

KABR700028532025



IN THE COURT OF CIVIL JUDGE AND J.M.F.C.,
KRISHNARAJAPURA, BENGALURU RURAL DISTRICT.

Present

VISHWANATH SAVADI
B.A., LL.B.(Hon's)
CIVIL JUDGE AND J.M.F.C.,
KRISHNARAJAPURA.

ORIGINAL SUIT No.2681/2025.

Dated this the 27th day of March-2026

Plaintiff : 1. Kanika Swamy C.,
S/o Late Chinnappa,
Aged about 70 years,
R/at No.661,
Mandi Mariyappa Road,
Near Jehovah Cyber Cafe,
Mariyannapalya,
Bengaluru-560 024.

(BY Sri. S.M. Nagaraja., Advocate)

V/s

Defendants : 1. V. Muniyappa,
S/o Vallappa,
Aged about 70 years,

2. Muniraju,
S/o Muniyappa,
Aged about 46 years,

3. Shivamma,
W/o Late Chennappa S/o Late Valappa,
Aged about 60 years,
4. Munirathnamma,
W/o Late Chennappa S/o Late Valappa,
Aged about 56 years,
5. Jayalakshmi,
D/o Late Chennappa,
Aged about 46 years,
6. Ravichandra,
S/o Late Chennappa,
Aged about 33 years,
7. Prasanna Kumar,
S/o Late Chennappa,
Aged about 29 years,
8. Shanthamma,
W/o Late Muniswamy S/o late Vallappa,
Aged about 56 years,
9. Susheela,
W/o Late Muniswamy S/o late Vallappa,
Aged about 56 years,
10. Narasimhamurthy,
S/o Late Muniswamy,
Aged about 36 years,
11. Harish Kumar,
S/o Late Muniswamy,
Aged about 33 years,
12. Arun Kumar,
S/o Late Muniswamy,
Aged about 30 years,
13. Narasimappa,
S/o Late Vallappa,
Aged about 68 years,

14. Sadamma,
W/o late Vallappa,
Aged about 58 years,
15. Ambuja @ Channamma,
D/o Late Vallappa,
Aged about 56 years,

All are R/at Kothanur Village,
K.R. Puram Hobli,
Bangalore-560 077.

16. N. Yellappa,
S/o K. Nanjappa,
Aged about 63 years,
R/at No.23, 3rd Cross,
Jagadish Compound,
VST Road, Lingarajapuram,
St. Thomas Town Post,
Bangalore-560 084.
17. Muniraju E.,
S/o Erappa,
Aged about 53 years,
R/at No.112,
Near Diana Ice Cream Factory,
Meginapalya, Bangalore North,
Kalayan Nagar,
Bangalore-560 084.

(Placed ex-parte)

Date of Institution Suit : 19-09-2023

Nature of Suit : Suit for permanent injunction

Date of commencement
of recording of evidence : 17-03-2026

Date on which judgment is
pronounced : 27-03-2026

Total duration : Years Months Days
02 06 08

Vishwanath Savadi
Civil Judge and JMFC,
Krishnarajapura.

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

This Court, as per the notification from the Hon'ble Principal District and Sessions Judge, Bengaluru Rural District, bearing letter No. ADM/135/2007 dated 27.03.2025, has received the entire case file of Original Suit (OS) No. 1336/2023 from the Hon'ble Prl. Civil Judge, Bengaluru Rural District, dated 19.08.2025. Accordingly, this Court has assigned a new number to the said case, which is now renumbered as O.S.No.2681/2025.

2. The Plaintiff has filed this suit for permanent injunction against the defendants.

3. The averments of the plaint in brief are as follows:

It is the case of the plaintiff that he is the absolute owner in possession of the suit properties consisting of Site Nos. 214, which form part of Property No. 17, measuring East to West: 40 feet and North to South: 30 feet, of Byrathi Village, having acquired it through a registered sale deed dated 24-09-2015 from Mrs. Vani W/o Sathish. After the execution of the sale deed, the plaintiff's name was duly recorded in the revenue records, and he has continued to pay property taxes regularly to the BBMP. The defendants, having no right, title, or interest in

the suit properties, are interfering with the plaintiff's peaceful possession. Therefore, the plaintiff has filed the present suit seeking a permanent injunction to restrain the defendants from interfering with his lawful possession of the suit property.

4. Despite service of summons, the defendants neither appeared in person nor through counsel. Consequently, the Court ordered that the defendants be placed ex parte.

5. The plaintiff in order to prove his case, he got examined himself as PW1 and got marked documents as per Ex.P.1 to Ex.P.10 and closed his side.

6. Heard the arguments of learned counsel appearing for plaintiff and perused the material on record.

7. Upon hearing arguments and on perusal of material placed on record, following points arise for consideration of this Court are under;

POINTS

1. Whether the plaintiff proves that he was in lawful possession of the suit property as on the date of filing of the suit?
2. Whether the plaintiff proves that the defendants are attempting to interfere with his peaceful possession of the suit property?
3. Whether the plaintiff is entitled to the relief as sought for?

4. What order or decree?

8. The findings of this Court on above points are as follows:

POINT No.1 : In Affirmative.

POINT No 2 : In Affirmative.

POINT No 3 : In Affirmative.

