

**IN THE COURT OF ADDL. CIVIL JUDGE AND JMFC
DEVANAHALLI**

Dated this the 9th day of June 2026

Present

Sri. Venkatesha N. B.A, L.L.B.
Addl. Civil Judge and JMFC
Devanahalli.

O.S.No.330/2018

Plaintiff : Sri. Sonnappa,
S/o Late Doddanna @ Munianjinappa,
R/at: Kamenahalli village,
Kundana Hobli, Devanahalli Taluk,
Bengaluru Rural District.

[By Sri. P.V.R- Advocate]

-V/s-

Defendant: 1. Sri. Munegowda,
S/o Late Krishnappa,
Aged about 41 years.

2. Sri. Devaraju,
S/o Late Byrappa,
Aged about 48 years.

3. Sri. Nagesha,
S/o Late Ramanna,
Aged about 36 years.

4. Smt. Jayamma,
W/o Late Ramanna,
Aged about 58 years.

5. Smt. Usha,
D/o Ramanna,
Aged about 38 years.

6. Smt. Sumithra,
D/o Late Ramanna,
Aged about 40 years.

The defendants No. 1 to 7
are R/at: Kamenahalli village,
Kundana Hobli,
Devanahalli Taluk,
Bengaluru Rural District.

7. Sri. B.V. Rajanna,
S/o B. Vajrappa,
Aged about 45 years,
R/at: Bettenahalli village,
Kundana Hobli, Devanahalli Taluk,
Bengaluru Rural District.

**[by: D1, D2 and D7 exparte, D3 to D6-Sri.
V.C.M-advocate]**

Date of institution of the suit	07-07-2018		
Nature of the suit	For permanent injunction.		
Date of the commencement of recording of the evidence	08-04-2022		
Date on which the judgment was pronounced	09-06-2026		
Total duration	Years 07	Months 11	Days 02

(Venkatesha N)
Addl. Civil Judge & JMFC.,
Devanahalli.

J U D G M E N T

Plaintiff has filed this suit for permanent injunction restraining the defendants from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property.

2. Brief facts of the plaintiff's case are as under :-

It is stated that the plaintiff is the sole and absolute owner in peaceful possession, occupation, cultivation and enjoyment of the agricultural land measuring 2 acre 21 guntas, in Sy. No. 2/5 (old Sy. No. 2) situated at Kamenahalli village, Kundana Hobli, Devanahalli Taluk, bounded on east by property of M. Ramaiah, West by: property of Narayanaswamy, North by: property of Kempamma of Jalige and south by: Government land. It is further stated that suit schedule property had been purchased by Sri. Papanna S/o Somappa from its earlier owner through registered absolute sale deed dated: 31-10-1977. Accordingly name of the plaintiff's father mutated in the concerned revenue records as per M.R No. 16/1981-82. It is further stated that said Sri. Papanna S/o Somappa bequeathed the suit schedule property in favour of his daughter Smt. Rathnamma towards her Arasina Kumkuma as sons of Sri. Papanna have no objections to effect katha into the name of their sister Smt. Rathnamma. Accordingly name of Smt. Rathnamma came to be mutated in revenue records as per RTP No. 7/1993-94.

