

KAMS710002762011



**IN THE COURT OF THE CIVIL JUDGE AND J.M.F.C., at
T.NARASIPURA**

:Present:

Sri. Sachin. H.R., BA.LLB.,
Civil Judge & J.M.F.C., T.Narasipura.

Dated this 12th day of August, 2025.

ORIGINAL SUIT No.207/2011

PLAINTIFF : Sri.Rangaswamy,
S/o Late Thimmegowda @
Thimmaiah, Aged about 40 years,
R/o Santhemala, Bannur,
T.Narasipura Taluk.

(By Sri. S.J., Advocate)

V/S

DEFENDANTS :1. The Chief Secretary,
Govt. of Karnataka,
Vidhana Soudha.

2. The Deputy Commissioner,
Mysuru District, D.C. Office Building,
Mysuru.

3. The Tahasildar, Taluk Office,
T.Narasipura Taluk,

T.Narasipura.

4. *The Director of Public Instructions,
Primary Education,
Govt. of Karnataka,
K.R.Circle, Bangalore.*
5. *The Secretary,
Anjuman 'E' Mahadivya
Dairutal Islamic Society, Regd.,
SRP Road, Bannur Town,
T.Narasipura Taluk.*
6. *The Head Master,
Govt. Primary School,
Near Govt., Hospital,
Thyagaraja Mohalla,
Bannur Town,
T.Narasipura Taluk.*
7. *The Block Education Officer,
Nanjangud Road, T.Narasipura Town.*

**(D.No.1 to 4, 6 & 7 by L/A.G.P.)
D.No.5 by Sri. S.A., Adv.)**

<i>Date of Institution of Suit</i>	<i>09.09.2011</i>
<i>Nature of Suit</i>	<i>Declaration and Permanent Injunction</i>
<i>Date of Commencement of Recording of evidence</i>	<i>18.01.2016</i>
<i>Date of closing of evidence</i>	<i>05.12.2022</i>
<i>Date on which judgment was pronounced</i>	<i>12.08.2025</i>

Total Duration	<u>Year/s</u> <u>Month/s</u> <u>Days</u> 13 11 03

(Sachin H.R.)
Civil Judge & J.M.FC.,
T.Narasipura.

::J U D G M E N T::

1. The plaintiff has filed this suit against the defendants seeking for the relief of Declaration, to declare that he is the absolute owner in possession of the suit A and B schedule properties **by way of adverse possession** and for consequential relief of permanent injunction against the defendants to restrain them, their agents and servants from interfering into the peaceful possession and enjoyment of the suit schedule properties by the plaintiff and his family members and for costs of this suit.

The brief facts of the plaintiff's case is as follows;

2. That the **Land bearing Sy.No.359/1 measuring 18 guntas out of 24 guntas** (Suit A schedule property) and the **Converted land bearing Sy.No.359/1**

and Katha No.1523/1411 measuring 6 guntas consisting of Asbestos roofed 7 shops and Mangalore tiled and Asbestos roofed house (Suit B schedule property), commonly bounded on the East by Bannur-T.Narasipura road, West by Channal, North by Mysore-Malavalli road and South by Sy.No.359/2 being the ancestral property of the plaintiff, **the A schedule property is situated at Bannur Rural, Bannur Hobli, T.Narasipura Taluk** and **the B schedule property is situated at Bannur Municipality Jurisdiction, Bannur Town, T.Narasipura Taluk**, are hereinafter referred to as suit schedule properties in this suit.

3. It is forthcoming from the plaint averments that the plaintiff is the 2nd son of late Thimmegowda @ Thimmaiah and the grandson of late Yalakki Gowda resident of Santhemala Bannur Town, and the plaintiff being the Kartha of the Joint Hindu family consisting of his mother, his brother and his sisters, has filed this suit to safeguard the right and possession of all the members of his

family, has filed this suit against the defendants in respect to the suit schedule properties.

4. It is the specific case of the plaintiff that **one Yalakki Gowda** is his paternal grandfather and one Thimmegowda @ Thimmaiah is his father and during the life time of his grandfather he was **cultivating the property bearing Sy.No.359/1 measuring 24 guntas** of land situated at Bannur Rural, T.Narasipura taluk **as a Tenant by paying Gutha to the then Assistant Education officer for the last 80 years**, who is now upgraded as Block Education officer.

