



CNR: KAHC010442692019

NC: 2026:KHC:38751
RFA No. 2117 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

REGULAR FIRST APPEAL No. 2117 OF 2019

BETWEEN:

1. SMT. K R SARVAMANGALA
DAUGHTER OF LATE SRI K RANGAPPA
AGED ABOUT 65 YEARS, (AS IN PLAINT)
NOW AGED ABOUT 77 YEARS
RESIDING AT No.68/36, JOGU PALYA
ULSOOR, BENGALURU-560 008.
2. SMT. K R JAYALAKSHMI
DAUGHTER OF LATE SRI K RANGAPPA
W/O B K JAIRAM
NOW AGED ABOUT 62 YEARS (AS IN PLAINT)
NOW AGED ABOUT 73 YEARS
RESIDING AT No.13/2, 1ST CROSS ROAD
SHANKARAPURA, BENGALURU-560 004.
3. SMT. K R SARASWATHI
D/O LATE SRI K RANGAPPA
AGED ABOUT 63 YEARS, (AS IN PLAINT)
NOW AGED ABOUT 74 YEARS
RESIDING AT No.1077, 11TH CROSS
J .P. NAGAR, 1ST PHASE, BANASHANKARI
BENGALURU-560 078.

SRI K RAMESH BABU
SINCE DEAD BY LEGAL REPRESENTATIVES
IN SERIAL Nos.4, 5 AND 6.



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4. SMT. SEETHA LAKSHMI
WIFE OF LATE K RAMESH BABU
AGED ABOUT 52 YEARS, (AS IN PLAINT)
NOW AGED ABOUT 63 YEARS
RESIDING AT No.204
60 FEET ROAD, R.M.V. II STAGE
BOOPASANDRA NEW EXTENSION
BENGALURU-560 095.
5. SMT. AKSHATHA R S
DAUGHTER OF LATE K RAMESH BABU,
W/O RAGHAVENDRA M ATRE,
AGED ABOUT 24 YEARS (AS IN PLAINT)
NOW AGED ABOUT 37 YEARS
R/AT No.204, 60 FEET ROAD
R. M. V II STAGE
BOOPASANDRA NEW EXTENSION
BENGALURU-560 095.
6. SRINIVASA R KASHYAP
SON OF LATE K RAMESH BABU,
AGED ABOUT 20 YEARS, (AS IN PLAINT)
NOW AGED ABOUT 31 YEARS
R/AT No.204, 60 FEET ROAD
R .M. V II STAGE
BOOPASANDRA NEW EXTENSION
BENGALURU-560 095.

K R SUBRAMANYA
SINCE DEAD BY LEGAL REPRESENTATIVES
AT SERIAL Nos.7, 8 AND 9
7. SMT. GIRIJA K S
WIFE OF LATE K R SUBRAMANYA,
AGED ABOUT 55 YEARS, (AS IN PLAINT)
NOW AGED ABOUT 66 YEARS,
RESIDING AT No.204, 60 FEET ROAD
THYAGARAJA NAGAR, BENGALURU-560 028.



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8. SMT. GAYATHRI K S
DAUGHTER OF LATE K R SUBRAMANYA,
AGED ABOUT 30 YEARS (AS IN PLAINT)
NOW AGED ABOUT 41 YEARS
R/AT No.204, 60 FEET ROAD
THYAGARAJA NAGAR
BENGALURU-560 028.
REPRESENTED BY HER GPA HOLDER
SMT. GIRIJA K .S
WIFE OF LATE K R SUBRAMANYA
AGED ABOUT 66 YEARS
RESIDING AT No.204, 60 FEET ROAD
THYAGARAJA NAGAR
BENGALURU-560 028.
9. SMT. SHAMALA K .S
DAUGHTER OF LATE K R SUBRAMANYA
WIFE OF PRADEEP KATWA
AGED ABOUT 30 YEARS (AS IN PLAINT)
NOW AGED ABOUT 42 YEARS
RESIDING AT No.204, 60 FEET ROAD
THYAGARAJA NAGAR
BENGALURU – 560 028.

