

KABR500081362023



IN THE COURT OF THE II ADDL.CIVIL JUDGE & J.M.F.C.,
AT : HOSAKOTE

PRESENT
SMT. SHILPASHREE.N.S.,
B.A.L., LL.B.,

DATED THIS THE 9th DAY OF APRIL - 2026

OS No.273/2023

Plaintiff : Mr. R.Riyaz,
S/o Syed Abdul Vaham,
Aged about 61 years,
R/at No.75/2,
Munegowda Garden,
7th Cross, Neelasandra,
Bengaluru South
Bengaluru 560 047.

(By Sri. Y.V.R., Advocate)

-V/s-

Defendants :

1. Sri. Pyaru Baig @ Gafar Baig,
S/o Kadar Baig,
Aged about 72 years.
2. Sri. Basha Baig,
S/o Sri Pyary Baig @ Gafar Baig,
Aged about 40 years.
3. Sri. Naseer Baig,
S/o Sri Pyary Baig @ Gafar Baig,
Aged about 38 years.

4. Sri. Fayaz Baig,
S/o Sri Pyary Baig @ Gafar Baig,
Aged about 36 years.

All are R/at Kattigenahalli Village,
Jadigenahalli Hobli,
Hoskote Taluk,
Bengaluru Rural District.

(Def. No.1 to 4 Ex-parte)

Date of institution of the suit	06.10.2023		
Nature of the suit	Permanent Injunction		
Date of commencement of recording of evidence	18.12.2024		
Date on which judgment is pronounced	09.04.2026		
Total Duration	Years	Months	Days
	02	05	18

(Sd/-)

II Addl. Civil Judge & J.M.F.C.,
Hosakote.

JUDGMENT

The Plaintiff has instituted this suit against the Defendants seeking the relief of a permanent injunction to restrain the Defendants, their agents, or anyone

claiming through them from interfering with the Plaintiff's peaceful possession and enjoyment of the Suit Schedule Properties and such other reliefs.

2. Brief facts of the case as contended by the Plaintiffs in plaint are as follows:

The plaintiff contended that, the plaintiff is the absolute owners in peaceful possession and enjoyment of land bearing Sy.No.15/1, measuring 1 Acre 11 Guntas including 1 Guntas of Karab, (2) Sy.No. 16, measuring 2 Acres 27 Guntas, including 4 Guntas of karab, both situated at Kattigenahalli Village, Jadigenahalli Hobli, Hoskote Taluk, Bengaluru Rural District, which are morefully described in the Schedule. Both properties are acquired under a Registered Gift Deed dated 11-8-2023 executed by his wife Smt. Mubeena Taj, registered as Document No.HSK-1-05893-2023-24, in Book-1, registered in the office of the Sub-Registrar, Hoskote.

3. The plaintiff further submits that, the wife of the plaintiff had purchased the suit schedule properties under a registered Sale Deed dated 22-11-2012, executed by Abdul Waheed and others registered as Document No.HSK-1-07801-2012-13, in Book-1, stored in C.D.No.HSKD321, registered on 27-11-2012 in the office of the ab-Registrar, Hoskote.

4. The plaintiff further submits that, pursuant to the above said sale deed, the wife of the plaintiff was put in peaceful possession and enjoyment of the suit schedule properties and the revenue records were mutated in her name vide M.R.H11/2012-12.

5. The plaintiff further submits that, the wife of the plaintiff has also obtained Patta and receipt book in her name and she was in peaceful possession and enjoyment of the suit schedule properties.

6. The plaintiff further submits that, thereafter the wife of the plaintiff has gifted the suit schedule

properties in favor of the plaintiff under the above said Gift Deed. Pursuant to the above said Gift Deed, the plaintiff is put in peaceful possession and enjoyment of the suit schedule properties and his name is mutated in the revenue records vide M.R.T6/2023-24 and the plaintiff has also obtained Patta and receipt book in his name.

