

KABG800002202021



IN THE COURT OF THE CIVIL JUDGE AND J.M.F.C.
KITTUR

DATED ON THIS THE 03rd DAY OF AUGUST, 2026

PRESENT: MAHAMMADALI NAYAK,
B.B.A., LL.B.(Hons.)
CIVIL JUDGE & JMFC., KITTUR

ORIGINAL SUIT No.36/2021

Between:

1. Shri. Rudrappa Kallappa Kumbar,
Age: 41 years, Occ: Coolie,
R/o H.No.127 Kalkamba,
Tq and Dist: Belagavi.

..... Plaintiff

(By Adv.: Sri. R.D.B.)

And:

1. Government of Karnataka
(Represented by) Deputy Commissioner,
Belagavi, Dist: Belagavi.
2. Divisional Controller,
N.W.K.S.R.T.C, Belagavi Division,
Belagavi, Dist: Belagavi.

..... Defendants

(D-1 Exparte, D-2 By Adv.: Sri. S.S.A.,)

Date of Institution of the suit : 02.03.2021

Nature of the suit : Suit for Permanent Injunction

Date of commencement of recording the evidence : 22.11.2022

Date of closing of recording of the evidence : 05.03.2026

Date on which the judgment was Pronounced : 03.08.2026

Total Duration : Year/s Month/s Day/s
05 05 01

(MAHAMMADALI NAYAK)
CIVIL JUDGE AND JMFC,
KITTUR

J U D G M E N T

The plaintiff has filed this suit against the defendants for the relief of permanent prohibitory injunction restraining them from interfering with their peaceful possession and enjoyment over the plaint schedule property in any manner and such other reliefs.

2. The case of the plaintiffs in nutshell as under:

The case of the plaintiff is that, he purchased the suit schedule property for valuable consideration from its previous owner, Sri Manjunath S/o Pundaleek Bhovi, under a registered Sale Deed dated 06.02.2015. Pursuant to the said sale transaction, he was put in lawful possession of the suit property and became its absolute owner. His name was subsequently entered in the Panchayat records vide Resolution No. 06/22 dated 16.04.2015. It is the specific case of the plaintiff that ever since the date of purchase, he has been in peaceful, lawful, continuous, and uninterrupted possession and enjoyment of the suit schedule property. The plaintiff further contends that Defendant No.1 is the recorded owner of the adjacent agricultural land bearing Survey No.87 situated on the western side of the suit schedule property, wherein the defendants are proposing to establish an N.W.K.S.R.T.C. Bus Depot. According to the plaintiff, the defendants have no right, title, or interest whatsoever over the suit schedule property. The plaintiff alleges that the officials of the defendants visited the

suit schedule property, searched for boundary stones, and interfered with his peaceful possession. Despite his objections, the defendants allegedly attempted to trespass upon the suit property on 19.02.2021 with the assistance of several labourers. Though the plaintiff resisted the said attempt, the defendants' officials allegedly threatened to return with police protection and conduct a survey so as to dispossess him. Apprehending forcible interference with his lawful possession and imminent dispossession by the defendants, the plaintiff instituted the present suit seeking a decree of permanent injunction restraining the defendants, their officials, servants, and agents from interfering with his peaceful possession and enjoyment of the suit schedule property.

3. After institution of the suit, summons were issued to the defendants. Despite service of summons, Defendant No.1 failed to appear before the Court and was accordingly placed ex parte. Defendant No.2 entered appearance through counsel and filed a detailed written statement contesting the suit. Defendant No.2 denied all the plaint averments and contended that the suit is

false, frivolous, vexatious, misconceived, and not maintainable either in law or on facts. It is the specific defence of Defendant No.2 that Defendant No.1 was the owner of land bearing R.S. No.87 measuring 16 Acres 1 Gunta, out of which an extent of 4 Acres was allotted to Defendant No.2 on 30.11.2020 for construction of an N.W.K.S.R.T.C. Bus Depot. Pursuant to the said allotment, Defendant No.2 paid a sum of Rs.15,82,069/- towards 50% of the land value, land conversion charges, and podi fee on 16.12.2020, and possession of the allotted land was handed over by Defendant No.1 on 28.12.2020. Since then, Defendant No.2 claims to have been in lawful possession and enjoyment of the said property. Defendant No.2 further contended that the suit schedule property forms part and parcel of the aforesaid 4 Acres allotted to it and that neither the plaintiff nor his vendor had any right, title, or interest over the suit property at any point of time. According to Defendant No.2, the plaintiff's vendor, the plaintiff, and the Town Panchayat, Kittur, in collusion with one another, created false and fabricated documents, including the alleged sale deed and