SMT. SATHYABHAMA K R
SINCE DEAD BY LEGAL REPRESENTATIVES
G K RAO,
SON OF LATE NARAYANA RAO M N
SINCE DEAD BY LEGA REPRESENTATIVES
IN SERIAL Nos.11 to 13.
10. ASHOK ANANDA RAO
SON OF LATE G K RAO
AGED ABOUT 51 YEARS (AS IN PLAINT)
NOW AGED ABOUT 62 YEARS
R/AT No.199, 13TH "C" MAIN ROAD
GOKULA 1ST STAGE
I PHASE, MATHIKERE
BENGALURU-560 054.



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11. M G RAJASHEKARA
SON OF LATE G K RAO
AGED ABOUT 50 YEARS, (AS IN PLAINT)
NOW AGED ABOUT 60 YEARS
R/AT No.359, 13TH CROSS ROAD
3RD BLOCK, BEL LAYOUT
BENGALURU-560 097.
12. M. G SATHYANARAYANA RAO
SON OF LATE G K RAO
AGED ABOUT 48 YEARS (AS IN PLAINT)
NOW AGED ABOUT 59 YEARS,
RESIDING AT No.53, 5TH FLOOR
NORTH BLOCK, MAYA INDRAPRASTHA
J. P. NAGAR 6TH PHASE
KANAKAPURA ROAD
BENGALURU-560 097.
13. SMT. LALITHA RAO
DAUGHTER OF LATE G K RAO,
W/O SHESHAGIRI RAO,
AGED ABOUT 40 YEARS (AS IN PLAINT)
NOW AGED ABOUT 51 YEARS,
RESIDING AT C .K PURA
PAVGADA TALUK, NIDGAL HOBLI
TUMKUR DISTRICT-572 116.
- SMT. K R ANANTHA LAKSHMI
SINCE DEAD BY LEGAL REPRESENTATIVES
IN SEIAL NUMBERS 14, 15 AND 16.
14. C.V. RAMACHANDRA
SON OF LATE C T VENKATA RAMAIAH
AGED ABOUT 72 YEARS (AS IN PLAINT)
NOW AGED ABOUT 72 YEARS
R/AT No.134, 5TH MAIN ROAD
2ND PHASE, 4TH BLOCK
B S K 3RD STAGE
BENGALURU-560 085.



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15. SMT. C R VEENA
DAUGHTER OF C V RAMACHANDRA
AGED ABOUT 40 YEARS, (AS IN PLAINT)
NOW AGED ABOUT 51 YEARS
RESIDING AT No.134,
5TH MAIN ROAD, 2ND PHASE,
4TH BLOCK, B .S .K 3RD STAGE
BENGALURU-560 085.
16. C R MANJUNATHA
SON OF C RAMACHANDRA,
AGED ABOUT 37 YEARS (AS IN PLAINT)
NOW AGED ABOUT 48 YEARS,
RESIDING AT No.840, 2ND CROSS ROAD
7TH MAIN ROAD, H.A.L. SECOND STAGE
INDIRANAGARA, BENGALURU-560 008.

...APPELLANTS

(BY SRI KUMAR M N, ADVOCATE)

AND:

K R NAGARAJ
S/O LATE K RANGAPPA,
SINCE DEAD BY LEGAL REPRESENTATIVES.