7. The plaintiff further submits that, the plaintiff is in peaceful possession and enjoyment of the schedule properties without any let or hindrance and he has been paying up to date taxes and exercising all rights of ownership thereof.

8. The plaintiff further submits that, the plaintiff has not encumbered the suit schedule properties in favour of any third person.

9. The plaintiff further submits that, the defendants without having any manner of right, title or interest illegally attempted to interfere with the

plaintiff's peaceful possession and enjoyment over the suit schedule properties on 23-9-2023 along with their henchmen and tried to dispossess the plaintiff. However the plaintiff resisted the illegal acts of the defendants with the help of his well-wishers and friends. The defendants left the spot proclaiming that, they would return back with more men and see that the plaintiff would be dispossessed from the suit schedule properties and accordingly the defendants came near the suit schedule property on 2-10-2023 and again tried to interfere with the plaintiff's peaceful possession and enjoyment over the suit schedule properties and tried to illegally trespass into the suit schedule properties.

10. The plaintiff further submits that, plaintiff approached the jurisdictional police to lodge a complaint against the defendants. However the police refused to receive the complaint and advised the plaintiff to approach the Hon'ble Civil Court since the matter is civil in nature. Hence, without having any other

efficacious remedy, the plaintiff is approaching this Hon'ble court for the relief of injunction and other consequential reliefs.

11. The summons were duly served on the defendants. In spite of service of summons, the defendants remained absent and were placed ex-parte.

12. In support of the case, the plaintiff examined as Pw.1 by filing affidavit in lieu of his examination in chief, wherein he has reiterated the averments of the plaint. The Pw.1 in order to prove his case produced Ex.P1 to Ex.P6 documents. Since defendants placed ex-parte, cross of PW.1 and defendants' evidence is taken as nil.

13. Heard arguments by the Learned Counsel for the plaintiff and perused the materials placed before the Court.

14. This Court on perusal of the materials placed on record proceed to frame following points for consideration:

1. Whether the Plaintiff proves that he is in lawful and peaceful possession and enjoyment of the Suit Schedule Properties as on the date of the institution of the suit, by virtue of the Registered Gift Deed dated 11-08-2023 and subsequent revenue entries?
2. Whether the Plaintiff further proves that the Defendants, without any manner of right, title, or interest, attempted to illegally interfere with his peaceful possession and enjoyment of the Suit Schedule Properties on 23-09-2023 and 02-10-2023?
3. Whether the Plaintiff is entitled to the relief of a permanent injunction against the Defendants as prayed for in the suit?
4. What order or decree?

15. The findings of this Court on the above said 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 the final order
for the following:

REASONS

16. **POINT NO.1 to 3:-** These points are taken up together for discussion as they are interconnected to each other and in order to avoid the repetition of facts and evidence.

17. The Plaintiff has instituted this suit seeking the relief of a permanent injunction to protect his possession over the suit schedule properties. To establish his case, the Plaintiff has led oral evidence through his sworn affidavit as P.W.1 and produced substantial documentary evidence marked as Ex.P.1 to Ex.P.6. A perusal of these records reveals that the Plaintiff claims title and

possession by virtue of a Registered Gift Deed dated 11-08-2023 (Ex.P.1), which was executed by his wife, Smt. Mubeena Taj. The parent Sale Deed dated 22-11-2012 (Ex.P.6) further corroborates that the property was originally purchased by the Plaintiff's wife from one Abdul Waheed and others. These registered documents carry a presumption of validity under the law, and in the absence of any challenge or contrary evidence from the Defendants, this Court finds that the Plaintiff has established a lawful basis for his possession.