5. Further it is averred that while the grandfather of the plaintiff by name said Yalakki Gowda was alive, the landlord requested him not to file declaration under the Land Reforms Act, but to continue as a tenant by paying Gutha to the office and accordingly the said Yalakki Gowda continued to cultivate the said land, who passed away about 20 years ago, **thereafter the father of the plaintiff by name Thimmegowda @ Thimmaiah being**

the son and legal heir of deceased Yalakki Gowda, continued in possession and enjoyment of the said property bearing Sy.No.359/1 measuring 24 guntas of land as a Tenant by paying Gutha to the land lord and during the life time of his father the plaintiff and his father were jointly cultivating the said property.

6. Further it is averred that the defendant No.6 had caused notice dated 08.10.1970 to the grandfather of the plaintiff by name Yalakki Gowda who was the tenant, wherein which it is stated that in earlier said Yalakki Gowda declined the payment of rent claiming that he is the owner of the said property. Likewise the defendant No.4 had issued notice dated 30.05.1980 to the defendant No.7 directing him to take action against the said Yalakki Gowda and his son Thimmegowda @ Thimmaiah, since they constructed house in the portion of the land. Likely the defendant No.6 had issued a legal notice dated 27.10.1971 to the father of the plaintiff by name Thimmegowda @ Thimmaiah asking him to pay the Gutha amount, failing

which to vacate the land and put the defendant No.6 in possession of the said property.

7. *Further it is stated that the defendant No.3 had issued a legal notice dated 19.06.1980 through the Revenue Inspector for evicting the tenant i.e., the grandfather of the plaintiff by name Yalakki Gowda from the suit schedule properties, but the said Yalakki Gowda was not evicted from his possession over the suit schedule properties and **ever since thereby the possession of the said Yalakki Gowda started to turn into adverse possession.***

8. *Likely the defendant No.7 issued legal notice dated 14.07.1981 to the father of the plaintiff by name Thimmegowda @ Thimmaiah asking him that, as per the agreement to quit the property, if not, he would take action against the said Thimmegowda @ Thimmaiah for eviction.*

9. *Such being the case the said Thimmegowda @ Thimmaiah passed away about 6 years ago leaving behind*

him the plaintiff, his mother, his brothers and his sisters, who have jointly inherited the rights in the suit schedule properties, even much before the death of said Thimmegowda @ Thimmaiah, the plaintiff and his family members were in joint possession of the said properties along with the said Thimmegowda @ Thimmaiah.

10. *Further it is averred that during the lifetime of said Thimmegowda @ Thimmaiah, he had got converted 6 guntas of land in the suit schedule survey number property bearing Sy.No.359/1 situated at Bannur Rural and had constructed 7 shops covered with Asbestos sheet and tiled roof and Asbestos roofed dwelling house, wherein which the plaintiff and his family members are residing which is the suit B schedule property and the remaining land i.e., the suit A schedule property measuring 18 guntas is being cultivated by the plaintiff and his family members.*

11. *That the said Thimmegowda @ Thimmaiah during his life time had filed Writ Appeal No.1841/1995 against the defendant No.5 and others wherein which the*

defendant No.5 was directed to approach the Civil Court, but no suit was filed by the defendant No.5. Infact in the year 1980 itself the said Yalakki Gowda and his son Thimmegowda @ Thimmaiah after service of the notice, had denied the rights of the defendants and also refused to deliver the vacant possession of the suit schedule properties to the defendants in the presence of one Puttaswamygowda and C.V.Gopalagowda of Chamanahalli village.

12. Further it is stated that the defendants have no manner of right, title and possession over the suit schedule properties, *even then for the past two and half months the defendants are attempting to use physical force against the plaintiff and his family members to illegally evict them from the possession of the suit schedule properties and thus the plaintiff got issued the legal notice dated 13.05.2011 to the defendants, which was served upon all the defendants except the defendant No.6.*

13. That the plaintiff and his family members and before thereto the said Yalakki Gowda and

Thimmegowda @ Thimmaiah, have perfected their title over the suit schedule properties by way of adverse possession against the interest of real owners.

That the cause action to file the suit arose about 2 ½ months ago when the defendants started to claim the suit schedule properties and illegally interfered into the possession and enjoyment of the suit schedule properties by the plaintiff and his family members. Thus the plaintiff has filed this suit seeking for the relief of declaration and permanent injunction as prayed for.

14. On receipt of the suit summons, the defendants appeared before this court through their counsel and the defendant No.3 and 5 have filed their separate written statements and have denied the case of the plaintiff.

15. In the written statement filed by the defendant No.3, who is the then Tahasildar, T. Narasipura Taluk, has denied the entire plaint averments and **has contended that he is not aware of the facts narrated in the plaint averments and has demanded for strict proof of**

the facts narrated in the plaint and further admits the issuance of legal notice dated 13.05.2011 to him by the plaintiff. ***It is the specific case of this defendant that that the property bearing Sy.No.359/1 measuring 24 guntas belongs to the Kingdom of Mysore, standing in the name of Raja Pramukh as per the Revenue documents and the plaintiff was never in possession of the said property and such being the case the plaintiff has filed this frivolous suit to harass these defendants and to grab the property of the Government.*** Hence prayed to dismiss the suit with costs.