1. SMT. K N SAHANA
DAUGHTER OF LATE K R NAGARAJ
W/O K G MURALI
AGED ABOUT 37 YEARS, (AS IN PLAINT)
NOW AGED ABOUT 45 YEARS
RESIDING AT No.1266
7TH CROSS ROAD, 27TH MAIN ROAD
J P NAGAR 1ST STAGE
BENGALURU-560 078.
2. SMT. K N KAVANA
DAUGHTER OF LATE K R NAGARAJ
WIFE OF RAVI



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AGED ABOUT 32 YEARS, (AS IN PLAINT)
NOW AGED ABOUT 43 YEARS,
RESIDING AT No.381, 1ST FLOOR
'A' BLOCK, KENDRIYA VIHAR
YELAHANKA, BENGALURU-560 066.

NOW RESIDING AT "SRIVASTSA"
No.300, 4TH MAIN ROAD
5TH CROSS ROAD, VASANTHAPURA
BENGALURU-560 061

3. SMT. K N CHANDANA
DAUGHTER OF LATE K R NAGARAJ
WIFE OF HARSHA
AGED ABOUT 25 YEARS (AS IN PLAINT)
NOW AGED ABOUT 36 YEARS,
RESIDING AT No.13/85, R V ROAD
BASAVANAGUDI, BENGALURU-560 004.
NOW RESIDING AT No.116/1,
1ST CROSS ROAD, 4TH MAIN ROAD
4TH BLOCK, THYAGARAJANAGAR
BENGALURU-560 028.
4. K R VISHWANATHA
SON OF LATE RANGAPPA
AGED ABOUT 56 YEARS (AS IN PLAINT)
NOW AGED ABOUT 68 YEARS
RESIDING AT No.51, D.V.G ROAD,
BASAVANAGUDI
BENGALURU-560 004.
5. DR. K R BHEEMESH BABU
SON OF LATE K RANGAPPA
AGED ABOUT 55 YEARS (AS IN PLAINT)
NOW AGED ABOUT 66 YEARS
RESIDING AT SRI ANNAPURANA NURSING HOME
No.95, KANTHRAJ URS ROAD
LAKSHMIPURAM, MYSORE-570 004.



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6. C S ANAND
AGED ABOUT 60 YEARS (AS IN PLAINT)
NOW AGED ABOUT 72 YEARS
RESIDING AT No.14/A,
5TH "A" MAIN ROAD,
OBALAPURA GARDEN, K. R ROAD CROSS,
TATA SILK FARM
BENGALURU-560 082.
7. MISS. C N SUDHA
DAUGHTER OF LATE NAGAPPA
AGED ABOUT 52 YEARS (AS IN PLAINT)
NOW AGED ABOUT 63 YEARS
RESIDING AT No.51, D. V. G. ROAD
BASAVANAGUDI, BENGALURU-560 004.

...RESPONDENTS

(BY SRI N S NARASIMHA SWAMY, ADVOCATE FOR R6
R1, R2, R3, R5, R7 SERVED.
V/O DTD. 29.01.2024, NOTICE TO R4 HELD SUFFICIENT)

THIS RFA IS FILED UNDER SECTION 96 READ WITH
SECTION 107 AND ORDER XLI OF THE CODE OF CIVIL
PROCEDURE, 1908 AGAINST THE JUDGMENT AND DECREE
DATED:15.07.2019 PASSED ON O.S.No.7959/2008 ON THE
FILE OF THE XXXVIII ADDITIONAL CITY CIVIL AND SESSIONS
JUDGE, BANGALORE CITY, DISMISSING THE SUIT FOR
PARTITION AND SEPARATE POSSESSION.

THIS RFA HAVING BEEN HEARD AND RESERVED FOR
ORDERS ON 16.07.2026, THIS DAY, **SHIVASHANKAR
AMARANNAVAR J**, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR



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CAV JUDGMENT

This appeal is filed by plaintiffs challenging the judgment and decree dated:15.09.2019 passed in O.S.No.7959/2008 by XXXVIII Additional City Civil and Sessions Judge, Bangalore whereunder suit of plaintiffs for partition and separate possession of their share in suit Schedule -A property came to be dismissed. The description of suit Schedule -A property is as under :

SCHEDULE "A" PROPERTY

House property No.9 situated at Nethaji Road, 4th Cross, Nagasandra, Bangalore, Corporation Ward No.51, measuring East to West on the North side 29 ft. and South side 30 ft. and North to South on Eastern side 51 ft. and on the Western side ft. and in all 1622.5 Sq.Ft.and bounded on the

East by : Property No.9/2

West by : Property No. 9/3

North by : Shankarappa property

South by : Fourth Cross.