Panchayat records, with an intention to unlawfully claim Government land. It is, therefore, contended that the plaintiff did not acquire any valid right, title, or interest under the alleged sale deed and that the defendants' rights remain unaffected by such documents. Defendant No.2 also contended that the Town Panchayat, Kittur, being the authority responsible for maintaining the Panchayat records relied upon by the plaintiff, is a necessary party to the proceedings. Hence, the suit is liable to be dismissed for non-joinder of a necessary party. On these grounds, Defendant No.2 sought dismissal of the suit with costs.

4. In order to prove the case of the plaintiff, the plaintiff filed affidavit in lieu of oral examination-in-chief and got examined as PW-1 and got marked as many as 4 documents as Ex.P.1 to Ex.P.4 and closed his side evidence. On the other hand official of defendant No.2 examined as DW-1 and got marked 24 documents as Ex.D.1 to 24 and also examined 2 witnesses as DW-2 and 3. Ex.D.25 commissioner report is got marked through the DW-2.

5. Heard on both side.
6. On the basis of the pleadings, this Court has framed the following issues:

1. Whether the plaintiff proves that, he is in the settled possession of the suit property as on the date of the institution of this suit?
2. Whether the plaintiff further proves the alleged interference?
3. Whether the plaintiff is entitled for the relief as sought for?
4. To what decree or order?

7. On the basis of the documentary and oral evidence produced by the plaintiffs, answers to the above issues are as under:

Issue No.1 : In the negative.

Issue No.2 : In the negative.

Issue No.3 : In the negative.

Issue No.4 : As per final order for the following;

REASONS

8. **Issue No.1:-** The plaintiff has knocked the doors of temple of justice with the relief of permanent prohibitory injunction against the defendants. It is well settled preposition of law that, permanent injunction can be granted if he found to be the possession of the property. The factum of possession is a relevant matter in a suit of this nature. Once the possession of the plaintiff is accepted even she has fails to establish her title the plaintiff is entitle for permanent prohibitory injunction. In a suit for bare injunction, the scope is very limited if in case the question of title is involved normally the court will look into the title of the plaintiff incidentally and collaterally which means the plaintiff has to show the better title than the defendant by pleadings and cogent evidence.

9. In this background, let me advert to the merits of the case. It is the specific case of the plaintiff that he purchased the plaint schedule property from one Mr. Manjunath, S/o Pundaleek Bhovi, under a registered Sale Deed dated 06.02.2015. Pursuant to the said purchase, the revenue records

were duly mutated in the name of the plaintiff. It is further contended that, ever since the date of purchase, the plaintiff has been in lawful, peaceful, and actual possession and enjoyment of the plaint schedule property and continued to be so as on the date of institution of the suit. It is further averred that defendant No.1 is the owner of land bearing R.S. No.87, situated adjacent to the western side of the plaint schedule property. Defendant No.2, intending to establish a NWKSRTC Bus Depot in the said land, despite having no manner of right, title, or interest over the plaint schedule property, has allegedly attempted to encroach upon the same under the guise of locating the boundary stones and is now making attempts to interfere with and disturb the peaceful possession and enjoyment of the plaintiff over the plaint schedule property.