POINT No.4 : As per the final order
for the following :

:REASONS:

9. POINT No.1 TO 3:- All the above points are interrelated and involve a common appreciation of the evidence and facts placed on record. The finding on Point No.1, regarding the plaintiff's ownership and possession of the suit schedule property, will have a direct bearing on the determination of the remaining points. Therefore, in order to avoid repetition of facts and overlapping analysis, this Court deems it appropriate to consider and discuss all the points together under a common discussion.

10. The plaintiff in order to establish his case, plaintiff himself examined as PW-1 and filed affidavit evidence in lieu of his examination in chief, wherein he deposed in consonance with the plaint averments. PW-1 in support of his oral evidence has got marked Ex.P-1 to Ex.P-10. Ex.P-1 is the Original Sale deed dated 24-09-2015, Ex.P.2 is the Form No.B, Ex.P.3 is the Original Sale deed dated 02-07-2015, Ex.P.4 is the Form B, Ex.P.5 is the 8 Tax paid receipts, Ex.P.6 is the photo, Ex.P.7 is

the CD, Ex.P.8 is the Electricity bill, Ex.P.9 is the Form B, Ex.P.10 is the Encumbrance certificate.

11. Ex.P.1 is the original registered sale deed dated 24-09-2015. Upon careful perusal of this document, it is evident that the plaintiff purchased the suit properties from Smt. Vani V. Ex.P.3 is the registered sale deed dated 02-07-2015. From this document, it is clear that the plaintiff's vendor, Smt. Vani V, had earlier purchased site—namely Site No. 214—from Sri Joseph Chacko, who was acting as the General Power of Attorney (GPA) holder of Smt. Bandiamma, wife of Late Valappa. This transaction was executed through separate registered sale deed.

12. Ex.P.10 is an Encumbrance Certificate for the period from 01-04-2004 to 05-09-2023, which confirms that there are no encumbrances or third-party claims affecting the title to the suit property. Ex.P.5 is the consists of 8 tax-paid receipts issued by the BBMP, showing that the plaintiff has continued to pay property tax in respect of the suit property, thereby indicating uninterrupted possession and enjoyment of the property. Ex.P.2 is the Form B that reflects the name of the plaintiff as the current owner of the suit property, following the execution of the sale deed. Ex.P.8 is the electricity bill that reflects the name of the plaintiff as the current owner of the suit property.

13. Collectively, Exhibits P-1 to P-10 clearly establish the lawful chain of title—beginning with the purchase of the property by the vendor of the plaintiff under Ex.P.3, and continuing with the transfer of ownership to the plaintiff through the sale deed (Ex.P.1). These documents also demonstrate continuous,

peaceful, and lawful possession by the plaintiff since the date of the sale deed. Importantly, the defendants have not placed any material on record to rebut or challenge the plaintiff's title or possession. As on the date of filing the present suit, the plaintiff remain in lawful possession of the suit property. His right to enjoy the property without obstruction or interference stands reinforced by the documentary evidence on record.

14. It is also significant to note that the evidence led on behalf of the plaintiff has remained entirely unchallenged and unquestioned throughout the proceedings. No contrary evidence was produced by the defendants to dispute the plaintiff's claims. In the absence of any rebuttal or contradictory material, there is no compelling reason for this Court to disbelieve the plaintiff's version that he sold the suit property and was in peaceful possession thereof at the time of filing the suit.

15. Further, the plaintiff has expressed reasonable apprehensions regarding possible interference by the defendants with his possession of the suit property. The settled principle in law is that when a person in lawful possession entertains a bona fide apprehension of unlawful interference, such apprehension is sufficient ground to grant a permanent injunction to protect possession. Considering all these aspects, including the unchallenged evidence on record and the totality of circumstances of the case, this Court has answered **Points No. 1 to 3 in the affirmative.**

16. POINT NO.4: For the aforesaid discussion, on point No.1 to 3, this Court proceeds to pass the following:-

-:: ORDER ::-

**The suit of the plaintiff is hereby
decreed with cost.**

**The defendants, their legal heirs,
henchmen, representatives, agents,
associates, assigns, attorney holders,
relatives etc, restraining them from
interfering with the peaceful
possession and enjoyment of the
plaintiff's suit schedule property.**

Decree be drawn accordingly.

(Dictated to the Stenographer directly on computer, typed
by her, corrected by me and then pronounced in the Open court
on this **27th day of March-2026**)

27-03-2026
Vishwanath Savadi
Civil Judge and JMFC,
Krishnarajapura.

ANNEXURE

1. Witnesses examined on behalf of plaintiffs:-

PW-1 : Kanika Swamy C.,

2. Documents exhibited on behalf of plaintiffs:-

Ex.P-1 : Original Sale deed dated 24-09-2015,

Ex.P-2 : Form No.B,

Ex.P-3 : Original Sale deed dated 02-07-2015,
Ex.P-4 : Form B,
Ex.P-5 : 8 Tax paid receipts,
Ex.P-6 : photo,
Ex.P-7 : CD,
Ex.P-8 : Electricity bill,
Ex.P-9 : Form B,
Ex.P-10 : Encumbrance certificate.

3. Witnesses examined on behalf of defendant:-

-Nil-

4. List of documents marked on behalf of the defendant:-

-Nil-

27-03-2026
Vishwanath Savadi
Civil Judge and JMFC,
Krishnarajapura.