2. It is the case of the plaintiffs that one Rangappa son of Kittane Ramanna was the absolute owner of



Schedule -A and B properties and out of them Schedule -B property is the ancestral property. The said Rangappa had two wives by name late Smt. Subbalakshmi and late Smt. Rathnamma. He had two sons and four daughters through first wife and three sons and one daughter through second wife. The said Rangappa died intestate on 02.03.1993. Plaintiffs submits that they are having equal share in the suit properties and are entitled to 1/10th share each in suit scheduled properties. After death of Rangappa, plaintiffs requested defendants to effect partition of the suit properties and defendants did not heed to their request and therefore, they filed suit for partition. It is further case of plaintiffs that defendant No.5, who had sold Schedule -A property, once again sold the very same property to defendant No.4 and therefore, they are made as parties to the suit.

3. Defendant Nos.2 and 3 were placed ex-parte. Defendant No.1 legal representatives are brought on



record as defendant Nos.1(a) to (e) and they also remained absent.

4. Defendant No.4 appeared through counsel and filed written statement contending that the suit is barred by time. He denied averments made in para No.3 of the plaint that Rangappa is absolute owner of Schedule -A and B properties and Schedule -B property is ancestral property. He also denied the relationship between the parties and they are legal heirs of Rangappa. He denied that plaintiffs are having share in the suit schedule properties. Defendant No.4 contended that defendant No.5 was absolute owner of the suit schedule property and he purchased the suit schedule property from defendant No.5 and he is in peaceful possession and enjoyment of the suit schedule property. Plaintiffs are not in possession and enjoyment of the suit schedule property. The court fee paid is insufficient. There is no cause of action for filing this suit.



5. Defendant No.5 filed written statement contending that the suit of plaintiffs is barred by limitation and suit is filed only to harass her. Defendant No.5 admits that one Rangappa son of Kittane Ramanna was absolute owner of schedule -A property. She has stated that she is not aware of the aspect that schedule -B property is ancestral property of the said Rangappa. Defendant No.5 denied that Rangappa died intestate on 02.03.1993 and further contended that Rangappa left behind Will before his death. She has admitted that Rangappa had two wives by name late. Subbalakshmi and late Smt.Rathnamma and he had two sons and four daughters through first wife and three sons and one daughter through second wife. She contended that the said Rangappa during the fag end of his life lived with her under her and her mother's care and he executed Will bequeathing his right over schedule -A property in her favour and she received the copy of the said Will through one of sons of Rangappa at the time of the effecting partition in respect of other properties. She



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contends that she is absolute owner in possession and enjoyment of Schedule -A property and during the year 1990 she has sold a portion of the said property to late. Rangappa. The said Rangappa during the fag end of his life lived with her and her mother and executed Will on his own bequeathing his right to over Schedule -A property in favour of her and based on the said Will she sold the property in favour of defendant No.4. She further contends that she acquired Schedule -A property by virtue of sale deed during 1988. Katha and other records stood in her name and she was paying tax to the corporation regularly. She contended that late Rangappa was living in the Schedule -A property from 1989 till he left to his native place Hassan during January -1993; that late Rangappa was living both at Schedule -A property and at Hassan; that Rangappa had an idea to create a charitable trust for the welfare of his community and he convinced her and her mother to part with Schedule -A property for charity purposes as same was suitable and she and her mother



