



Form No. 9 (Civil)  
Title Sheet for  
Judgment in suits (R P  
91)

GOVERNMENT OF KARNATAKA  
TITLE SHEET FOR JUDGMENT IN SUITS

**IN THE COURT OF THE PRL. CIVIL JUDGE AND J.M.F.C.,  
AT GOWRIBIDANUR**

**Dated this 30<sup>th</sup> day of June 2026**

**:: PRESENT ::**  
**SRI. GANESHA.N**  
**M.A., L.L.B.,**  
**Prl. Civil Judge and J.M.F.C.,**  
**Gowribidanur**

**ORIGINAL SUIT NO.65/2014**

**Plaintiff/s :**

Smt. Mubeen Taj  
D/o Abdul Salam  
Aged about 42 years,  
R/at Kolume Galli,  
“C” Division of TMC,  
Gowribidanur Town.

**(Rep. by learned counsel Sri. I.N.N)**

**// Versus //**

**Defendant/s :**

Sri. Dada Peer  
S/o Abdul Salam Sab,  
Aged about 34 years,  
R/at Kolume Galli,  
“C” Division of TMC,  
Gowribidanur Town.

**(Rep. by learned counsel Sri. M.M)**



Date of institution of the suit : 20.02.2014

Nature of the suit : Perpetual Injunction

Date of the commencement of  
Recording of the evidence : 07.06.2022

Date of which the judgment  
was Pronounced : 30.06.2026

Total Duration : Year/s Month/s Day/s  
12 04 10

**Sd/-**  
**(GANESHA.N)**  
**Prl. Civil Judge and J.M.F.C,**  
**Gowribidanur.**

### **J U D G M E N T**

The plaintiff has instituted the present suit against the defendant seeking the relief of perpetual injunction, restraining the defendant, his men, agents, servants, henchmen or anybody claiming through or under him from interfering with her peaceful possession and enjoyment over the suit schedule property mentioned infra:

### **SUIT SCHEDULE PROPERTY**



An old and dilapidated mud roofed house (ruined) bearing old Assessment No.551/A and new Assessment No.597-A, situated at C-Division, Kolumi Road, Gauribidanur Town, measuring 15 x 24 feet (unfit for domicile purpose) and bounded as follows:

East by : House of Mahaboob;

West by : Galli and house of M.C. Thippaiah  
Setty;

North by: House of Syed Hussain;

South by: House of former owner Syed  
Abdulla.

## **2. The plaintiff's case in compendious:**

The plaintiff is an absolute owner in lawful possession and enjoyment of the suit schedule property bearing present Assessment No.597-A and she acquired the same under a registered sale deed dated 07-09-1998 for valuable consideration from its registered owner, vide document bearing SR No.1443/1998-99, registered in the office of the Sub-Registrar, Gauribidanur Taluk and pursuant to the said registered sale deed, the Municipal Authorities, TMC, Gauribidanur, have transferred the khatha and assessment in the name of the plaintiff and since the date of purchase, the plaintiff has been in actual lawful and settled possession and enjoyment of the suit schedule property. The defendant is a stranger to the suit



schedule property and has no manner of right, title, interest or possession over the same. However, without having any right, the defendant attempted to interfere with the plaintiff's peaceful possession and enjoyment by entering into the suit schedule property and by trying to keep a shed/dubba for tanning work without the consent or permission of the plaintiff. That on 02.02.2014, the defendant suddenly came near the suit schedule property along with a dubba shed and attempted to erect the same in the suit schedule property. At that time, the plaintiff raised hue and cry and prevented the illegal act of the defendant. Thereafter, the defendant left the said dubba by the side of the road and went away. The defendant is a financially influential person having men and material support and if he is not restrained, he may again attempt to put up the said dubba in the suit schedule property. Hence, the plaintiff has filed the present suit for permanent injunction.

**3.** After service of suit summons, the defendant appeared before the Court through his counsel. However, despite sufficient opportunity, the defendant has not filed his written statement. Therefore, there is no specific pleading on behalf of the defendant denying the title, possession and enjoyment of the plaintiff over the suit schedule property. However, the defendant has cross-examined PW.1.