10. On the other hand, defendant No.2 contested the suit by denying the plaint averments in toto. It is, inter alia, contended that defendant No.1 is the owner of land bearing R.S. No.87, measuring a total extent of 16 acres 01 gunta. Out of the said extent, 4 acres of land was allotted to defendant No.2 on

30.11.2020 for the construction of an NWKSRTC Bus Depot. It is further contended that a sum of Rs.15,82,069/- was sanctioned for the construction of the bus depot building and that possession of the allotted land was handed over to defendant No.2 on 28.12.2020. It is the specific contention of defendant No.2 that the plaint schedule property forms part and parcel of R.S. No.87, particularly within the aforesaid 4 acres of land allotted to defendant No.2. Therefore, according to defendant No.2, neither the plaintiff's vendor nor the plaintiff was ever in actual possession of the plaint schedule property, and the plaintiff has neither acquired any valid right, title, nor interest over the same.

11. The burden is always upon the plaintiff to prove the factum of possession by adducing cogent and convincing evidences before this court. In order to prove the same, the plaintiff himself filed affidavit in lieu of his oral examination in chief and got examined as PW-1 and got marked 4 documents as Ex.P.1 to 4. The learned counsel for the defendant No.2 has fully cross-examined the PW-1 at length.

12. On the other hand, the Assistant Executive Engineer of defendant No.2 division is examined as DW-1 and also examined court commissioner i.e., Taluka Surveyor Bailhongal as DW-2 and also examined Chief officer of Pattan Panchayat is examined as DW-3 and got marked 24 documents as Ex.D.1 to 24 and Ex.D.25 commissioner report is got marked through the DW-2. The learned counsel for plaintiff has cross-examined DW-1 to 3 at length.
13. Before appreciating the oral and documentary evidence adduced by the parties, it is necessary to consider the preliminary objection raised by the learned counsel for defendant No.2, as the same goes to the root of the matter. The learned counsel for defendant No.2 vehemently contended that defendant No.1 is the owner of land bearing R.S. No.87 measuring 16 acres 01 gunta, out of which, an extent of 4 acres has been allotted to defendant No.2 for the establishment of an NWKSRTC Bus Depot. It is further contended that the plaint schedule property forms part and parcel of R.S. No.87 and falls within the said 4 acres allotted to defendant No.2. Therefore,

according to defendant No.2, the title of the plaintiff has been specifically denied and a serious cloud has been cast over the plaintiff's title. In such circumstances, the present suit, which is one for bare permanent injunction without seeking the relief of declaration of title, is not maintainable.

14. In support of the said contention, the learned counsel for defendant No.2 has placed reliance upon the decision of the Hon'ble Supreme Court in case of **Anathula Sudhakar v. P. Buchi Reddy (Dead) by LRs and Others**", "AIR 2008 SC 2033 wherein the Hon'ble Apex Court has succinctly laid down the principles governing the maintainability of suits for permanent injunction relating to immovable property or vacant space. The relevant principles are reproduced below:

(A) Specific Relief Act, 1963 – Section 38 – Suit for Prohibitory Injunction relating to Immovable Property – Scope (a) Where a cloud is raised over the plaintiff's title and he is not in possession, the proper remedy is to file a suit for declaration of title and recovery of possession, with or without a consequential relief of injunction. Where the plaintiff's title is not in dispute or under a cloud, but he is out of possession, he has to seek the relief of possession along with consequential injunction.

Where there is only interference with the plaintiff's lawful possession or a threat of dispossession, a suit for injunction simpliciter is maintainable.

(b) In a suit for injunction simpliciter, the primary issue is possession, and ordinarily the question of title is neither directly nor substantially in issue. However, in cases relating to vacant sites, where de jure possession has to be established on the basis of title, the question of title may directly and substantially arise for consideration.

(c) A finding on title cannot ordinarily be recorded in a suit for injunction unless there are specific pleadings and appropriate issues regarding title. Even where such pleadings and issues exist, if the dispute involves complicated questions of fact and law, the parties should be relegated to a comprehensive suit for declaration of title.

(d) Where there are adequate pleadings, appropriate issues, and the dispute regarding title is simple and straightforward, the Court may decide the question of title even in a suit for injunction. However, such cases constitute an exception to the general rule. A person having clear title and lawful possession should not be driven to institute a suit for declaration merely because a third party raises a frivolous or vexatious claim. The Court must exercise its discretion judiciously in deciding whether to examine the question of title in a suit for injunction or direct the parties to seek the remedy of declaration.