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agreed to sell the same for a nominal amount without fixing the actual selling price, as the same was for charitable purposes. Thereafter, defendant No.5 as an absolute owner of Schedule -A property, sold a portion of the same to Rangappa on 02.04.1990. Even though the property was sold and transferred in the name of Rangappa, defendant No.5 and her mother along with Rangappa were in possession and enjoyment of Schedule - A property. She contends that Rangappa wrote a Will on his own on 19.11.1992 bequeathing the property purchased by him in her favour. Said Rangappa died on 01.02.1993 and after his death, defendant No.5 became the sole and absolute owner of Schedule -A property and all the records were standing in her name till she sold Schedule -A property in favour of defendant No.4. After death of Rangappa, Schedule -A property was in possession and enjoyment of defendant No.5 and she sold it to defendant No.4. On these grounds, she had prayed for dismissal of the suit.



6. On the basis of the above pleadings the trial Court has framed the following issues and additional issues:

"1. Whether the plaintiffs prove that they are in joint possession of the schedule property?

2. Whether the defendant No.5 proves that Rangappa has bequeathed the schedule property in her favour by executing a Will on 19.11.1992?

3. Whether the valuation of the suit is proper and court fee paid is sufficient?

4. Whether the suit is barred by limitation?

5. Whether the plaintiffs are entitled for the reliefs claimed?

Addl. Issue : Whether defendant No.4 proves that he is the absolute owner of the schedule A property?

6. What order or decree?"

7. Plaintiff No.11 has been examined as P.W.1 and got marked Ex.P1 and Ex.P2. Defendant No.4 has been examined as D.W.1 and no documents were marked on his side. Defendant No.5 has been examined as D.W.2 and no documents were marked on her side. The trial Court after hearing the arguments on both sides and appreciating the



evidence on record has answered Issue Nos.1, 4 and 5 in the negative, Issue No.2 and Additional Issue in the affirmative and dismissed the suit. The trial Court held that Issue No.3 does not arise for consideration in view of the finding given in the affirmative by order dated 17.07.2015. The plaintiffs challenging the said dismissal of the suit have filed the present appeal.

8. Heard arguments of learned counsel for appellants –plaintiffs and learned counsel for respondent Nos.6 and 7 -defendants Nos.4 and 5.

9. Learned counsel for appellants -plaintiffs would contend that the defendant No.5 was the earlier owner of Schedule -A property, sold it to Rangappa their ancestor under sale deed –Ex.P1. Therefore, Rangappa became owner and in possession of Schedule -A property. The said defendant No.5 claims that the said Rangappa executed Will dated 19.11.1992 bequeathing Schedule -A property in her favour by virtue of the Will she became owner of his suit Schedule -A property. The said Will said to have been



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executed by Rangappa dated 19.11.1992 has not been produced by the defendant Nos.4 and 5. As defendant No.5 had sold the Scheduled -A property to Rangappa, she had no right, title, interest over the suit Scheduled -A property to transfer it to defendant No.4 under sale deed – Ex.P2 dated 09.09.2004. In the sale deed –Ex.P2, there is no mention of any Will executed by Rangappa in favour of defendant No.5. Even though the said Will is not produced, the trial Court erred in answering Issue No.2 that the Will is proved only on the ground that plaintiffs have not disputed the Will. Defendant No.4 has not got title under Ex.P2 -sale deed since its vendor i.e., defendant No.5 was not holding any right title interest over suit Schedule -A property since she had sold it to said Rangappa. Defendant Nos.4 and 5, even though lead oral evidence have not produced any documents. Without considering these aspects, the trial Court has erred in holding that defendant No.4 is having title over Schedule -A property by virtue of sale deed –Ex.P2. Plaintiffs and defendant



Nos.1 to 3 are legal heirs of Rangappa and they are entitled to share in Schedule -A property. The Schedule -B property came to be deleted during pendency of the suit before the trial Court. On these grounds, he prayed for allowing the appeal.

