



IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC.,
GOWRIBIDANUR

Dated this the 13th day of July- 2026

: : PRESENT : :

SMT.GEETHA KUMBAR.K.B.

B.A. LL.B., LL.M.,
Senior Civil Judge & JMFC.,
GOWRIBIDANUR.

O.S.No.121/2021

PLANTIFFS :

1. Smt. Jayalakshamma,
W/o late Muddappa,
Aged about 63 years.

2. Smt. Chayadevi,
D/o late Muddappa,
Aged about 36 years.

3. Sri. M Nagaraja,
S/o late Muddappa,
Aged about 33 years.

All are residing at
D. Palya Village,
D. Palya Hobli,
Gowribidanur Taluk,
Chikkaballapura.

[Reptd.by Sri. H.L.V., Advocate]

-VS-

DEFENDANTS :

1. Sri. Krishnappa,
S/o late Mariyanna,
Aged about 70 years,
R/at D.Palya Village,
D Palya Hobli
Gowribidanur-Taluk
Chikkaballapur-District

2. Sri Abdul Khadar
S/o Ibrahim,
Aged about 70 years,
R/at B.Bommasandra-Village
D.palya Hobli,
Gowribidanur-Taluk
Chikkaballapur-Dist

3. Sri. Samiullah,
S/o late Abdul Khaddar,
Aged about 42 years.

4. Sri. Aslaam,
S/o late Abdul Khaddar,
Aged about 40 years.

5. Sri. Dastgir Sab,
S/o late Abdul Khaddar,
Aged about 38 years.

6. Sri. Rafiullah,
S/o late Abdul Khaddar,
Aged about 36 years.

Defendant No.3 to 6 is
R/at D. Palya- Village
and Hobli, Gowribidanur Taluk,
Chikkaballapur-District.

(Defendant No.1 and 2:- Exparte)

(Proposed Defendant No. 3 to 6:- by Sri. K.S., advocate)

Nature of the suit	Declaration and Permanent Injunction.
Date of Institution of suit	07.08.2021
Date of commencement of Evidence	12.02.2026
Date of pronouncement of judgment	13.07.2026
Total Duration	Year/s Month/s Day/s 04 11 06

(GEETHA KUMBAR.K.B.)

Senior Civil Judge and JMFC.,
Gowribidanur

J U D G M E N T

The plaintiffs have filed this suit for declaration of their title, right and possession over the suit schedule properties by virtue of registered sale deed dated 30.05.1950 and registered partition deed dated 16.02.1967, with consequential reliefs of permanent injunction and for costs.

2. The brief facts of the Plaintiff case is that: -

It is averred by the plaintiffs that, the grand father of

plaintiff no.2,3 and father-in-law of plaintiff no.1 by name Gangadharappa S/o Chilamatturu Nanjappa has purchased the land in Sy.No. 78 to an extent of 6 acres from his vendor for consideration under registered sale deed dated 30.05.1950 with registration No. 538/1950-51. By virtue of sale deed Gangadharappa S/o Chilamatturu Nanjappa was in possession and enjoyment of entire extent of 6 acres along with his family members. After the death of Gangadharappa and his wife, partition was taken place between Muddappa S/o Gangadhappa and Nanjappa S/o Jullappa on 16.02.1967 under a registered partition deed No. 3088/1966-67. Under the said partition the suit schedule Sy.No. 78 for an extent of 4 acres fallen to the share of Muddappa and another extent of 2 acres fallen to the share of Nanjappa S/o Jullappa. The old Sy.No. 78 was phoded and renumbered as Sy.No.78/1 to an extent of 1 acre 24 guntas, Sy.No.78/2 to an extent of 5 acres 2 guntas including 1 acre 27 guntas kharab land, Sy.No. 78/3 to an extent of 38 guntas and land in Sy.No. 78/4 to an extent of 2 acres 10 gutnas including 7 guntas Kharab.