16. The defendant No.5 has filed his written statement and has denied the plaint averments and has contended that the plaintiff has filed this frivolous suit to grab the properties of these defendants illegally at the strength of fabricated documents which are unenforceable under the law. It is the specific contention of this defendant that except the defendant No.2 no others are the owners of the disputed property and hence paying of Gutha goes not

arise. That the Assistant Education Officer was not at all concerned to the suit schedule properties and he has not been authorized by any of the officers to collect the Gutha from the property which is in dispute. Such being the case the plaintiff has created bogus documents to grab the property illegally and at the strength of alleged fabricated documents the plaintiff and his family members cannot claim joint ownership or joint cultivation and the plaintiff has no right of inheritance over the suit schedule properties.

17. Further it is contended that the plaintiff cannot take shield of adverse possession in this case, because as per his own pleadings, it reveals that on so many occasions interruptions are caused by the defendants and hence the plaintiff cannot claim the plea of adverse possession.

18. Further it is contended that it is false to say that this defendant has not taken any action against the plaintiff. That this defendant has made the representation to

the defendant No.2 on 28.04.2010 for eviction of the plaintiff from the illegal occupancy over the suit schedule property. That on the basis of the representation made by this defendant, the defendant No.2 had entrusted the Assistant Commissioner of Mysore Division to take action against the plaintiff. That this defendant had caused the reminder to the defendant No.2 on 30.07.2010 about his representation dated 28.04.2010 and thus the defendant No.2 had caused another notice to the Assistant Commissioner of Mysore Division dated 19.08.2011. Thus the Assistant Commissioner of Mysore Division had instructed the defendant No.3 to pursue the matter and thus as per the instructions of the defendant No.3, the office staff visited the spot to enforce the directions of the defendant No.2 and the plaintiff did not heed to the words of the defendant No.3 and has filed this false suit for the reliefs as prayed for.

19. Further it is contended that the plaintiff, his father and his grandfather never enjoyed the property without any interruptions from the true owner and thus the plaintiff has no manner of right,

interest and title over the disputed property and thus the plaintiff cannot claim his title by way of adverse possession.

20. Further it is contended that as per Section 123 of the Transfer of Property Act, once a Muslim individual Gifts his property through registered deed it cannot be questioned and that the said land owner by name Buddemiya S/o Syied Peer Sahib gifted his own property to the then Deputy Commissioner of Mysore on 27.03.1956 to implement the Scheme by name and style "Gift of Land for the Education Institutions and the Gift of Education" and since from 1956 till date the defendant No.2 is the true owner/done of the disputed suit schedule property. Hence the claim of the plaintiff that he had paid the Gutha and rent to the other defendants does not arise and thus the possession of the plaintiff with respect to the suit schedule property is illegally. That except the defendant No.2 no other persons can deal with the property and the defendant No.2 alone is competent to deal with the property and **that this**

defendant is also not having any interest in the suit schedule property.

21. Further it is contended that the suit schedule property is the Government property and hence the claim of inheritance and the adverse possession against the government property cannot be claimed and further the plaintiff has not clearly established the ownership of the suit schedule property. Further it is specifically contended that this defendant has not interfered into the suit schedule property as alleged by the plaintiff and the plaintiff himself is trying to grab the property of the Government, having no manner of right, title and interest over the suit schedule property. Such being the case the plaintiff in order to gain wrongfully and to grab the suit schedule property illegally and to harass the defendants has filed this frivolous suit. Hence, prayed to dismiss the suit of the plaintiff with cost.

22. On the basis of the rival pleadings of the parties, my learned predecessor in office has framed the following Issues:

::ISSUES::

1. *Whether the plaintiff proves that he is the absolute owner in possession and enjoyment of the suit schedule property by virtue of adverse possession?*
2. *Whether the plaintiff further proves that the defendants are interfering with his peaceful possession and enjoyment of the suit schedule property?*
3. *Whether the defendant No.5 proves that the 2nd defendant is the owner of the suit schedule property by virtue of Gift deed dated 27.03.1956 executed by Buddemiya S/o Syied Peer Sahib in favour of the Deputy Commissioner, Mysore as averred in para-13 of Written statement?*
4. *Whether the 3rd defendant proves that, the suit schedule property was in the possession of Raja Pramukh, Mysuru vide M.R.No.63/156-57 in respect of Sy.No.359/1 to an extent of 24 guntas as averred in his written statement?*