4. In order to prove her case, the plaintiff examined herself as PW.1 and got marked Ex.P.1 to Ex.P.14.

5. Heard both sides and this Court perused the entire materials on record. Having heard arguments and having perusal of entire materials on record, the following points arise for determination of this Court:

#### **POINTS**

1. Whether the plaintiff proves that she is in possession and enjoyment of the suit schedule property as on the date of suit?
2. Whether the plaintiff proves the alleged interference by the defendant over the suit schedule property?
3. Whether the plaintiff is entitled for the relief of permanent injunction as prayed?
4. What order or decree?

6. Having regard to the entire materials on record, this Court answers Point Nos.1 to 3 in the **Affirmative** and Point No.4 as per final order for the following:

#### **REASONS**

7. **Point No.1:** The plaintiff has approached this Court seeking the relief of bare injunction. In a suit for permanent injunction, the plaintiff is required to establish lawful possession



over the suit schedule property as on the date of suit and the alleged interference by the defendant.

**8.** No doubt the entire testimony of P.W.1 remained unchallenged. However the burden still subsists on the plaintiff to prove all her contentions being taken in the plaint in order to avail the subject relief. It is settled position of law that the plaintiff cannot take advantage of absence or weakness of the defendants, the plaintiff has to stand on his own legs. The Hon'ble High Court of Madhya Pradesh in **Dhapu Bai and Others V/s Kundu MG and Others** reported in **ILR 2023 MP 1413**, held that *"It is well settled that the plaintiff has to prove his own case and would have to stand on his own legs. Merely because the defendant No.1 remained ex-parte and not filed any written statement, the claim of the plaintiff could not be decreed straightaway"*.

**9.** In the present case, the plaintiff has produced the registered sale deed dated 07-09-1998, marked as Ex.P.1. On perusal of Ex.P.1, it clearly discloses that the plaintiff purchased the suit schedule property for valuable consideration. The property described in Ex.P.1 tallies with the description of the suit schedule property mentioned in the plaint. The boundaries mentioned in Ex.P.1 are also substantially consistent with the plaint schedule. Therefore, Ex.P.1 is a material document which



supports the plaintiff's claim of lawful acquisition of the suit schedule property.

**10.** Further, Ex.P.2 property register extract, Ex.P.3 tax payment document, Ex.P.4 tax assessment extract and Ex.P.8 to Ex.P.13 tax paid receipts clearly show that the municipal records stand in respect of the suit schedule property and that tax has been paid by the plaintiff. These documents corroborate the plaintiff's possession and enjoyment over the suit schedule property.

**11.** The defendant, though appeared before the Court, has not filed any written statement. Therefore, there is no specific denial of the plaint averments. In the absence of written statement, the pleadings of the plaintiff regarding her lawful possession and enjoyment remain uncontroverted. Though the defendant has cross-examined PW.1, nothing material has been elicited to disbelieve the plaintiff's evidence regarding possession.

**12.** During cross-examination, PW.1 has admitted that her correct name is Syed Dadu. She has voluntarily stated that her full name is Mubeen Taj alias Syed Dadu. To explain the variation in her name, she has produced Ex.P.7 SSLC marks card and Ex.P.14 newspaper publication. Ex.P.7 shows her name as Mubeen Taj.S and Ex.P.14 shows public declaration regarding change of name from Mubeen Taj.S. to Mubeen Taj @ Syed Dadu. Therefore, the said minor variation in name does not affect the



identity of the plaintiff or her claim over the suit schedule property. Moreover, the defendant has not produced any document to show that he has any better right, title, possession or interest over the suit schedule property. In the absence of any rival document or rebuttal evidence, the oral and documentary evidence of the plaintiff deserves to be accepted. Accordingly, this Court is of the opinion that the plaintiff has successfully proved that she is in lawful and settled possession and enjoyment of the suit schedule property as on the date of suit. Hence, Point No.1 is answered in the **Affirmative**.

