



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 CIVIL JUDGE AND JMFC.,
AT GUDIBANDE**

Dated this the 8th day of June 2026

:: PRESENT ::

SRI. GANESHA.N

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

**C/C. Civil Judge and JMFC.,
Gudibande**

ORIGINAL SUIT NO.128/2024

Plaintiff/s : Smt.Gangarathna.N.
W/o Siddappaji R.N
Aged about 48 years
R/at.Flat No.102, Orlando Lake view,
Ashoka Pillar road, 2nd Block,
Jayanagar, Bangalore
**(Represented by learned counsel
Sri.TCA.)**

// Versus //

Defendant/s : Sri.Shankar.R
S/o K.P.Rajan,
Aged about 46 years
R/at.Kumbena Agrahara,
Kadugodi plantation,
Bangalore

**EXPARTE**

Date of institution of the suit : 08-04-2024

Nature of the suit : Permanent Injunction

Date of the commencement of
Recording of the evidence : 07-12-2024

Date of which the judgment
was Pronounced : 08-06-2026

Total Duration : Year/s Month/s Day/s
02 02 --

(GANESHA.N)
C/C. Civil Judge and J.M.F.C.,
Gudibande

J U D G M E N T

This suit is filed by the plaintiff seeking the relief of perpetual injunction restraining the defendant, his heirs, relatives, agents, servants, representatives, contractors, attorneys, assignees or anybody claiming through him from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property.

The brief facts of the plaintiff's case are that,



2. The suit schedule property bearing Sy. No.356/18 measuring 30 guntas situated at Doddanancherlu Village, Somanahalli Hobli, Gudibande Taluk, Chikkaballapura District originally belonged to one Chinnappaiah S/o Gangappa. The said Chinnappaiah sold the suit property in favour of T.N. Nanjundachari under a registered sale deed dated 24.05.2006. In pursuance of the sale deed, the revenue records were mutated in the name of T.N. Nanjundachari. It is further contended that T.N. Nanjundachari, out of love and affection, executed a registered Gift deed in favour of his wife Smt. Yashodhamma on 10.12.2019 and consequently the revenue records were mutated in her name. Thereafter, Smt.Yashodhamma executed a registered Gift deed dated 17.04.2021 in favour of the plaintiff. On the basis of the said gift deed, the revenue authorities mutated the katha and RTC in the name of the plaintiff. According to the plaintiff, since the execution of the Gift deed, she has been in peaceful possession and enjoyment of the suit schedule property and has been cultivating various crops therein. It is specifically pleaded that, during the relevant agricultural season, she cultivated Ragi crop in the suit property. The



plaintiff contends that, though she is residing in Bengaluru and is unable to frequently visit the property, she has been managing and supervising the agricultural operations through local arrangements. The plaintiff further contends that, the defendant is a complete stranger to the suit property and has no manner of right, title or interest over the same. It is alleged that during the last week of March 2024, the defendant along with his supporters attempted to trespass into the suit property and interfere with the plaintiff's possession. It is also alleged that the defendant threatened the plaintiff and attempted to take unlawful possession of the property by taking advantage of the fact that the plaintiff resides in Bengaluru. Hence, apprehending unlawful interference, the plaintiff instituted the present suit seeking the relief of perpetual injunction.

3. After institution of the suit, summons was duly served upon the defendant. In spite of service of summons, the defendant failed to appear before the Court. Consequently, he was placed ex parte.

4. In order to prove her case, the plaintiff has examined herself as PW-1 and has reiterated the



averments made in the plaint. One witness has examined as PW-2. The oral testimony of PWs-1 and 2 has remained unchallenged and unrebutted as the defendant has not chosen to cross examine the PWs.1 and 2.

5. Heard the arguments advanced by the learned counsel for the plaintiff. This Court has carefully perused the oral and documentary evidence available on record. Upon hearing the arguments and on appreciation of the entire materials placed before the Court, the following points arise for determination:

POINTS

1. Whether the plaintiff proves that she is in lawful and peaceful possession and enjoyment of the suit schedule property as on the date of institution of the suit?
 2. Whether the plaintiff further proves the alleged interference by the defendant with her possession and enjoyment of the suit schedule property?
 3. Whether the plaintiff is entitled for the relief of perpetual injunction as sought?
 4. What order or decree?
6. My findings on the above 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 final order for the following:

REASONS

7. **Point Nos.1 to 3:** Since these points are interconnected and arise out of the same set of facts, they are taken up together for common discussion in order to avoid repetition. The plaintiff has examined herself as PW-1 and has reiterated the averments made in the plaint. The oral testimony of PW-1 has remained unchallenged and unrebutted as the defendant has chosen to cross examine the PW.1.

8. To substantiate her claim, the plaintiff has produced documentary evidence at Ex.P1 to Ex.P13.

9. Ex.P4 is the registered sale deed dated 24.05.2006 executed in favour of T.N. Nanjundachari in respect of the suit schedule property. The said document evidences the transfer of ownership of the suit property from its previous owner in favour of T.N. Nanjundachari. Ex.P5 is the mutation register extract showing mutation



of revenue records in the name of T.N. Nanjundachari in pursuance of the registered sale deed. The said document corroborates the Ex.P4.