5. *Whether the plaintiff is entitled for the relief as sought for?*
6. *What order or decree?*

23. *In order to prove his case, the plaintiff got examined himself as P.W.1 and got marked 45 documents at Ex.P.1 to Ex.P.45 and also examined two witnesses as P.W.2 and P.W.3 and closed his side evidence. On the other hand, one Sri. B. Shankarayya and Smt. B.Girija, the then Tahasildars of T.Narasipura Taluk, got examined themselves as D.W.1 and 2 respectively, whose evidence was discarded and thereafter one Smt. C.G. Geetha, Tahasildar, T.Narasipura Taluk, got examined herself as D.W.3 and has not produced any documents on her behalf and closed her evidence.*

24. *Heard arguments on both the sides and also perused the materials available on record.*

25. *My findings on the above issues is as follows:-*

*Issue No.1 : In the **Negative***

Issue No.2 : In the **Negative**

Issue No.3 : In the **Negative**

Issue No.4: In the **Affirmative**

Issue No.5: As per final order for
the following:

::REASONS::

ISSUE No.1 and 2

26. These issues are interconnected with each other and as such are taken together for common discussion in order to avoid repetition of facts.

27. It is the specific case of the plaintiff that his grandfather by name Sri. Yalakki Gowda was the tenant under the then Assistant Education Officer, T.Narasipura Taluk whose office was subsequently designated as Block Education Officer, in respect to the Suit schedule property bearing Sy.No.359/1 measuring 24 guntas, situated at Bannur Rural, T.Narasipura Taluk and was cultivating the suit schedule property and was paying Gutha and was in possession and enjoyment of the suit schedule property and

after his demise his son i.e., the father of the plaintiff by name Thimmegowda @ Thimmaiah continued as a tenant and was cultivating the suit schedule property and was paying Gutha to the landlord and further had converted 6 guntas out of 24 guntas in the suit schedule survey number property bearing Sy.No.359/1 situated at Bannur Rural and had constructed 7 shops covered with Asbestos sheet and tiled roof and Asbestos roofed dwelling house and was residing therein with his family members. Thereafter after the demise of the father of the plaintiff by name Thimmegowda @ Thimmaiah, the plaintiff and his family members are in possession of the suit schedule properties more fully described as suit A and B schedule properties in the plaint schedule since last 80 more years and had perfected their title over the suit schedule properties by way of adverse possession. Such being the case the defendants having no manner of right, title and interest over the suit schedule properties are trying to interfere into his peaceful possession and enjoyment of the suit schedule properties by the plaintiff and his family members. Hence, this suit to

declare his title over the suit schedule property by way of adverse possession and consequential relief of permanent injunction to restrain the defendants from interfering into his peaceful possession and enjoyment of the suit schedule properties.

28. *The burden of proving these issues is upon the plaintiff. The plaintiff in order to prove these issues got examined himself as P.W.1 and led his chief examination by way of affidavit and has reiterated the entire plaint averments. Further in order to substantiate his case has produced in all 45 documents which are marked at Ex.P.1 to Ex.P.45. The **Ex.P.1** is the notarized G-tree of the family of the plaintiff, the **Ex.P.2** is **the RTC of property bearing Sy.No.359/1 measuring 24 guntas situated at Bannur Rural village, Bannur Hobli, T.Narasipura Taluk, pertaining to the year 2010-11, standing in the name of the Kingdom of Mysore represented by Raja Pramukh**, the **Ex.P.3 and 4** are the Fee Receipts, the **Ex.P.5** is the Notice issued by the Head Master, Government*

*Middle School, Bannur to Sri.Yalakki Gowda, the **Ex.P.6** is the Notice dated 30.05.1980 issued by the defendant No.4 to the defendant No.7 directing him to take action against the said Yalakki Gowda and his son Thimmegowda @ Thimmaiah, since they constructed house in the portion of the School property, the **Ex.P.7** is the Eviction notice dated 19.06.1980 issued to the said Yalakki Gowda in respect to the suit schedule property bearing Sy.No.359/1 measuring 24 guntas, by the Tahasildar, T.Narasipura Taluk, the **Ex.P.8** is the RTC extract of the property bearing Sy.No.359/2 which is irrelevant to the case on hand, the **Ex.P.9** is the photocopy of the legal notice dated 13.05.2011 issued by the plaintiff to the defendants, the **Ex.P.10 to 15** are the postal acknowledgements, the **Ex.P.16** is the unserved postal cover, the **Ex.P.17** is the order passed in Writ Appeal No.16004/1988 by the Hon'ble High Court of Karnataka, the **Ex.P.18** is the order passed in Writ Appeal No.1841/1995 by the Hon'ble High Court of Karnataka, the **Ex.P.19** is the order passed in Writ Petition No.36001/2000(KLR) by the Hon'ble High Court of*

