



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 28th day of March 2026

:: PRESENT ::

SRI. GANESHA.N

M.A., L.L.B.,

**Prl. Civil Judge and J.M.F.C.,
Gowribidanur**

ORIGINAL SUIT NO.619/2025

Plaintiff/s :

Sri. N.K.Beerappa
S/o Krishnappa,
Aged about 52 years,
R/.at M.Nagenahalli village,
Manchenahalli Hobli,
Manchenahalli Taluk,
Chikkaballapur District.

(Rep. by Sri. V.C.G, Advocate)

// Versus //

Defendant/s :

Sri. Dawood
S/o Shaik Masthan,
Aged about 51 years,
R/at Kambathanahalli village,
Manchenahalli Hobli,
Manchenahalli Taluk,



Chikkaballapur District.

(Rep. by Sri. S.R.P, Advocate)

Date of institution of the suit : 17.10.2025

Nature of the suit : Perpetual Injunction

Date of the commencement of
Recording of the evidence : 04.02.2026

Date of which the judgment
was Pronounced : 28.03.2026

Total Duration : Year/s Month/s Day/s
-- 05 11

(GANESHA.N)
Prl. Civil Judge and J.M.F.C,
Gowribidanur.

J U D G M E N T

The plaintiff has instituted the instant suit against the defendant seeking the relief of perpetual injunction restraining the defendant, his men, agents, supporters or any person claiming under him from interfering with his



peaceful possession and enjoyment of the suit schedule property bearing Sy.No.161, measuring 4 Acres 20 guntas, out of the total extent of 155 Acres 12 guntas, described as Gomala land, situated at Dandiganahalli Village, Manchenahalli Hobli, Manchenahalli Taluk, bounded by:

East by : Hills
West by : Hills
North by : Hills
South by : Land of Sharadamma

2. The plaintiff's case in compendious:

The plaintiff is an absolute owner in peaceful possession and enjoyment of the suit schedule property since the year 1998 and he has been cultivating the suit property from 1998 onwards and he has applied for grant of the same on 14.12.1998 before the competent revenue authority and Taluk Office of Gowribidanur has assessed the suit property to tax and issued khatha in his favour and on the strength of such possession and enjoyment he has encumbered the



property and has been paying tax to the concerned authority. The defendant is a stranger to the suit property and has neither right, title, interest nor possession over the same, but has been attempting to lay claim over the suit property without any lawful basis. In spite of resistance by the plaintiff, the defendant continued to interfere with the plaintiff's possession, thereby constraining him to institute the present suit for perpetual injunction.

3. On service of suit summons, the defendant appeared through counsel and filed written statement. The defendant in his written statement has substantially admitted the case of the plaintiff to the extent that he has stated that the plaintiff is in possession and enjoyment of the suit property. The defendant further stated that he himself is in possession and enjoyment of another extent of four acres in the same survey number and that he has never disturbed



the possession of the plaintiff over the suit property. Hence, the defendant has prayed for decree the suit.

4. Having regard to the pleadings and other materials on record, this Court has framed the following:

ISSUES

- 1.** Whether the plaintiff proves that he is in possession and enjoyment over the suit schedule property as on the date of suit?
- 2.** Whether the plaintiff proves alleged interference by the defendant?
- 3.** Whether the plaintiff is entitled for relief of perpetual injunction as sought for?
- 4.** What order or decree?
- 5.** In order to prove his case, the plaintiff himself was examined as PW-1 and Exs.P1 to P4 documents got marked. In order to establish his case, the defendant examined



himself as DW.1. No documents were marked on behalf of the defendant.

6. Heard arguments advanced by the Learned counsel for suit parties and this Court perused the entire materials on record. Having heard arguments and having perused entire materials on record, this Court answered issues 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:

: R E A S O N S :

7. ISSUE NO.1: Contending that he has been in possession and enjoyment over the suit schedule property and complaining that the defendant has been trying to interfere with his possession over the suit schedule property,



the plaintiff has instituted the present suit seeking relief of perpetual injunction.

8. The P.W-1 in his examination-in-chief has recapitulated the averments of plaint. P.W-1 got marked as many as 4 documents as Exs.P.1 to 4. Exs.P.1 and 2 are the RTCs, Ex.P.3 is the endorsement dated 14.12.1998 and Ex.P.4 is the receipt dated 22.12.2018.