10. Learned counsel for defendant Nos.4 and 5 would contend that defendant No.5 has taken up specific contention in written statement that Rangappa executed Will dated 19.11.1992 bequeathing Schedule -A property in favour of defendant No.5 -C. N. Sudha and that has not been disputed by plaintiffs by filing rejoinder. Therefore, the trial Court has rightly held that the said Will has been proved. Defendant No.5, who is owner of Schedule -A property sold it to defendant No.4 under sale deed Ex.P2 dated 09.09.2004. Therefore, defendant No.4 is absolute owner of Schedule -A property. The suit filed by plaintiffs and defendant Nos.1 to 3 is collusive suit. Plaintiffs have suppressed the earlier suit filed by them in O.S.No.102/1993. Plaintiffs have not produced khata of



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suit Schedule -A property to indicate that it belonged to their ancestor -Rangappa. Considering all these aspects, the trial Court has rightly answered Issue No.2 and Additional Issue in favour of defendant Nos.4 and 5 and rightly dismissed the suit of plaintiffs.

11. Having heard learned counsels, the Court has perused the judgment, decree, and trial Court records.

12. The following points arises for consideration in this appeal:

a) Whether the trial court is justified in holding that the defendant No.5 proved that Rangappa has bequeathed suit Schedule -A Property in her favour under Will dated:19.11.1992?

b) Whether the trial court is justified in holding that defendant No.4 is owner of suit schedule -A Property?

c) Whether plaintiffs have proved that they are in joint possession of suit schedule -A Property and they are entitled to share in it and to what share?



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Re: Point (a) to (c): It is a specific case of plaintiffs that plaintiffs and defendants are legal heirs of Rangappa and Rangappa was the owner of Schedule -A property and he died intestate on 02.03.1993. The said Rangappa has purchased Schedule -A property from defendant No.5 -C. N. Sudha under registered sale deed dated 17.04.1990 which is at Ex.P1. Defendant No.5 – C. N. Sudha, who has been examined as D.W.2, in her chief examination has stated that she as an absolute owner of Schedule –A property, sold a portion of the same property to the said Rangappa on 17.04.1990 and even after the sale she and her mother continued in possession along with Rangappa. There is a suggestion in the cross examination of P.W.1 that said sale deeds –Ex.P1 and P2 are in respect of Schedule -A property and their boundaries and measurement is the same. D.W.2 –C.N. Sudha in her cross-examination has admitted that suit Schedule -A property was belonging to her earlier and she has sold suit Schedule -A property to Rangappa. Ex.P1 is the certified



copy of the sale deed executed by C.N.Sudha in favour of Rangappa in respect of Schedule -A property. By virtue of the said sale deed –Ex.P1, Rangappa became owner of Schedule -A property and he was in possession. Plaintiffs and defendant Nos.1 to 3 are legal heirs of the said Rangappa.

13. As defendant No.5 has sold the Schedule -A property in favour of Rangappa under sale deed –Ex.P1, she has lost her title over suit Schedule -A property. Defendant No.5 claims that Rangappa has executed Will dated 19.11.1992 bequeathing Schedule -A property in her favour and by virtue of the same, she became owner of Schedule -A property and she sold the same to defendant No.4 under sale deed -Ex.P2 dated 09.09.2004. Defendant Nos.5 or 4 have not produced the said Will dated 19.11.1992 said to have been executed by Rangappa. Even in spite of non-production of the said Will said to have been executed by Rangappa, the trial Court has erred in holding that the Will dated 19.11.1992 has



