS,
W/O MUNIKRISHNAPPA @ BANGARAPAP,
NO.145, 2ND FLOOR, 2ND MAIN,
SARASWATHIPURAM, ULSOOR,
BENGALURU-560008.

13. SRI K YADAV KRISHNAN
AGED ABOUT 48 YEARS,
S/O M KANNA, NO.78B,
5TH CROSS, (RIGHT SIDE),
MAGADI ROAD, BENGALURU-560023.

14. SRI SHANKAR SUBBARAYA BHAT
SINCE DECEASED REPRESENTED BY HIS LR

14a. SRI GOURISH S BHAT,
S/O LATE SHANKAR S BHAT,
AGED ABOUT 70 YEARS,
AR/AT NO.1, 1ST CROSS, VIDYA LAYOUT,



VIJAYANAGAR, BENGALURU - 560 040,
(CAUSE TITLE AMENDED AS PER COURT
ORDER DATED 10.04.2026)

15. SRI S PUTTASWAMY,
AGED ABOUT 48 YEARS,
S/O G.S. SIDDEGWODA,
NO.146, 1ST FLOOR,
MAGADI ROAD, VIDYARANAYAPURA,
BENGALURU-560023.
16. ST SEPHENS ORTHDOX CHURCH,
NO.39/40, 1ST MAIN ROAD,
CHOLURPALYA, MAGADI MAIN ROAD,
BENGALURU-560023.
REP. BY VIER REV.FR.JOHN THOMAS

...RESPONDENTS

(BY SRI SOMASEKHAR REDDY K, ADVOCATE FOR
R1, R3, R5, R6 AND R12,
SRI S SAMARTHA, ADVOCATE FOR R4 & R7,
SMT RUPA RON, ADVOCATE FOR
SRI KIRAN V RON, ADVOCATE FOR R16,
SRI PRADEEP NAIK K, ADVOCATE FOR R14(a),
R2 DECEASED, R8, R9, R10, R11 & R15
ARE SERVED & UNREPRESENTED)

THIS RFA IS FILED UNDER SEC.96 R/W ORDER XLI RULE
1 OF CPC AGAINST THE JUDGMENT AND DECREE DATED
28.05.2019 PASSED IN OS.NO.3814/2003 ON THE FILE OF THE
XLIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE,
BENGALURU DISMISSING THE SUIT FOR PARTITION,
DECLARATION, SEPARATE POSSESSION AND PERMANENT
INJUNCTION.

THIS APPEAL, COMING ON FOR FURTHER HEARING, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE



ORAL JUDGMENT

This appeal is filed against the judgment and decree dated 28.05.2019 in O.S.No.3814/2003 on the file of XLIII Additional City Civil Judge, Bengaluru. In terms of the aforementioned judgment and decree, the suit for partition, declaration and permanent injunction is dismissed.

2. The appeal is filed by the sole plaintiff. The suit is filed in respect of properties bearing Sy.No.349/6, measuring 32 guntas and Sy.No.352/1, measuring 17 guntas, both situated at Kasaba Hobli, Kempapura Agrahara, Bengaluru.

3. The plaintiff claims that the suit property is a joint family property purchased by his grandfather-Papaiah in the name of plaintiff's grandmother-Munilakshamma. The plaintiff also claims that Papaiah died in the year 1992 and Munilakshamma died in the year 2007. The suit is filed on the premise that the suit properties are joint family properties and defendants have refused to effect partition in respect to the suit properties.



4. The Trial Court has dismissed the suit on the premise that the suit properties are self-acquired properties of Munilakshmamma. Munilakshmamma claimed that she purchased the property under the registered sale deed dated 03.05.1956.

5. Learned counsel appearing for the plaintiff/appellant would urge that Munilakshmamma admittedly was a homemaker and she did not possess any income to acquire the property in her name. The property was purchased for Rs.1,200/- which was a princely sum in the year 1956 and Munilakshmamma being a lady without any income could not have purchased the property.

6. It is further contented that Munilakshamma has not stated that she had an independent source of income or she acquired the property from the financial assistance given from her parents. That being the position, the Trial Court ought to have held that the suit properties are the joint family properties and purchased with the aid of the funds contributed by Papaiah.