3. It is further submitted that, the land in Sy.No. 78/1 to an extent of 1 acre 24 guntas has been in possession and enjoyment of the plaintiffs. However, the RTC pertaining to said property has been entered in the name of defendant No.1 without any valid title and

possession. Further the plaintiffs are in possession and enjoyment of item No.2 bearing Sy.No. 78/2 to an extent of 1 acre 15 guntas. The plaintiffs are also in possession and enjoyment of land in Sy.no. 78/3 to an extent of 38 guntas. However, the RTC pertaining to said property had been entered in the name of defendant No.2 without any source of title or possession.

4. In spite of it the defendants without having any manner of right, title and lawful possession and enjoyment of suit schedule properties are trying to interfere with the possession and enjoyment of the suit property. The defendants are also trying to disposes the plaintiffs from the possession of the suit schedule properties. The plaintiffs are poor and innocent. They are unable to resist the illegal acts of the defendants. The defendants have men, money, bad elements and political influence.

5. The cause of action for the suit arose on the first week of July-2021 at Shamannakere Village, D. Palya Hobli, Gowribidanur Taluk, when the defendants tried to encroach into the suit schedule properties by denying the right, title and possession of the plaintiffs over the suit schedule properties. Hence, the suit.

6. On service of suit summons the defendant No.1 and 2 remained absent and they were placed as ex-parte.

The defendant No.3 to 6 appeared through their counsel. However, they did not chose to file written statement in spite of giving opportunities.

7. To substantiate their case, the plaintiff No.3 examined himself as PW.1 and got marked nine documents as per Ex.P.1 to Ex.P.9 and closed their side.

8. Heard arguments by Sri.H.L.V., advocate for plaintiffs. Perused the materials on record.

7. From the above pleading of the plaintiff, the following points arise for my consideration;

1) Whether the plaintiffs proves that, they are in absolute possession and enjoyment of the suit schedule properties?

2) Whether the plaintiffs prove that the alleged interference by the defendants?

3) Whether the plaintiffs they are entitled for relief as sought?

4) What order or decree?

8. My findings on the above points are as follows;

Point No.1 : In the Negative

Point No.2 : In the Negative

Point No.3 : In the Negative

**Point No.4 : As per my final order
for the following.**

:: REASONS ::

9. Point No.1 to 3:- These points are inter linked with each other and requires common discussion. Hence, these points are taken altogether for common discussion in order to avoid repetition of facts.

10. The plaintiffs have filed this suit for to declare the right to possession over the suit schedule properties and also sought for an order of permanent injunction to restrain the defendants in respect of suit schedule properties. The plaintiff No.3 was examined as PW-1 and got marked 9 documents as Ex.P1 to Ex.P9. In order to prove the relationship between themselves the plaintiffs have produced the G.Tree which shows that the plaintiff No.1 is wife of Muddappa and plaintiff No.2 and 3 are the children of plaintiff No.1 and Muddappa. Here the relationship of the parties with the Gangadharappa and Muddappa is not disputed. Hence, considering the same does not arise.

11. The plaintiffs alleged that Gangadharappa S/o Chilamatturu Nanjappa the land in Sy.No. 78 to an extent of 6 acres from his vendor under registered sale deed dated 30.05.1950. The original sale deed produced with Ex.P2 shows that Gangadharappa S/o Chilamatturu Nanjappa has purchased to an extent of 2 acres in Sy.No. 78 from

Shanbhog Venktachalaiah S/o Thippaiah and Venkataramaiah and others for consideration. It is further stated that after the death of Gangadharappa S/o Chilamatturu Nanjappa the suit property and other properties had been divided between Muddappa S/o Nanjappa S/o Julappa. The said Julappa is non other than the son of Julappa who is the brother of Chilamatturu Nanjappa. In order to prove the partition the plaintiffs have produced the registered partition deed dated 16.07.1967 as Ex.P3 which shows that joint family properties including the suit schedule properties where the partition between Muddappa S/o Chilamattur Nanjappa and Nanjappa S/o Julappa .