Karnataka, the **Ex.P.20 and 21** are the photographs, the **Ex.P.22** is the C.D., the **Ex.P.23** is the Akarbandh in respect to the suit schedule property, the **Ex.P.24** is the acknowledgment issued by the Assistant Education Officer acknowledging the receipt of sum of Rs.300/- from the father of the plaintiff by name Thimmegowda S/o Yalakkigowda towards Bhoodan and Gutha arrears, the **Ex.P.25** is the receipt issued by the Head Master, Government Higher Primary School, Bannur dated 18.12.1985 acknowledging the receipt of sum of Rs.600/- from the father of the plaintiff by name Thimmegowda S/o Yalakkigowda towards the lease of land, the **Ex.P.26** is the Endorsement issued by the Tahasildar, T.Narasipura Taluk disclosing that no such documents are available at his office in respect to order passed in M.R.No.63/1956-57 in respect to property bearing Sy.No.359/1 situated at Bannur village and Hobli, T.Narasipura taluk, the **Ex.P.27 to 30** and **Ex.P.32 to 45** are the tax paid receipts, the **Ex.P.31** is the Form No.3 pertaining to property bearing No.27-3-6A, Assessment No.1830/2/1523/2 measuring East-West

9.144018 meters and North-South 6.096012 meters, bounded on the East by Siddegowda, West by Government road and Mudalami Channal, North by M.M.Road and South by property of the plaintiff, situated at Bannur, the Survey number of which is mentioned as "NA".

29. The P.W.1 was cross examined by the Learned Government Pleader and **in the course of his cross examination the P.W.1 has reiterated the plaint averments that his grandfather and his father were tenants under the Government School and were in possession of the suit schedule property since 70-80 years by paying rent and they have constructed 7 shops and one house in the suit schedule property and they are in possession and enjoyment of the suit schedule properties. Further deposes that he is not aware of the fact of obtaining license to construct building in the suit schedule property. Further admits that their names (grandfather, father and the plaintiff and his family members) are not found in the RTC extract of the suit schedule property. Further he**

admits that as per revenue documents the suit schedule property is standing in the name of the Raja Pramukh. Further deposes that he doesn't remember the day, month and year on which the defendants had obstructed his possession over the suit schedule property.

30. Further admits that his grandfather has not filed any application for grant of suit land and further admits that he has not learnt about the fact of original owner of the suit schedule property. Further denies the suggestion put to him that on 17.03.1956 one Bademiya being the original owner of the suit schedule property had gifted the suit schedule property to the Deputy Commissioner, Mysore. **Further admits that he has no documents to show that his grandfather and his father were in possession of the suit schedule property.**

31. Further the P.W.1 admits that the E-Swathu Katha extract marked at Ex.P.31 pertains to property bearing Sy.No.359/1 (but in the said Ex.P.31 no survey number is disclosed). **Further admits that he has**

not effected E-Swathu Katha in respect of the suit A schedule property measuring 18 guntas. Further denies the suggestions put to him that the Ex.P.31 to 45 are no where related to the suit schedule properties. Further denies the suggestion put to him that he has filed this false suit. Further admits that he has not given complaint to the police in respect to the alleged interference by the defendants and further admits that he don't know the persons present on the spot at the time of alleged interference caused by the defendants.

32. Further in order to strengthen his case the plaintiff has also examined two witnesses by name Chikkathimmegowda and C.V.Gopalagowda as P.W.2 and P.W.3 respectively, who have deposed in consonance to the case of the plaintiff. In the course of cross examination of P.W.2, he has deposed that the suit schedule property originally belonged to Yalakkigowda and denies the suggestion put to him that the suit property originally

*belonged to Raja Pramukh of Kingdom of Mysore and further denied the suggestion put to him that neither the plaintiff nor his family members have no manner of right over the suit schedule property. Likely the P.W.3 in the course of his cross examination has deposed that he is not aware of the fact that the suit schedule property originally belonged to the Ruler/King of Mysore Kingdom and further denies the suggestion put to him that the said property was Gifted by the King of Mysore for Educational empowerment. Further denies the suggestion put to him that the suit schedule property was never given in lease to him and **further admits that the katha of the suit schedule property is standing in the name of the Raja Pramukh of the Kingdom of Mysore as per Ex.P.2.***

33. *On the contrary, the defendant No.3/ the then Tahasildar, T.Narasipura Taluk, to rebut the case of the plaintiff and to establish her case, got examined herself as D.W.3 and led her examination in chief by way of affidavit and has reiterated her pleadings and further to substantiate her case has not produced any documents.*

34. In the course of her cross examination **the D.W.3 admits that the suggestion put to her that presently the B.E.O., is in possession of the suit schedule property** and further deposes that she is not aware of the fact that one Yalakki Gowda is in possession of the suit schedule property since 100 years. Further the D.W.3 has categorically admitted that she is not aware of the truthfulness of the plaint averments. Further denies the suggestion as to the alleged interference caused by the defendants as narrated in the plaint averments.