7. In this background, the learned counsel for the plaintiff/appellant would urge that the Trial Court could not have dismissed the suit.

8. Learned counsel appearing for the contesting respondents would urge that the property was purchased in the year 1956 under a registered sale deed in the name of Munilakshamma. The plaintiff has not led any evidence to show that the property is the joint family property of the plaintiff or it was purchased with the financial assistance from Papaiah.

9. It is the contention that any property which stands in the name of the individual should be construed as self-acquired property unless proved otherwise and there is no evidence to hold that the said property is the ancestral property.

10. In addition to that, learned counsel for contesting respondents would also urge that under Section 14 of Hindu Succession Act, 1956, any property possessed by a female



Hindu would become her absolute property and none can have any claim over the property.

11. It is also contented that Munilakshamma during her lifetime has sold the property and contesting respondents have purchased the property from Munilakshamma during her lifetime. The plaintiff did not inherit any property after the demise of Munilakshamma.

12. In addition, learned counsel for the respondents would also invite the attention of the Court to the additional document produced by the plaintiff/appellant wherein he has produced the certified copy of the registered partition deed dated 23.01.2006. Referring to the said document, it is urged that all the properties belonging to the family including the property standing in the name of a Munilakshamma have been partitioned and the said partition deed does not contain any Clause to hold that two properties standing in the name of Munilakshamma namely the suit properties are kept intact and partition is deferred.



13. Learned counsel for the contesting respondents would urge that the very fact that the suit properties are not subject matter of partition in the year 2006 would indicate that the said properties are the self-acquired properties of Munilakshamma. Thus, urged that the Trial Court is justified in dismissing the suit.

14. The Court has considered the contentions raised at the Bar and perused the records.

15. The following points arise for consideration:

Whether the plaintiff/appellant establishes that the suit properties are the joint family properties purchased in the name of Munilakshamma with the financial aid from her husband Papaiah ?

16. It is true that the defendants have not led any evidence as to how Munilakshamma purchased property by paying Rs.1200/- in 1956. However, the burden is on the plaintiff who asserts that the property is acquired from the joint family corpus. The presumption of self acquisition is in



favour of the purchaser. The plaintiff has not rebutted the presumption.

17. It is noticed from the partition deed of 2006 which is produced as an additional document before this Court, the properties which are partitioned in the year 2006, do not refer to the suit property. There is no explanation coming in the said partition deed as to why the suit property is not included in the partition deed of 2006.

18. It is also relevant to notice that the partition deed of 2006 came to be executed when the suit was pending before the Trial Court. Even in the evidence, the plaintiff has not referred anything about the partition deed of 2006. No explanation is coming in the evidence as to how and why the suit property in the name of Munilakshamma is excluded from the partition of 2006, where all other properties standing in the name of Munilakshamma are included and partitioned. This factor would strongly suggest that the property is the self-acquired property of Munilakshamma.



19. Under these circumstances, the Court does not find any merit in the contention of the appellant that the suit property is the joint family property of Munilakshamma.

20. Though the learned counsel for the appellant would submit that the power of attorney executed by the children of Munilakshamma would indicate that Site No.1 is the joint family property along with other sites formed in the survey number. It is relevant to notice that the said power of attorney is not produced before the Trial Court.

21. Though the learned counsel for the appellant would submit that the very fact that the sale deed is executed by all the children of Munilakshamma excluding the plaintiff is an indication of the fact that it is a joint family property.

22. The recital in the sale deed would indicate that in paragraph No.1 of the sale deed, it is mentioned that vendor No.1 is the absolute owner of the property. Probably, the purchaser did not want any subsequent claim by the children of Munilakshamma, as such, he might have insisted the



children of Munilakshmamma to join the sale deed and the sale deed is thereafter executed based on the power of attorney.

23. The Court is of the view that the plaintiff has failed to discharge his burden. The additional document i.e., the copy of the partition deed of the year 2006, does not support the case of the plaintiff. On the other hand supports the case of the defendants.

24. Under these circumstances the Court is of the view that no case is made out by the appellant.

25. Accordingly, the appeal is ***dismissed***.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

RJ, GVP
List No.: 1 Sl No.: 66