3. Further it is stated that Smt. Rathnamma and her husband sold the an extent of 1 acre in favour of Sri. C. Kempegowda S/o Chikkannappa of Marasandra through registered sale deed dated: 17-07-1995. It is further stated that Rathnamma sold remaining extent of 1 acre 30 guntas in favour of Smt. Sarojamma W/o S. Jagadeesh under registered sale deed dated: 05-06-2003. The said Smt. Sarojamma W/o S. Jagadheesha and Sri. C. Kempegowda S/o Chikkannappa have jointly and collectively sold the entire extent of suit schedule property measuring 2 acres 30 guntas in favour of wife of plaintiff for valuable sale consideration through registered sale deed dated: 19-04-2006 and vacant possession of the suit schedule property had been handed over to the plaintiff's wife. That the name of plaintiff's wife came to be mutated in the concerned revenue records. It is further stated that since from the date of purchase family members of the plaintiff have been in peaceful possession and enjoyment of the suit schedule property. It is further stated that on 20-05-2010 wife of plaintiff namely Smt. Rathnamma died intestate on 20-05-2010 leaving behind plaintiff and her children to succeed her estate. Hence katha of the suit schedule property had been transferred in favour of plaintiff through IHR proceedings. Accordingly, mutation is effected in the name of plaintiff as per M.R No. 20/2010-2011. Hence the plaintiff and his children are continued in possession of the suit schedule property. Such being the factual situation on 19-06-2018 while plaintiff and his

children are doing agricultural work in the suit schedule property the defendants who are no way concerned to the suit schedule property are tried to interfere with the peaceful possession of the plaintiff over the suit schedule property. The plaintiff resisted the illegal acts with the help of his children and relatives. However, defendants went back by saying that they will come along with more men and material. Immediately plaintiff approached the jurisdictional police for lodging complaint against the defendants for their illegal acts, however police refused to receive the complaint as the matter is civil in nature and suggested to approach civil court. Hence this suit.

4. In spite of issuance of suit summons by court defendants No. 1, 2 and 7 have not appeared before this court. Hence they have placed ex parte. Defendants No. 3 to 6 have appeared before this court. But they have not filed any written statement. Hence the court has proceeded further. In order to prove the case, the plaintiff himself examined as PW.1 and got marked Ex.P1 to 27 documents.

5. Heard the arguments of learned counsel for the plaintiff.

6. For proper adjudication of the case, the following points arise for consideration :

1. Whether the plaintiff proves that he is in possession over the suit property as on the date of suit?

2. Whether the plaintiff proves that the alleged interference by defendants over suit schedule property?

3. Whether the plaintiff is entitled to the relief as sought for?

4. What Order or Decree?

7. In view of available materials and pleadings before the court, my findings on the above points are as follows:

Point No.1 : In the affirmative

Point No.2 : In the affirmative

Point No.3 : In the affirmative

Point No.4 : As per final order

for the following

:: R E A S O N S ::

8. **Point Nos.1 to 3** :- For the facts and circumstances of the suit is concern, these points are interlinked and they are taken up together for common discussion.

9. It is the contention of the plaintiff that plaintiff is the sole and absolute owner in peaceful possession, occupation, cultivation and enjoyment of the agricultural land measuring 2 acre 21 guntas, in Sy. No. 2/5 (old Sy. No. 2) situated at Kamenahalli village, Kundana Hobli, Devanahalli Taluk,

which is morefully described as suit schedule property. In order to establish the above facts, the plaintiff himself examined as PW1 and he reiterated above said averments in the examination in chief affidavit. The defendants herein did not contest the suit and cross examine PW1. At this juncture the sole testimony of PW.1 has remained unchallenged and believable one.

10. In order to prove the case on the basis of documentary evidence, the plaintiff has produced Ex.P1 to 27 documents. Ex.P1 is the certified copy of sale deed dated: 31-01-1977, Ex.P2 is the copy of sale deed dated: 17-07-1995, Ex.P3 is the copy of sale deed dated: 05-06-2003, Ex.P4 is the copy of sale deed dated: 19-04-2006, Ex.P5 is the M.R, Ex.P6 is the bhu hiduvali certificate, Ex.P7 to Ex.P12 are the tax paid receipts, Ex.P13 & Ex.P14 are the mutation registers, Ex.P15 is the encumbrance certificate, Ex.P16 to Ex.P26 are the RTC, Ex.P27 is the tax paid receipt.