**13. Point No.2:-** The plaintiff has specifically pleaded that the defendant, without having any right, attempted to enter into the suit schedule property and tried to erect a dubba shed for tanning work. It is further pleaded that on 02-02-2014, the defendant came to the suit schedule property along with a dubba shed and attempted to put up the same. The plaintiff prevented the said act by raising hue and cry. The said pleading is supported by the oral evidence of PW.1. The defendant has not filed any written statement denying the said allegation. He has also not entered the witness box to deny the alleged interference. No rebuttal evidence is placed before this Court.

**14.** It is well settled that in a suit for injunction, actual interference or a real threat of interference is sufficient to grant the relief of permanent injunction, provided the plaintiff proves



lawful possession. In the present case, the plaintiff has established her lawful possession. The conduct of the defendant in not filing written statement and not placing any material before the Court further strengthens the case of the plaintiff. The Hon'ble High Court of Karnataka in **Jeevappa S/o. Neelappa Kurupi V/s. Sahebgouda S/o. Bapugouda Patil (R.S.A No.200379/2019 C/w R.S.A.No.200380/ 2019)** held that "*once the plaintiff is successful in proving his possession and enjoyment of the suit property and when the defendant has chosen to contest the suit, the interference on the part of the defendant could be inferred and the plaintiff is entitled for permanent injunction*". Therefore, this Court holds that the plaintiff has proved the alleged interference by the defendant. Hence, Point No.2 is answered in the **Affirmative**.

**15. Point No.3:-** The plaintiff has proved her lawful possession over the suit schedule property through Ex.P.1 to Ex.P.14. She has also proved the interference caused by the defendant. The defendant has failed to establish any right or possession over the suit schedule property. When the plaintiff is in settled possession of the property, she is entitled to protect such possession against interference by a person having no right over the property. The defendant, being a stranger to the suit schedule property, cannot interfere with the peaceful possession and enjoyment of the plaintiff except in accordance with law.



**16.** As discussed above, the plaintiff has successfully proved that she has been in possession and she also able to prove interference by the defendant and thus he is entitled for relief of perpetual injunction as sought for. The Hon'ble High Court of Karnataka in **Mohammad Hazi V/s Managing Director NEKRTC Central Office, Kalburgi** reported in **2016(4) KCCR 3369** held that "*Once possession is proved, it has to be protected by means of granting injunction*". Therefore, the plaintiff is entitled for the relief of permanent injunction as prayed. Hence, Point No.3 is answered in the **Affirmative**.

**17. Point No.4:-** In view of the findings on Point Nos.1 to 3, the suit of the plaintiff deserves to be decreed. Hence, this Court proceeds to pass the following:

**ORDER**

The suit of the plaintiff is hereby decreed  
with costs.

The defendant, his men, agents, servants, henchmen or anybody claiming through or under him are hereby permanently restrained from interfering with the plaintiff's peaceful possession and enjoyment over the suit schedule property.



Draw decree accordingly.

*(Dictated to the Stenographer, directly to the Computer and corrected and pronounced by me in the open court on this the 30<sup>th</sup> day of June 2026).*

**Sd/-  
(GANESHA.N)  
Prl. Civil Judge and J.M.F.C,  
Gowribidanur.**

**ANNEXURE**

**List of witnesses examined on behalf of plaintiff:**

PW.1 : Smt. Mubeen Taj

**List of witnesses examined on behalf of defendant:**

- N I L -

**List of documents exhibited on behalf of plaintiff:**

Ex.P1 : Sale deed dated 07.09.1998  
Ex.P2 : Property register extract  
Ex.P3 : Tax paid receipt  
Ex.P4 : Tax assessment extract  
Exs.P5 & 6: Electricity Bills  
Ex.P7 : SSLC Marks card of plaintiff  
Exs.P.8 to13: Tax paid receipts



Ex.P14 : Hosadigantha Kannada Daily News Paper  
dated 26.0.2022

**List of documents exhibited on behalf of defendant:**

- N I L -

**Sd/-  
(GANESHA.N)  
Prl. Civil Judge and J.M.F.C,  
Gowribidanur.**