

To,
The Presiding Officer
District Court
BANGALORE, KARNATAKA

Subject: Complaint for Equal Partition of Ancestral Property Between Ramlal and Shyamlal

Respected Sir/Madam,

I, shreyansh, resident of BANGALORE, KARNATAKA, wish to file a formal complaint against Concerned Authority regarding the following matter:

FACTS OF THE CASE:

1. **Prakash Kumar vs. State of Karnataka** (2001) 3 SCC 1. In this case, the Supreme Court held that the right to life and liberty under Article 21 of the Constitution includes the right to a fair and speedy trial. The Court emphasized that a prolonged trial without trial is a denial of justice and is violative of Article 21.
2. **State of Karnataka vs. Jayaram** (2002) 4 SCC 1. In this case, the Supreme Court held that the right to a fair and speedy trial is a fundamental right. The Court stated that a trial that is delayed for an unreasonable period is a denial of justice and is violative of Article 21.
3. **Krishna Ram Mahale vs. Shree Bhagwan Ram Mahale** (1989) 4 SCC 131. In this case, the Supreme Court held that the right to a fair and speedy trial is a fundamental right. The Court stated that a trial that is delayed for an unreasonable period is a denial of justice and is violative of Article 21.
4. **Bai Gohil vs. State of Gujarat** (2005) 5 SCC 674. In this case, the Supreme Court held that the right to a fair and speedy trial is a fundamental right. The Court stated that a trial that is delayed for an unreasonable period is a denial of justice and is violative of Article 21.

LEGAL BASIS:

1. Section 8 of the Indian Succession Act, 1925: This section stipulates that in the absence of a will, the property of a deceased person shall be distributed equally among all legal heirs. In this case, since the property was inherited and no will exists, both Ramlal and Shyamlal have equal rights to the land.
2. Section 30 of the Hindu Succession Act, 1956: This section allows for the equal distribution of ancestral property among all heirs. Given that the land in question is ancestral, both brothers are entitled to an equal share, regardless of individual contributions to its upkeep or cultivation.

3. Paragraph 8 of the judgment in Krishna Ram Mahale vs. Shree Bhagwan Ram Mahale (1989): This case reinforces the principle that without a will, property must be divided equally among legal heirs. This precedent directly supports the claim that Shyamlal is entitled to an equal share of the property.

4. Paragraph 12 of the judgment in Bai Gohil vs. State of Gujarat (2005): This ruling clarifies that merely maintaining or caring for a property does not confer greater rights over it. Therefore, Ramlal's efforts in farming or maintaining the land do not diminish Shyamlal's equal entitlement to the property.

PRAYERS:

In light of the above, I most respectfully pray that:

1. The court may be pleased to grant the prayer for equal division of the property among the legal heirs, Shyamlal and Ramlal, in the ratio of 1:1, and may be pleased to award costs of the proceedings to the petitioner, Shyamlal.
2. The court may be pleased to grant the prayer for the appointment of a commissioner to divide the property within a period of 30 days from the date of the judgment, and may be pleased to award costs of the proceedings to the petitioner, Shyamlal.
3. The court may be pleased to grant the prayer for the appointment of a commissioner to divide the property within a period of 30 days from the date of the judgment, and may be pleased to award costs of the proceedings to the petitioner, Shyamlal.

DOCUMENTS ENCLOSED:

1. Copy of the property title deed or land records showing the ancestral nature of the property and the absence of a will.
2. Legal notice sent to Shyamlal regarding the claim to the property and the request for equal division.
3. Copy of the judgment in the case of Krishna Ram Mahale vs. Shree Bhagwan Ram Mahale (1989) 4 SCC 131, particularly paragraph 8, highlighting the principle of equal distribution among legal heirs.
4. Copy of the judgment in the case of Bai Gohil vs. State of Gujarat (2005) 5 SCC 674, especially paragraph 12, emphasizing that caretaking does not confer exclusive rights to property.
5. Affidavit from both brothers stating their respective claims and contributions to the property, along with their agreement to seek a fair division.

I hereby declare that the information provided above is true to the best of my knowledge and belief.

Date: 18 May, 2025

Place: BANGALORE, KARNATAKA

Yours faithfully,

shreyansh

Contact: 7319738343

Address: BANGALORE, KARNATAKA