9. The D.W-1 in his examination-in-chief has recapitulated the averments of written statement. No documents were marked on behalf of the defendant.

10. The burden squarely lies upon the plaintiff to establish that as on the date of institution of the suit, he was in actual, lawful and peaceful possession of the suit schedule property. In a suit for perpetual injunction under Section 38 of the Specific Relief Act, 1963, the plaintiff must prove possession on the date of suit and a threat of invasion of that



right. Section 38 itself contemplates injunction where the defendant invades or threatens to invade the plaintiff's right or enjoyment of property.

11. The plaintiff as PW.1 has reiterated the plaintiff averments in his chief-examination and deposed that he has been cultivating the suit property since 1998, that he has applied for grant of the same, and that khatha and tax assessment stand in his favour. However, when the documentary evidence is scrutinized, it does not satisfactorily support the broad claim of ownership and lawful possession pleaded in the plaint.

12. Exs.P1 and 2 are the RTCs pertaining to Sy. No.161. These documents clearly disclose that Sy. No.161 measuring 155 Acres 12 guntas is classified as Gomala land. Thus, the very first and foremost documents relied upon by the plaintiff demonstrates that the land is Government Gomala land. The plaintiff's pleading that he is the "absolute



owner” of the suit schedule property stands unsupported by Exs.P1 and 2. On the contrary, Exs.P1 and 2 militates against the plea of private absolute ownership. If at all the plaintiff’s case is that he is in occupation and has applied for grant, that is a different matter. But a mere claim of occupation coupled with an application for grant cannot, by itself, ripen into ownership, nor can the Court presume grant unless there is a competent order of grant passed by the revenue authority.

13. Ex.P3 is the endorsement dated 14.12.1998 issued by the Tahsildar, Gowribidanur, showing that an application submitted by the plaintiff for grant of the property was received. This document only proves one limited fact, namely, that on 14.12.1998 the plaintiff submitted an application seeking grant and that such application was received. Ex.P3 does not show that the application was allowed. It does not show that grant proceedings were concluded in the plaintiff’s



favour. It does not show that occupancy, title, possession certificate, saguvali chit, or any order of regularization was issued to him. Hence, Ex.P3 cannot be construed as conferring any title or even as conclusive proof of lawful possession.

14. Ex.P4 is the application fee receipt showing payment of Rs.2,000/- said to have been made under Form No.57. This document again only proves payment of application fee. It does not prove that the plaintiff was granted the land. It does not prove mutation in his favour. It does not prove actual cultivation as on the date of the suit. It also does not prove exclusive possession over 4 Acres 20 guntas out of the larger extent.

15. Therefore, on a careful reading, Ex.P1 to Ex.P4 only show that the land is Gomala land and that the plaintiff had at some point of time applied for grant and paid application fee. These documents fall far short of proving



either absolute ownership or lawful settled possession as pleaded. The plaintiff has pleaded that khatha was issued in his favour, that the suit property was assessed to tax, that he has encumbered the property and has been paying taxes. If that were so, the best evidence would have been khatha certificate and khatha extract, tax paid receipts, mutation entries, pahani extracts showing cultivation, encumbrance certificate, photographs, mahazar, or neighboring witnesses regarding actual cultivation. However, none of these material documents are produced before the Court. When a plaintiff makes specific assertions regarding khatha, tax assessment, encumbrance, and continuous cultivation, but does not place the relevant records before the Court, an adverse inference necessarily arises against him.

16. It was strongly argued by the learned counsel for the plaintiff that the evidence of PW.1 has remained unchallenged and that the defendant in the written



statement and in evidence has substantially supported the plaintiff's possession. This Court is conscious of the principle that admissions are relevant and that unchallenged testimony ordinarily carries probative value. At the same time, it is equally well settled that a civil court cannot decree a suit merely on admissions if the foundational legal requirements for the relief are absent or if the record itself shows that the plaintiff has failed to establish the legal character of his possession.