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been proved in the finding under Issue No.2. D W -2 has stated that she has given the copy of the said Will to defendant No.4. Defendant No.4 has not produced the said Will. Defendant No.4 claims Schedule -A property stating that he purchased Schedule -A property under sale deed -Ex.P2 dated 09.09.2004 executed by defendant No.5 in his favour. On perusal of Ex.P2 -sale deed there is no mention of any Will executed by Rangappa dated 19.11.1992 in favour of defendant no.5 -C. N. Sudha. Defendant No.5 -C. N. Sudha sold Schedule -A property in favour of defendant No.4 -C.S Anand stating that she is the owner of the Schedule -A property. As C. N. Sudha - defendant No.5 has sold Schedule -A property to Rangappa by sale deed dated 17.04.1990 -Ex.P1, she had no title over Schedule -A property to transfer it to defendant No.4 -C. S. Anand. As defendant No.5 -C. N. Sudha had sold Schedule -A property in favour of Rangappa under sale deed -Ex.P1, she has no right, title and interest over Schedule -A property. Once defendant



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No.5 -C. N. Sudha has sold Schedule -A property in favour of Rangappa under Ex.P1 -sale deed dated 17.04.1990, she has no right, title and interest over Schedule -A property to alienate it to defendant No.4 under sale deed – Ex.P2 dated 09.09.2004. Defendant No.4 has not acquired title to Schedule -A property under sale deed –Ex.P2, since defendant No.5 who executed the said sale deed had no title to transfer the Schedule –A property as she had sold it earlier to Rangappa under sale deed –Ex.P1 dated 17.04.1990. Considering all these aspects, the trial Court has erred in holding that the Will dated 19.11.1982 is proved and defendant No.4 has proved his title over Schedule -A property.

14. In the evidence of D.W.2 i.e., defendant No.5, the specific mention is that the Rangappa was in possession of Schedule -A property till his death. Plaintiffs and defendant Nos.1 to 3 being the legal heirs of the said Rangappa are in joint possession of the suit Schedule -A property after his death. There is no inter-se dispute



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among plaintiffs and defendant Nos.1 to 3 about the relationship between them and with Rangappa. The said Rangappa is having two wives and through first wife he has four daughters, two sons and through second wife one daughter, three sons. Since there are totally ten children of the said Rangappa and they are entitled to 1/10th share each in Schedule -A property. Plaintiff Nos.1 to 3 and defendant Nos. 1 to 3 being children of Rangappa are entitled to 1/10th share each. Plaintiff Nos. 11 to 14 are grand children and children of Sathyabhama, the daughter of Rangappa they together entitled to 1/10th share. Plaintiff Nos.15 to 17 being grand children of Rangappa and children of one of daughter K. R. Ananthalakshmi, they are together entitled 1/10th share. Plaintiff Nos.7 to 9 being grand children of Rangappa and children of K. R.Subramanya, one of sons of Rangappa, they together entitled to 1/10th share in suit Schedule -A property. Plaintiff Nos. 4 to 6 being grandchildren of Rangappa and children of Ramesh Babu, son of Rangappa, they together



entitled to 1/10th share in Schedule -A property. According points (a) to (c) are answered Considering all these aspects, the impugned judgment requires to be set aside and consequently suit of plaintiffs requires to be decreed.

15. In view of the above, the following

ORDER

- i) The appeal is ***allowed.***
- ii) The impugned judgment and decree dated: 15.09.2019 passed in O.S.No.7959/2008 by XXXVIII Additional City Civil and Sessions Judge, Bangalore is set aside.
- iii) The suit of plaintiffs is decreed.
- iv) Plaintiff Nos.1 to 3 and defendant Nos.1 to 3 are entitled to 1/10th share each in suit Schedule -A property.
- v) Plaintiff Nos.11 to 14 together are entitled to 1/10th share, plaintiffs 15 to 17 together entitled to 1/10th share, plaintiff Nos.4 to 6 together entitled to 1/10th share and plaintiff Nos.7 to 9



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together entitled to 1/10th share in suit schedule -
A property.

- vi) Plaintiffs are entitled to partition and separate possession of their share in suit schedule -A property by meets and bounds.
- vii) Draw decree accordingly.

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**

DSP
List No.: 3 Sl No.: 1
Ct.sm