12. Ex.P2 and 3 establishes that the land in Sy.No. 78 to an extent of 6 acres was purchased by Gangadharappa S/o Chilamatturu Nanjappa and after his death Muddappa S/o Gangadharappa and Jullappa S/o Nanjappa got divided the properties. Wherein the suit schedule properties were fallen to the share of Muddappa S/o Chilamatturu Nanjappa. It is further alleged that the defendant No.1 and 2 without having any manner of right and title over the suit schedule properties got entered his name in the mutation pertaining to suit properties.

13. In support of their arguments the plaintiffs have produced the Tippani copy and sketch pertaining to re-

survey number 78 and RTC extract pertaining to 78 for several years. The copy of RTC and sketch marked as Ex.P4. On perusal of the RTC and sketch pertaining to re-survey number 78 which shows that the land in re-survey number 78 was phoded and katha of the properties were mutated as per MR No. 638-639/1967-68, MR No. 635/1967-68, MR No. 634/1967-68. Though the said documents is not proper but it clearly establishes that the property had been phoded in favour of defendant No.1 and 2 and Muddappa S/o Gangadharappa. After the said mutation the katha pertaining to respective courts as are entered in the name of defendant No.1 and 2. The RTC extract produced at Ex.P6 to 9 shows that Sy.No. 78/1 is standing in the name of defendant No.1, Sy.No. 78/2 to an extent of 1 acre 58 guntas is standing in the name of deceased Muddappa S/o Gangadharappa. The land in Sy.No. 78/3 is standing in the name of defendant No.2 as per Ex.P8 and in Sy.No. 78/4 to an extent of 2 acres 3 guntas is standing in the name of Nanjappa S/o Jullappa as per Ex.P9.

14. On perusal of Ex.P4 to Ex.P9 it is forthcoming that the land in Sy.No. 78 is phoded and the defendants No.1 and 2 as well as husband of plaintiff No.1 have got mutated the khatha in the respective names. Though the plaintiffs alleged that the defendant No.1 and 2 have got entered their names in respect of suit schedule property without any

source of title and possession. They have failed to established that on what ground and how the katha of the suit properties mutated in their names. The documents produced by the plaintiffs, it is clearly establishes that the plaintiffs have not disclosed the real facts before the court and trying to obtain the order of injunction as well as title over the suit property by misleading the court. Though the evidence adduced by the plaintiff is un remain and uncontraverted it does not make to decree the suit automatically. When the plaintiffs approached this court seeking for declaration of title and permanent injunction the burden is on them to prove the same by disclosing the real facts and circumstances before the court.

15. On perusal of the oral and documentary evidence adduced by the plaintiffs this court is of the opinion that the plaintiffs have failed to prove that they are in absolute possession and enjoyment of the suit schedule properties being the absolute owners. Therefore, considering the facts and circumstances of the case, the plaintiffs are not entitled for the relief as sought for them. Hence, I **answered point No.1 to 3 in the Negative.**

16. Point No.4: Considering my answers to the Points No. 1 to 3, I proceed to pass the following:-

ORDER

**The suit of the plaintiffs is
hereby dismissed with cost.**

Draw decree accordingly.

(Dictated to the Stenographer, typed by her on computer and corrected by me, then pronounced in the open Court on this day **13th day of July-2026**)

(GEETHA KUMBAR.K.B.)
Senior Civil Judge and JMFC.,
Gowribidanur.

:: ANNEXURES ::**1. List of witnesses examined on behalf of Plaintiff:-**

PW-1 :- M. Nagaraj

2. List of exhibits marked on behalf of Plaintiff:-

Ex.P1 : Genealogical Tree

Ex.P2 : Original registered sale deed
dated 30.05.1950

Ex.P3 : Unregistered partition deed
dated 16.07.1967

Ex.P4 : RTC and Sketch

Ex.P5 : C/c of handwritten RTC extract

Ex.P6 to P9 : RTC Extracts

3. List of witnesses examined on behalf of Defendants.

-NIL-

4. List of exhibits marked on behalf of Defendants.**-NIL-**

(GEETHA KUMBAR.K.B.)
Senior Civil Judge & JMFC.,
GOWRIBIDANUR.