(Emphasis supplied)

15. The principles laid down in the aforesaid decision make it abundantly clear that where the plaintiff's title is under a serious cloud or where the dispute involves complicated questions of fact and law relating to title, a suit for bare injunction, without seeking the relief of declaration of title and consequential reliefs, is not maintainable.
16. It is equally well settled that, in the case of a vacant site, possession is ordinarily presumed to follow title, as actual physical possession is often incapable of direct proof. Consequently, the plaintiff must establish a prima facie lawful title in order to prove de jure possession. If the title itself is seriously disputed or clouded, the Court cannot grant the relief of permanent injunction merely on the basis of an assertion of possession. In such circumstances, the plaintiff is required to seek an appropriate declaration of title, and a suit for injunction simpliciter would not ordinarily be maintainable.
17. In the present case, it is an admitted fact that the plaintiff schedule property is a vacant site. The principal contention of defendant No.2 is that the plaintiff schedule property has no

identifiable existence or location and that the plaintiff has no title over the same. Thus, defendant No.2 has simultaneously disputed the very existence and identity of the plaint schedule property as well as the plaintiff's title thereto. During the course of cross-examination of PW-1, the learned counsel for defendant No.2 specifically suggested that the plaintiff was unaware of the exact location of the property purchased by him. Even during the course of arguments, it was contended that the plaintiff had failed to establish the existence and location of the plaint schedule property.

18. At this juncture, it is pertinent to note that the defence taken by defendant No.2 suffers from an inherent inconsistency. When the very existence and identity of the plaint schedule property are disputed, the question of disputing the plaintiff's title over such property does not logically arise. The issue of title would arise for consideration only after the existence and identity of the property are established. Therefore, the simultaneous plea that the property itself is not identifiable and

that the plaintiff has no title over it is mutually destructive and cannot stand together.

19. Further, according to the plaintiff, defendant No.2 is a stranger to the plaint schedule property. Defendant No.2 has not asserted any independent title over the plaint schedule property but has merely contended that the property forms part of the 4 acres of land in R.S. No.87 allotted to it. The title documents relied upon by defendant No.2 relate only to the land comprised in R.S. No.87 and do not specifically establish that the plaint schedule property forms part of the land allotted to it. In such circumstances, the mere denial of the plaintiff's title by a person who has neither asserted nor established an independent title over the plaint schedule property cannot, by itself, be construed as raising a genuine or substantial cloud over the plaintiff's title so as to compel the plaintiff to seek the relief of declaration.

20. Therefore, this Court is of the considered opinion that the present suit for bare permanent injunction is maintainable. The contention of the learned counsel for defendant No.2 that the

suit is not maintainable for want of a prayer for declaration is devoid of merit and cannot be accepted. Consequently, the reliance placed by defendant No.2 on the principles laid down in **Anathula Sudhakar case supra** does not advance its case in the facts and circumstances of the present matter.

21. According to the plaintiff, the plaint schedule property is an open site bearing G.P. No.1684/46, measuring East-West 15.84 metres and North-South 7.62 metres, situated within the limits of Kittur Pattana Panchayat, and bounded by: East – House of Biradar Patil; West – Road; South – Plot No.47 belonging to Madivalayya Guruvayya Hiremath; and North – Plot No.45 belonging to Manjunath Basappa Kathi. Significantly, the schedule appended to the plaint and the sale deed do not disclose that the 4 acres of land in R.S. No.87 is situated western side of it.

22. On the other hand, defendant No.2 has described the boundaries of the 4 acres of land allotted to it in R.S. No.87 as follows: East – Land bearing R.S. No.52; West – Land allotted for construction of the Taluk Administrative Building; South – R.S.

No.86; and North – Land allotted for construction of a Road and the City Survey Office, Kittur. These boundaries also do not specifically identify or refer to the plaint schedule property.