17. In the present case, the suit schedule property forms part of a larger extent admittedly recorded as Gomala land in Exs.P1 and 2. The plaintiff himself relies upon that RTCs. Therefore, even if the defendant does not seriously contest possession, the Court is still bound to examine whether the plaintiff has proved such possession in the manner known to law and whether such possession is of a



character that can be protected by a decree of perpetual injunction.

18. The Hon'ble Supreme Court in **Anathula Sudhakar v. P. Buchi Reddy** reported in **AIR 2008 SC 2033** explained the principles governing suits for bare injunction, including that where the plaintiff is in lawful possession and such possession is interfered with, a suit for injunction may lie; but where title is under a cloud or the plaintiff cannot establish a clear right to possession, the proper remedy may require more than a bare injunction suit.

19. Here, the plaintiff has gone to the extent of pleading "absolute ownership," yet he has produced no grant order or title document. On the contrary, his own documents show that he had only applied for grant of Gomala land. Therefore, his assertion of absolute ownership is not proved. Even the assertion of lawful possession is not satisfactorily supported by reliable revenue material except an RTC



showing Government classification of the larger survey number.

20. The classification of the survey number as Gomala land is of considerable significance. Where the land is admittedly Government/Gomala land, and the plaintiff bases his claim merely on an application for grant, the Court cannot lightly presume lawful possession. A mere pending or past application for grant does not vest title. Nor does payment of application fee create any legal interest in immovable property. Accordingly, this Court holds that the plaintiff has failed to prove that he was in lawful and peaceful possession and enjoyment of the suit schedule property as on the date of the suit. Thus, this Court answered Issue No.1 in the **Negative**.

21. ISSUE NO.2: The second requirement in a suit for perpetual injunction is proof of actual or threatened interference. A mere vague allegation is not enough. The



plaintiff must show some overt act, attempt, obstruction, threat, or conduct amounting to invasion of his right to enjoyment of the property. In the plaint, the plaintiff has alleged that the defendant, being a stranger, was making efforts to lay claim over the property and interfere with his possession. However, beyond this general assertion, there is no documentary or corroborative evidence. No complaint lodged before police or revenue authorities is produced. No independent witness from the village or neighboring lands is examined.

22. More importantly, the written statement of the defendant specifically states that he has never disturbed the possession of the plaintiff. Even in his evidence as DW.1, the defendant has not admitted any interference. His version is that his own four acres in the same survey number is situated adjoining the suit property and that he has not interfered.



23. When once the plaintiff has failed to prove his lawful possession over the suit schedule property as on the date of the suit, the very foundation for seeking the relief of injunction collapses. Consequently, the question of examining the alleged interference by the defendant does not survive for consideration, as proof of possession is a sine qua non for adjudicating interference. Therefore, on the material placed before this Court, the allegation of interference remains unsubstantiated and remained not proved. Hence, this Court answered Issue No.2 in the **Negative**.

24. ISSUE NO.3: As discussed above the plaintiff failed to establish actual and lawful possession as on the date of suit and interference or threat of interference by the defendant. Neither of these ingredients has been satisfactorily proved in the present case. The Court cannot decree the suit merely because the defendant has not mounted a vigorous contest. The Court must still be satisfied



that the plaintiff has made out a legal case for relief under Section 38 of the Specific Relief Act.1963. Therefore, the plaintiff is not entitled for any relief of perpetual injunction as sought for. Thus, this Court answered issue No.3 in the **Negative.**

25. ISSUE NO.4:- In view of the discussions made on issue Nos.1 to 3, this Court proceeds to pass the following:

ORDER

The suit of the plaintiff is hereby
dismissed with costs.

Draw decree accordingly.

*(Dictated to the Stenographer, typed by her, then corrected and pronounced by me in the open court on this the **28th day March 2026**).*

(GANESHA.N)
Prl. Civil Judge and J.M.F.C,
Gowribidanur.

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

P.W-1 : K.N.Beerappa

List of witnesses examined on behalf of defendant:

D.W-1 : Dawood

List of documents exhibited on behalf of plaintiff:

Exs.P.1 and 2 : RTCs

Ex.P.3 : Endorsement dated 14.12.1998

Ex.P.4 : Receipt dated 22.12.2018

List of documents exhibited on behalf of defendant:

- NIL -

(GANESHA.N)
Prl. Civil Judge and J.M.F.C,
Gowribidanur.