10. Ex.P3 is the registered gift deed executed by T.N. Nanjundachari in favour of his wife Yashodhamma. Ex.P6 is the mutation extract reflecting transfer of revenue records in the name of Yashodhamma. These documents establish the subsequent transmission of interest in favour of Yashodhamma.

11. Ex.P1 is the registered gift deed dated 17.04.2021 executed by Yashodhamma in favour of the plaintiff. Ex.P9 is the mutation register extract showing mutation of the suit property in the name of the plaintiff in pursuance of gift deed. Ex.P7 and Ex.P8 are RTC extracts standing in the name of the plaintiff.

14. The cumulative effect of Ex.P1 to Ex.P9 clearly establishes the chain of title and possession flowing from the original owner to T.N. Nanjundachari, thereafter to Yashodhamma and finally to the plaintiff. Though the present suit is one for bare injunction and not for declaration of title, the said documents are relevant to



examine the nature and legality of the plaintiff's possession.

15. The RTC extracts standing in the name of the plaintiff carry a presumption regarding possession unless rebutted by contrary evidence. In the present case, there is absolutely no evidence on record to disbelieve the entries reflected in the revenue records.

16. Ex.P10 to Ex.P12 are photographs and Ex.P13 is the compact disc. These documents demonstrate that the suit property is agricultural land and support the plaintiff's contention regarding cultivation of crops therein.

17. Apart from the evidence of PW-1, the plaintiff has examined an independent witness namely Gopalappa as PW-2. PW-2 has supported the case of the plaintiff regarding her possession and enjoyment of the suit schedule property. The testimony of PW-2 also remains unchallenged and unrebutted.

18. It is well settled that in a suit for perpetual injunction relating to immovable property, the primary consideration is possession as on the date of institution



of the suit. The plaintiff is required to establish lawful possession and interference by the defendant. In the present case, the oral evidence of PW-1 and PW-2 coupled with Ex.P1 to Ex.P13 sufficiently establish that the plaintiff was in lawful possession and enjoyment of the suit schedule property on the date of filing of the suit.

19. The defendant, inspite of service of summons, remained absent and did not contest the proceedings. No written statement has been filed. No evidence has been adduced to dispute either the plaintiff's possession or the alleged interference. Therefore, the evidence led by the plaintiff remains uncontroverted.

20. The allegations regarding interference by the defendant have been specifically pleaded in the plaint and reiterated by PW-1 in her evidence. In the absence of any rebuttal evidence, there is no reason to disbelieve the testimony of PW-1. The circumstances placed before the Court indicate a genuine apprehension of interference with the plaintiff's possession.

21. Accordingly, this Court is of the considered opinion that, the plaintiff has successfully established her lawful possession over the suit schedule property and



has further proved interference by the defendant. Consequently, she is entitled to the equitable relief of perpetual injunction. Accordingly, Point Nos.1 to 3 are answered in the Affirmative.

22. Point No.4: In view of the findings recorded on Point Nos.1 to 3, this court proceed to pass the following;

ORDER

The suit of the plaintiff is hereby decreed with costs.

The defendant, his heirs, legal representatives, agents, servants, contractors, attorneys, assignees or anybody claiming through him are hereby permanently restrained from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property bearing Sy.No.356/18 measuring 30 guntas situated at Doddanacheluru Village, Somanahalli Hobli, Gudibande Taluk, Chikkaballapura District.

Draw decree accordingly.

(Dictated to the Stenographer directly to the computer, corrected and then pronounced by me in the open court on this the 8th day of June 2026)



(GANESHA.N)
C/C. Civil Judge and J.M.F.C,
Gudibande

ANNEXURE

List of witnesses examined on behalf of plaintiff:

P.W-1 : Smt.Gangarathna.N

List of documents exhibited on behalf of plaintiff:

Ex.P-1 : Registered Gift deed dated 17/4/2021
Ex.P-2 : Encumbrance certificate
Ex.P-3 : Registered Gift deed dated 30/11/2016
Ex.P-4 : Registered sale deed dated 24/5/2006
Ex.P-5-6 : Mutation extracts
Ex.P-7-8 : RTC extracts
Ex.P10-12 : Photographs
Ex.P13 : CD

List of witnesses examined on behalf of defendant:

NIL

List of documents exhibited on behalf of defendant:

NIL



(GANESHA.N)
C/C. Civil Judge and J.M.F.C,
Gudibande

Operative portion of the judgement
(vide separate)

**ORDER**

The suit of the plaintiff is hereby decreed with costs.

The defendant, his heirs, legal representatives, agents, servants, contractors, attorneys, assignees or anybody claiming through him are hereby permanently restrained from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property bearing Sy.No.356/18 measuring 30 guntas situated at Doddanacheluru Village, Somanahalli Hobli, Gudibande Taluk, Chikkaballapura District.

Draw decree accordingly.

(GANESHA.N)
C/C. Civil Judge and J.M.F.C,
Gudibande