23. During his cross-examination, DW-1 stated that the plaint schedule property is not situated within R.S. No.87. DW-3 also deposed that the official records produced by him, particularly Exs.D.9 to D.11, support the said contention. A perusal of Ex.D.8 likewise does not indicate that the plaint schedule property forms part of R.S. No.87. However, in order to ascertain the identity and location of the plaint schedule property as well as the extent of R.S. No.87, this Court appointed a Court Commissioner. The Commissioner, after conducting a local inspection, submitted his report marked as Ex.D.25, wherein he opined that the plaint schedule property is situated within the 4 acres of land allotted to defendant No.2 in R.S. No.87 and identified the same by marking it as points ‘‘ABCDEFGF’’ in the sketch annexed to the report. The plaintiff has seriously disputed the Commissioner's report on several

grounds, which were elicited during the cross-examination of DW-2.

24. The principal controversy in the present suit is with regard to the existence and exact location of the plaint schedule property. The burden squarely lies upon the plaintiff to establish the identity and location of the property in respect of which the relief of injunction is sought. To discharge this burden, the plaintiff has relied upon Exs.P.1 to P.4. These documents disclose that the plaintiff purchased the plaint schedule property from Manjunath Pundaleek Bhovi under a registered Sale Deed dated 06.02.2015, that the municipal records were subsequently mutated in his favour pursuant to a resolution of the Pattana Panchayat, and that he has been paying property taxes. However, the recitals of Ex.P.1 are conspicuously silent as to the source of title of the vendor, the manner in which the property came into his possession, whether it originated from converted agricultural land or otherwise, and the precise location of the property.

Significantly, no survey sketch or layout plan forms part of the sale deed.

25. During his cross-examination, PW-1 admitted that he does not know whether the plaint schedule property is a government site or a converted non-agricultural property. He further admitted that he had not verified any conversion order or revenue records relating to the property before purchasing it; that he was unaware as to how the property came into the ownership of his vendor; that he had neither issued a public notice nor obtained a legal opinion before the purchase; and that no survey sketch was furnished to him by his vendor. Except for the boundaries recited in the sale deed, PW-1 has no knowledge regarding the origin, conversion, or identification of the property. If the property originally formed part of agricultural land, the plaintiff was expected to produce the relevant conversion records or other foundational documents. Likewise, it would have been prudent to have the property surveyed before the purchase. No such endeavour is evident from the material placed on record. The plaintiff has also failed

to secure records from the Pattana Panchayat or any competent revenue authority to establish that the property lawfully exists as an independent site and does not form part of the land belonging to defendant No.2. Though DW-1 and DW-3 have stated that the plaint schedule property is not situated in R.S. No.87, such admissions do not relieve the plaintiff of his primary burden of proving where exactly the property is situated. No foundational document has been produced to substantiate the boundaries mentioned in the sale deed. In the absence of such evidence, this Court cannot presume the existence and identity of the plaint schedule property. Furthermore, the plaintiff has neither examined his vendor nor any independent witness to establish the origin, existence, and location of the property.

26. The admissions elicited from DW-1 and DW-3, or the contents of Ex.D.8, are by themselves insufficient to establish the existence and identity of the plaint schedule property. At best, they indicate that the property is not situated within R.S. No.87. However, the plaintiff cannot succeed merely by relying

upon the weakness of the defendants' case. It is a settled principle of law that the plaintiff must stand on his leg rather relying upon the weakness of the case of the defendants.

27. The plaintiff has seriously challenged the report of the Court Commissioner marked as Ex.D.25. The report, along with the sketch annexed thereto, indicates that the plaint schedule property falls within the 4 acres of land allotted to defendant No.2 in R.S. No.87, particularly on its northern side. There is no dispute regarding the allotment of portions of R.S. No.87 to various Government departments, including the allotment of 4 acres to defendant No.2. The village map produced as Ex.D.20 depicts R.S. No.87 measuring 16 acres 01 gunta in a square configuration, and the sketch prepared by the Commissioner corresponds with the said configuration. The Commissioner has clearly indicated the physical features and boundaries in his report.