11. The perusal of Ex.P1 it discloses that one Sri. Papanna has purchased the suit schedule property for valuable consideration through registered sale deed on 31-10-1977. Ex.P5 M.R proves that katha of the suit schedule property got mutated in favour of one Smt. Rathnamma W/o Sonnappa. Ex.P2 certified copy of registered sale deed dated: 17-07-1995 proves that above said Rathnamma W/o Sonnappa sold 1 acre of land out of 2 acre 30 guntas in

favour of one C. Kempegowda through registered sale deed on 17-07-1995. Ex.P3 certified copy of registered sale deed dated: 05-06-2003 proves that above said Rathnamma W/o Sonnappa sold 1 acre 30 guntas in favour of one Smt. Sarojamma. Ex.P4 certified copy of registered sale deed dated: 19-04-2006 proves that above said Sarojamma and Kempegowda jointly sold 2 acre 30 guntas of land in favour of one Smt. Rathnamma W/o Sonnappa.

12. Further Ex.P6 proves that concerned revenue authority has issued certificate stating that Smt. Rathnamma W/o Sonnappa is the owner of suit schedule property. Ex.P7 to Ex.P12 tax paid receipts proves that plaintiff has paid tax in respect of suit schedule property. Ex.P13 M.R proves that katha of the suit schedule property got transferred in favour of plaintiff. Ex.P19 to Ex.P26 RTCs proves that katha of the suit schedule property stands in the name of plaintiff.

13. Oral and documentary evidence produced by the plaintiff clearly proves that the plaintiff is in possession over the suit property as on the date of suit and having legal right on said property. Defendants have not contested the suit. Hence oral and documentary evidence produced by the plaintiff remained unchallenged. Hence there is no reason to dis believe the evidence of plaintiff. It is settled principle that standard of proof in civil cases is preponderance of probability and not beyond reasonable doubt. Accordingly,

under the aforesaid discussion I clearly hold that the plaintiff is in possession over the suit property and defendants are interfered the same. Hence, the plaintiff is entitled the equitable relief of permanent injunction from the hands of this court and as such **point No.1 to 3 are answered in the affirmative.**

14. **Point No.4:-** In view of the discussion and conclusion arrived on above points , the suit of the plaintiff is decreed with cost. Hence, I this court proceeds to pass following:

ORDER

The suit of the plaintiff is decreed with cost.

Defendants or anybody claiming under them are permanently restrained from interfering with the peaceful possession and enjoyment of the plaintiff over the suit property.

Office is directed to draw decree accordingly.

[Dictated to the Stenographer on line computer directly, corrected by me and then signed and pronounced in the Court this the 9th day of June 2026]

(Venkatesha N)
Addl. Civil Judge & JMFC.,
Devanahalli.

ANNEXURE**List of witnesses examined for plaintiff :-**

PW1 : Sri. Sonnappa

List of documents marked for plaintiff :-

Ex.P1 :Certified copy of sale deed dated: 31-01-1977,

Ex.P2 :Copy of sale deed dated: 17-07-1995,

Ex.P3 :Copy of sale deed dated: 05-06-2003,

Ex.P4 :Copy of sale deed dated: 19-04-2006,

Ex.P5 :M.R,

Ex.P6 :Bhu hiduvali certificate,

Ex.P7 to Ex.P12:Tax paid receipts,

Ex.P13 & Ex.P14:Mutation registers,

Ex.P15 :Encumbrance certificate,

Ex.P16 to Ex.P26:RTC,

Ex.P27 :Tax paid receipt.

List of witnesses examined for defendants :-

- NIL -

List of documents marked for Defendants :-

- NIL -

(Venkatesha N)
Addl. Civil Judge & JMFC.,
Devanahalli.

Order pronounced in open court vide separate

ORDER

The suit of the plaintiff is decreed with cost.

Defendants or anybody claiming under them are permanently restrained from interfering with the peaceful possession and enjoyment of the plaintiff over the suit property.

Office is directed to draw decree accordingly.

(Venkatesha N)
Addl. Civil Judge & JMFC.,
Devanahalli.