35. In the case on hand the defendant No.3 in his written statement itself has specifically admitted that he is not personally aware of the facts narrated in the plaint averments and had demanded for the strict proof as to the claim made by the plaintiff. Further the defendant No.5 thought filed his written statement has not stepped into the witness box and adduced his evidence and further the defendant No.5 admits that he has no any interest over the suit schedule properties.

36. *Such being the case the burden completely lies upon the plaintiff to establish his case at his own strength. It is the specific case of the plaintiff that his grandfather by name Sri. Yalakki Gowda was the tenant under the then Assistant Education Officer, T.Narasipura Taluk whose office was subsequently designated as Block Education Officer, in respect to the Suit schedule property bearing Sy.No.359/1 measuring 24 guntas, situated at Bannur Rural, T.Narasipura Taluk and was cultivating the suit schedule property and was paying Gutha and was in possession and enjoyment of the suit schedule property and after his demise his son i.e., the father of the plaintiff by name Thimmegowda @ Thimmaiah continued as a tenant and was cultivating the suit schedule property and was paying Gutha to the landlord and further had converted 6 guntas out of 24 guntas in the suit schedule survey number property bearing Sy.No.359/1 situated at Bannur Rural and had constructed 7 shops covered with Asbestos sheet and tiled roof and Asbestos roofed dwelling house and was residing therein with his family members. Thereafter after*

the demise of the father of the plaintiff by name Thimmegowda @ Thimmaiah, the plaintiff and his family members are in possession of the suit schedule properties more fully described as suit A and B schedule properties in the plaint schedule since last 80 years and had acquired the title of the suit schedule properties by way of adverse possession. Such being the case the defendants having no manner of right, title and interest over the suit schedule properties are trying to interfere into his peaceful possession and enjoyment of the suit schedule properties by the plaintiff and his family members.

37. *Such being the case of the plaintiff, he has specifically claimed that **the then Assistant Education Officer, T.Narasipura Taluk was the landlord of the suit schedule property** and he had given the suit schedule property by way of lease to the grandfather of the plaintiff by name Yalakki Gowda and the said Yalakki Gowda and after his demise his son by name Thimmegowda and after his demise the plaintiff and his family are cultivating the suit A schedule property and are in possession of the suit B*

*schedule property since past 80 years. **But the plaintiff has not produced any documents, to establish that the said Assistant Education Officer, T.Narasipura taluk was the real owner/landlord of the suit schedule property and that he was legally authorized to give the suit schedule property for lease as narrated in the plaint.***

38. Per contra the Ex.P.2 relied upon by the plaintiff himself pertaining to year of institution of this suit, i.e., of the year 2010-11, clearly discloses that the katha of the suit schedule property is neither standing in the name of the Assistant Education Officer, T.Narasipura taluk nor in the names of any of the defendants in this case. Per contra the Ex.P.2 reveals that the katha of the suit schedule property is standing in the name of the Raja Pramukh of the Kingdom of Mysore, who is not the party to the suit. Further no such documents are placed on record to show that the title of the suit schedule property was legally alienated to the said Assistant Education Officer, T.Narasipura taluk at any point of time, to consider the case of the plaintiff that,

the said Assistant Education Officer, T.Narasipura taluk is the real owner/landlord of the suit schedule property as narrated in the plaint and the plaintiff and his family members had perfected their title over the suit schedule property by way of adverse possession. Further in the entire plaint pleadings the plaintiff has not mentioned about the real owner and source of his title over the suit schedule property and merely plead that the Assistant Education Officer, T.Narasipura taluk is the landlord of the suit schedule property.

39. Further the Ex.P.3 to 6 relied upon by the plaintiff nowhere discloses the Survey number of the suit schedule property to relate the said documents as proofs to the facts pleaded in the plaint and moreover the authors of the said documents are examined to establish the correctness and truthfulness of the said documents.