28. The plaintiff contended that the Commissioner had taken the assistance of a private surveyor and used private surveying equipment instead of following the prescribed governmental

procedure. However, the record discloses that the Commissioner relied upon the P.T. Sheet, the Village Panchayat map, and other relevant official records furnished by defendant No.2 while conducting the inspection. It is also not disputed that the plaintiff and the representatives of defendant No.1 were present during the local inspection. If the plaintiff possessed any authentic survey sketch or layout plan identifying the plaint schedule property, he could have produced the same before the Commissioner during the inspection. It is not even the plaintiff's case that any such document was produced but ignored by the Commissioner. In these circumstances, the mere fact that the Commissioner took the assistance of a private surveyor does not, by itself, render the Commissioner's report unreliable. Even assuming, for the sake of argument, that the Commissioner's report is excluded from consideration, the plaintiff has still failed to dispel the serious doubt regarding the identity and location of the plaint schedule property.

29. A cumulative consideration of **Exs.D.1 to D.24** reveals that the lands comprised in R.S. Nos.87 and 87/A have been

allotted to various Government departments for public purposes and that defendant No.2 is the allottee of 4 acres in R.S. No.87. Nothing substantial has been elicited in the cross-examination of DWs.1 to 3 to establish the existence and location of the plaint schedule property. The central issue that remains unresolved is the identity and location of the property itself. Though the plaintiff is in possession of a registered sale deed and consequential municipal records, those documents alone do not establish the physical existence or exact location of the property. In the case of a vacant site, de jure possession ordinarily follows title. However, before the principle that possession follows title can be invoked, the identity and existence of the property must first be satisfactorily established. In the absence of cogent evidence establishing the identity and location of the plaint schedule property, this Court is unable to hold that the plaintiff has proved his lawful possession over the suit property as on the date of the suit and plaintiff has utterly failed to prove the same by adducing cogent and convincing

evidence. Hence, in touchstone of the reasons assigned above this court answers ***Issue No.1 in the Negative.***

30. **Issue No.2:-** It is the specific case of the plaintiff that the officials of defendant No.2 attempted to identify the boundary stones with an intention to commence the construction of an NWKSRTC Bus Depot on the eastern side of the plaint schedule property and, in the process, interfered with his peaceful possession. However, as already discussed, the plaintiff has failed to establish the identity, existence, and exact location of the plaint schedule property by cogent and convincing evidence. In the absence of proof regarding the identity and location of the suit property, the allegation of interference by defendant No.2 cannot be meaningfully examined.

31. Further, during the course of arguments, the learned counsel for the plaintiff fairly submitted that defendant No.2 has already constructed the NWKSRTC Bus Depot in the 4 acres of land allotted to it in R.S. No.87 and has also erected a compound wall around the said premises, leaving certain vacant space towards the side where the plaintiff claims his

property to be situated. This submission itself indicates that the plaintiff is uncertain about the precise location and identity of the plaint schedule property. Unless the plaintiff first establishes the exact location of the suit property and his lawful possession thereof, the question of adjudicating the alleged interference by defendant No.2 does not arise. Consequently, the plaintiff has failed to prove the alleged interference with his possession as pleaded in the plaint. Hence, in touchstone of the reasons assigned above this court answer ***Issue No.2 in the negative.***

32. **Issue No.3:-** Since the plaintiff has failed to establish his lawful possession over the plaint schedule property and the alleged interference by defendant No.2 by adducing cogent, reliable, and convincing evidence, he is not entitled to the equitable and discretionary relief of permanent prohibitory injunction. As discussed earlier, a serious doubt persists regarding the very identity, existence, and location of the plaint schedule property. In the absence of satisfactory proof of these foundational facts, the relief of injunction cannot be granted.

33. If an order of permanent injunction is granted in the present circumstances, there is every likelihood of the plaintiff asserting rights over land which may, in fact, form part of the property lawfully allotted to defendant No.2, thereby causing serious prejudice and irreparable injury to defendant No.2. On the other hand, if the relief of injunction is refused, no irreparable hardship would be caused to the plaintiff. It is always open to the plaintiff to have the property surveyed by the competent Government survey authorities, ascertain its exact identity and boundaries, and seek fixation of the same in accordance with law. If, upon such survey, it is found that defendant No.2 has encroached upon the plaintiff's property or raised any construction thereon, the plaintiff would be at liberty to work out his remedies before the competent forum in accordance with law. Hence, in touchstone of the reasons assigned above this court answers **issue No.3 in the negative.**

34. **Issue No.4:-** In view of aforesaid reasons on issue No.1 to 3, proceed to pass the following:

ORDER

The suit filed by the plaintiff is hereby dismissed.