18. This Court has specifically taken note of the entries in the RTCs produced at Ex.P.2 and Ex.P.3, which describe the suit schedule properties as including certain extents of "Karab" land. Specifically, Item No. 1 contains 1 Gunta of Karab and Item No. 2 contains 4 Guntas of Karab. While it is a settled position of law that Karab land, particularly B-Karab, vests with the State for public utility and cannot be claimed as private property, this Court is presently concerned with a suit for permanent injunction based on settled possession. The revenue

records for the year 2023-24 clearly show the Plaintiff as the 'Anubhavadar' (possessor) of the entire extent of the survey numbers. While the Plaintiff's right over the Karab portion remains subject to the paramount title of the State and public usage, as against the Defendants who are private individuals with no demonstrated right the Plaintiff's settled and peaceful possession of the properties as a whole deserves protection from high-handed interference.

19. The Plaintiff's actual and peaceful possession is further fortified by the RTC extracts and the tax-paid receipts as Ex.P.2, 3 ,4 & 5. These documents indicate that the Plaintiff has been exercising rights of ownership and is recognized by the revenue authorities as the person in occupation. In a suit for injunction, the primary duty of the Court is to protect the person in possession as on the date of the suit. Since the revenue records consistently reflect the Plaintiff's name in the cultivation and possession columns, and such entries

have not been challenged by the Defendants, a strong presumption of possession arises in favor of the Plaintiff.

20. Regarding the second point for consideration, the Plaintiff has alleged specific acts of interference on 23-09-2023 and 02-10-2023. It is contended that the Defendants attempted to forcibly dispossess the Plaintiff and threatened him with further interference. Despite the service of suit summons, the Defendants No. 1 to 4 have remained absent and have been placed ex-parte. By failing to file a written statement or cross-examine P.W.1, the Defendants have allowed the Plaintiff's testimony regarding the interference to go unchallenged. Under the rules of evidence, facts that are not denied are deemed to be admitted. Therefore, this Court accepts the Plaintiff's version that there is a genuine threat to his peaceful enjoyment of the properties.

21. It is a well-established legal principle that the law respects possession and protects it against anyone who cannot show a better title. In the present case, the

Plaintiff has not only shown his possession but has also produced registered title deeds which remain undisputed. The Defendants have shown no right, title, or interest over the properties. If the Defendants are allowed to interfere with the Plaintiff's possession, it would lead to a failure of justice and cause irreparable injury to the Plaintiff. The protection of a permanent injunction is thus necessary to prevent the Defendants from taking the law into their own hands.

22. In view of the detailed appreciation of the oral and documentary evidence, particularly the Registered Gift Deed and the uncontroverted revenue records, this Court is of the opinion that the Plaintiff has successfully discharged the burden of proof. While the Plaintiff's possession over the Karab portions as noted in the RTCs is always subject to the rights of the Government and public utility, the Defendants have no legal standing to interfere with the same. Accordingly, this Court answers Points No. 1 to 3 in the Affirmative and proceeds to pass the final order.

23. **POINT No.4:-** In view of my answers to Point No.1 to 3, I proceed to pass the following order.

ORDER

The suit of the plaintiff is hereby decreed with cost.

The Defendants, their agents, or any person claiming through them are hereby permanently restrained from interfering with the Plaintiff's peaceful possession and enjoyment of the suit schedule property.

The pending I.A's if any are hereby disposed off accordingly.

Draw decree accordingly.

(Dictated to the Steno, transcribed by her, transcript revised, corrected by me and then pronounced in the open court on this the **9th** day of April **2026**)

(Sd/-)
II ADDL. CIVIL JUDGE & JMFC.,
HOSAKOTE

ANNEXURE**List of witnesses examined on behalf of Plaintiff :-**

PW-1 : Sri. Riyaz

List of documents marked on behalf of the Plaintiff:

Ex.P-1 : Original copy of the Gift Deed
dated:11.08.2023 ,

Ex.P-2 & 3 : RTC extracts,

Ex.P-4 & 5 : Tax receipts,

Ex.P-6 : Original copy of the sale deed extract dated
22.11.2012,

List of witnesses examined on behalf of Defendants:

-Nil-

List of documents marked on behalf of the Defendants:

-Nil-

(Sd/-)

II Addl. Civil Judge & J.M.F.C.,
Hosakote.