40. Further the Ex.P.7 appears to be the mere Eviction Notice issued by the Tahasildar, T.Narasipura taluk, to Yalakki Gowda calling upon him to vacate the Bhoodan property bearing Sy.No.359/1 measuring 24

guntas, which no where discloses the real owner of the said property. But the said Ex.P.7 throws light upon the interruptions caused by the real owner over the possession of the said property by the said Yalakkigowda, which hits the principle of the Adverse Possession, i.e., the person claiming title by way adverse possession must enjoy the said property without any interruptions by the real owner for 30 years in case of Government property.

41. *But as per Ex.P.2, none of the defendants hold title over the suit schedule property and further P.W.1 to 3 themselves admits that the katha of the suit schedule property still stands in the name of the Raja Pramukh of Kingdom of Mysore. Further the Ex.P.2 pertaining to the year 2010-11 discloses that the katha of the suit schedule property is standing exclusively in the name of the Raja Pramukh of Kingdom of Mysore and such being the how the Assistant Education Officer, T.Narasipura taluk held the status of landlord and how since last 80 years, he authorized the plaintiff and his family members to cultivate the suit schedule*

***property as tenants is no where explained in the
plaint.***

42. Further the Ex.P.24 and Ex.P.25 nowhere recites that the said acknowledgments was issued in respect to the suit schedule property. Further the tax paid receipts at Ex.P.27 to 30 and Ex.P.32 to 45 nowhere discloses that the said counterparts of the tax paid receipts pertaining to the suit schedule property bearing Sy.No.359/1 measuring 24 guntas, situated at Bannur Rural village, T.Narasipura taluk.

43. Further the plaintiff claim that out of 24 guntas his father converted 6 guntas of land and constructed 7 shops and one house, but the father of the plaintiff being a mere tenant has no such authority to convert and the said land and further the Ex.P.31 if at all effected in respect to the suit B schedule property hold no legal sanctity, because unless having valid title no such effect of katha into the name of the plaintiff is permissible under any existing laws. Moreover the plaintiff himself has filed

this suit to declare his title by way of adverse possession, such being the case it is crystal clear that the plaintiff hold no title over the suit schedule property unless declared by thus Court, such being the case the effect of Katha at Ex.P.31 is null and void document.

44. Further the plaint schedule reads plaint A schedule property bearing Sy.No.359/1 measuring 18 guntas out of 24 guntas and the plaint B schedule property bearing Sy.No.359/1 and Katha No.1523/1411 measuring 6 guntas consisting of Asbestos roofed 7 shops and Mangalore tiled and Asbestos roofed house are **commonly bounded on the East by Bannur-T.Narasipura road, West by Channal, North by Mysore-Malavalli road and South by Sy.No.359/2 being the ancestral property of the plaintiff**, which does not match the description of the property in the Ex.P.31 relied upon by the plaintiff and further unless mere pleadings the plaintiff has not produced any documents to establish the very existence of the suit schedule properties within the plaint schedule boundaries.

As such the plaintiff has utterly failed to establish the identity of the suit schedule property as narrated in the plaint.

45. *Further the plaintiff has not produced any documents to throw light upon the alleged interference by the defendants as narrated in the plaint and moreover in the course of his cross examination also the P.W.1 has deposed that he doesn't remember the day, month and year on which the defendants had obstructed his possession over the suit schedule property and **that he has not given any complaint to the police in respect to the alleged interference by the defendants and further admits that he don't know the persons present on the spot at the time of alleged interference caused by the defendants.***

46. *Hence, in the light of the Ex.P.1 to Ex.P.45 and on appreciation of the oral evidence placed on record, the plaintiff has utterly failed to establish his title over the suit schedule property by way of adverse possession and moreover the real owner of the suit schedule property i.e.,*

the Raja Pramukh of Kingdom of Mysore is not the party to the suit. Further the plaintiff has utterly failed to establish the alleged interference by the defendants. Accordingly, the plaintiff has utterly failed to prove the Issue No.1 and 2.

47. *Accordingly, the plaintiff has failed to prove that he is the absolute owner in possession of the suit schedule property by way of adverse possession and also failed to prove the alleged interference by the defendants as narrated in the plaint. **Hence, I am inclined to answer the Issue No.1 and 2 in the Negative.***

ISSUE No.3:

48. *It is the specific case of the defendant No.5 that one Buddemiya S/o Syied Peer Sahib being the owner of the suit schedule property had gifted the suit schedule property to the defendant No.2 under the registered Gift deed dated 27.03.1956 and thus by virtue of the registered Gift deed dated 27.03.1956 the defendant No.2 is the absolute owner of the suit schedule property. But unless mere pleadings the defendant No.5 has not led his evidence.*