The plaintiff is at liberty to make survey of the plaint schedule property through competent surveyor from the concerned department so as to locate his plaint schedule property.

Through the dismissal of this order the defendant No.2 shall not use to acquire the plaint schedule property without due process of law which demolishes the faith of the general public in government system.

Office to draw decree accordingly.

The Office shall upload the digitally signed copy of this judgment in the CIS forthwith.

[Dictated to the Stenographer, transcribed and typed by her and corrected and signed by me and then pronounced in the open court on the **03rd day of August, 2026**).

**(MAHAMMADALI NAYAK)
CIVIL JUDGE AND JMFC,
KITUR**

ANNEXURE**List of witnesses examined on behalf of plaintiff/s:**

PW-1 : Rudrappa Kallappa Kumbar

List of documents exhibited on behalf of plaintiff/s:

Ex.P.1 : Extract of property bearing No.1684/46

Ex.P.2 : Original sale deed dated 06.02.2015

Ex.P.3 : Resolution dated 16.04.2015

Ex.P.4 : Tax paid receipt

List of witnesses examined on behalf of defendant/s:

DW-1 : Narayana Ramaraddi Timmaraddi

DW-2 : Ramappa Suresh Dalawayi

DW-3 : Mallayya Veerabhadrayya Hiremath

List of documents exhibited on behalf of defendant/s:

Ex.D.1 : Authorization letter

Ex.D.2 : Certified copy of RTC for Sy. No.87/A for the year 2024-25

Ex.D.3 : Certified copy of RTC for Sy. No.86/3B/1 for the year 2024-25

Ex.D.4 : Certified copy of RTC for Sy. No.52/1 for the year 2024-25

Ex.D.5 : Certified copy of orders dated 30.11.2020 by DC Belagavi

Ex.D.6 : Certified copy of letter dated 09.12.2020 issued by Tahasildar Kittur

Ex.D.7 : Certified copy of Challan

- Ex.D.8 : Certified copy of letter dated 15.03.2021 issued from Town Panchayat Kittur
- Ex.D.9 : Certified copy of resolution dated 31.08.1992
- Ex.D.10 : Certified copy of resolution dated 20.09.2010
- Ex.D.11 : Certified copy of resolution dated 16.04.2015
- Ex.D.12 : Certified copy of letter dated 15.06.1992 issued from DC Belagavi
- Ex.D.13 : Certified copy of orders dated 01.06.1992 of conversion of land use from agriculture to non agriculture
- Ex.D.14 : Certified copy of letter dated 15.06.1992 from DC Belagavi
- Ex.D.15 : Certified copy of letter dated 08.04.1992 from EE, National Highway Division , Belagavi
- Ex.D.16 : Certified copy letter dated 10.07.1992 from Town planning office, Bengaluru
- Ex.D.17 : Certified copy of letter dated 18.04.1992 from DC Belagavi
- Ex.D.18 : Certified copy of letter dated 18.04.1992 from DC Belagavi to EE, Highway division, Belagavi
- Ex.D.19 : Certified copy of letter dated 27.03.1992 from Town Planning Office, Belagavi
- Ex.D.20 : Certified copy of Village map
- Ex.D.21 : Certified copy of map
- Ex.D.22 : Certified copy of RTC for Sy. No.87/A for the year 2021-22
- Ex.D.23 : Certified copy of RTC for Sy. No.86/3B/1 for the year 2021-22
- Ex.D.24 : Certified copy of RTC for the Sy. No.52/1 for the year 2021-22
- Ex.D.25 : Commissioner report
- Ex.D.25(a) and (b) : Signatures

List of documents exhibited through court

- Nil -

**(MAHAMMADALI NAYAK)
CIVIL JUDGE AND JMFC,
KITTUR**

JUDGMENT