*Further in the course of cross examination by the L/AGP, the P.W.1 has clearly denied the suggestion put to him, that one Buddemiya S/o Syied Peer Sahib being the owner of the suit schedule property had gifted the suit schedule property to the defendant No.2 under the registered Gift deed dated 27.03.1956. **Thus in the absence of evidence to that effect I am inclined to answer the Issue No.3 in the Negative.***

ISSUE No.4:

49. *It is the specific case of the defendant No.3 that the suit schedule property is in possession of the Raja Pramukh as per mutation order passed in M.R.No.63/56-57. The burden of proving the said issue is upon the defendant No.3, accordingly the defendant No.3 got examined herself as D.W.3 and has reiterated her pleadings. Per contra though she has not produced any documents to that effect, the Ex.P.2 relied upon by the plaintiff establishes the said fact and further the P.W.1 and 3 specifically admits that the katha of the suit schedule property stands in the name of Raja Pramukh as put forth by the defendant No.3. Thus in*

*the light of the Ex.P.2 and on appreciation of the admissions of the said fact by the P.W.1, the defendant No.3 has successfully proved the Issue No.4. **Accordingly, I am inclined to answer the Issue No.4 in the Affirmative.***

ISSUE No.5:

50. *In view of my findings on Issue No.1 and 2 in the Negative and the Issue No.4 in the Affirmative, on the basis of the discussion held above and in the light of appreciation of the oral evidence placed by the P.W.1 to 3 and in the light of the documents marked at Ex.P.1 to Ex.P.45 by the P.W.1, the plaintiff has failed to establish that he has perfected his title over the suit schedule property by way of adverse possession and that the defendants are interfering into his peaceful possession and enjoyment of the suit schedule properties as alleged in the plaint. Accordingly, the plaintiff is not entitled for the reliefs of Declaration and Permanent Injunction as sought for. **Hence, I am inclined to answer the Issue No.5 in the Negative.***

ISSUE No.6:

51. In view of the detailed discussions and conclusion arrived at Issue No.1 to 5, I proceed to pass the following:-

ORDER

The suit filed by the plaintiff is hereby dismissed with costs.

Draw decree accordingly.

(Partly dictated to the Stenographer on computer and partly typed by me directly on the computer and computerized by her, corrected by me and then pronounced in the open court on this the 12th day of August, 2025.)

(Sachin H.R.)

Civil Judge and J.M.F.C.,
T.Narasipura.

:A N N E X U R E:**I. List of witnesses examined on behalf of plaintiff:**

P.W.1 : Rangaswamy
P.W.2 : Chikkathimmegowda
P.W.3 : C.V.Gopalagowda

II. List of Documents marked on behalf of Plaintiff:

Ex.P.1 : Genealogical Tree

<i>Ex.P.2</i>	:	<i>RTC extracts</i>
<i>Ex.P.3 & 4:</i>		<i>Fee receipts</i>
<i>Ex.P.5 to 7:</i>		<i>Notice</i>
<i>Ex.P.8</i>	:	<i>RTC extract</i>
<i>Ex.P.9</i>	:	<i>Copy of Legal notice</i>
<i>Ex.P.10 to 15:</i>		<i>Postal Receipts</i>
<i>Ex.P.16</i>	:	<i>Postal Cover</i>
<i>Ex.P.16(a)</i>	:	<i>Notice</i>
<i>Ex.P.17</i>	:	<i>C/o of order passed in W.A. No.16004/1988</i>
<i>Ex.P.18</i>	:	<i>C/o of order passed in W.A. No.1841/1995</i>
<i>Ex.P.19</i>	:	<i>C/o of order passed in W.P. No.36001/2000</i>
<i>Ex.P.20 & 21:</i>		<i>Photographs</i>
<i>Ex.P.22</i>	:	<i>CD</i>
<i>Ex.P.23</i>	:	<i>Akarbandh</i>
<i>Ex.P.24 & 25:</i>		<i>Endorsements</i>
<i>Ex.P.26</i>	:	<i>Endorsement</i>
<i>Ex.P.27 to 30:</i>		<i>Tax paid receipts</i>
<i>Ex.P.31</i>	:	<i>E-Swattu</i>
<i>Ex.P.32 to 45:</i>		<i>Tax paid receipts</i>

III. List of Witnesses examined on behalf of Defendants:

D.W.1 : Shankaraiah
D.W.2 : B.Girija
D.W.3 : C.G.Geetha

IV. List of documents marked on behalf Defendants:

-Nil-

(Sachin H.R.)
Civil Judge and J.M.F.C.,
T.Narasipura.

Order is pronounced in the open court
(vide separate Judgment)

ORDER

*The suit filed by the plaintiff
is hereby dismissed with costs.*

Draw decree accordingly.

**Civil Judge and J.M.F.C.,
T.Narasipura.**