

KACD320017382022



**IN THE COURT OF ADDL. CIVIL JUDGE
AND JMFC, AT HIRIYUR**

Present :- **Shridhara, H.D.,**
B.A. L.L.B,
Addl. Civil Judge & JMFC,
Hiriyuru.

Dated: this 02nd day of April, 2026

O.S. No.165 / 2022

PLAINTIFF/S : 1) Hanumappa H.V,
S/o Veerabhadrapa,
Aged about 68 years,
R/o N.H.I.G.B, 5th main road,
Yalahanka New Town,
Bengalure.

(By Sri.H.P., Advocate)

//Versus//

DEFENDANTS: 1) Parameshwarchar. E
S/o Ishwarchar,
Aged about 65 years,
Agriculturist,
R/o Balenahalli village,
Imangala Hobli, Hiriyur Taluk,
Chitradurga District.

2) Partasarathi.N
S/o C.Shivalingappa,
Aged about 42 years,
Agriculturist,

R/o Infront of Housing Board,
R.B.N.School, Vedavati Nagar,
Hiriyur.

(By Sri. K.S.L., Advocate)

1.	Date of institution.	12.07.2022		
2.	Nature of the Suit.	Permanent Injunction		
3	Date of commencement of recording evidence	05.07.2023.		
4.	Date of closing of recording evidence	18.01.2025.		
5.	Judgment pronounced	02.04.2026		
6.	Total duration.	Year/s 03	Month/s 08	Day/s 21

**C/C Addl. Civil Judge & JMFC.,
Hiriyur.**

J U D G M E N T

The plaintiff has filed the suit for the relief of permanent injunction against the defendant.

2. The brief facts of the case of plaintiff are as follows:-

It is the case of the plaintiff that the suit schedule property is his ancestral property and he and his ancestors

were in peaceful possession and enjoyment of the same by growing corn, ragi and other crops. The plaintiff further states that there already exists a 36 feet wide Dambar road and there is no necessity for any pathway through the suit schedule property. When the plaintiff was not in the village, the defendants tried to form a footpath in the suit schedule property during night time in the east-west direction. When the plaintiff questioned the defendants, they picked up a quarrel. The plaintiff lodged a police complaint, and the police advised him to approach the Civil Court. The plaintiff contends that the defendants have no manner of right, title or interest over the suit schedule property. In spite of that, they are trying to form a footpath and interfere with the plaintiff's possession. Hence, the plaintiff prayed to decree the suit and grant permanent injunction.

3. After service of summons, the defendant No.1 and 2 have appeared through their counsel and filed written statement.

4. Gist of the written statement is as follows:-

The defendants have filed written statement and denied the plaint averments except those which are specifically admitted. The defendants have admitted that the plaintiff is the owner and in possession of the land bearing Survey No. 215/1 measuring 3 acres 26 guntas situated at Hemadala Village, Almangala Hobli, Hiriur. The defendants contend that one Uma Devi is the owner of land in Survey No. 214/2, the 1st defendant is the owner of land in Survey No. 213/1, and the 2nd defendant is the owner of land in Survey No. 213/10 and also Survey No. 214/1. The defendants further contend that in order to reach their lands, they have to go from the PWD road situated on the southern side of the suit schedule property and thereafter through an existing pathway to reach their lands. The said pathway is shown in the village map (Naksha). The defendants have no alternative way to reach their lands except the said pathway. The defendants contend that they have not formed any new road as alleged by the plaintiff. On the other hand, the plaintiff is obstructing the defendants from using

the existing pathway. Therefore, the defendants prayed to dismiss the suit with costs.

5. On the basis of pleadings and materials available on record, the issues are framed as under:-

ISSUES

1. Whether the plaintiff proves that, he is in possession of suit schedule property?
2. Whether the plaintiff proves that, his possession and enjoyment is interfered by the defendants?
3. Whether the plaintiff is entitled for the relief sought for?
4. What Order or decree?

6. In order to prove his case the, plaintiff is examined as PW-1 and got marked 8 documents as Ex.P1 to Ex.P.8 and on his behalf a witness has been examined as PW.2 and closed his side evidence. Despite taking sufficient time the defendants also not led any evidence.

7. Perused the materials available on record and written arguments of plaintiff. Despite taking sufficient opportunities, the defendants not address the arguments.

8. After careful scrutiny of evidence and material available on record, the findings of this Court to the above Issues are as follows:

ISSUE No.1 : In the Affirmative,

ISSUE No.2 : In the Affirmative,

ISSUE No.3 : In the Affirmative,

ISSUE No.4 : As per final order,

for the following: -

REASONS

9. ISSUE No.1:- The plaintiff has filed the present suit seeking the relief of permanent injunction. In a suit for bare injunction, the plaintiff has to prove that he was in lawful and peaceful possession of the suit schedule property as on the date of filing of the suit.

10. To prove the case, the plaintiff by name Hanumappa H.V is examined himself as PW.1 by filing affidavit in lieu of his chief examination. In support of his oral evidence, he produced 8 documents at Ext.P-1 to 8. Out of the documents produced by

the plaintiff, Ex.P.1 is the copy Information letter issued by the assistance executive engineer, Ex.P.2 is the Two sketch of Hemadala village, Ex.P.3 is the Letter to Tahasildar, Ex.P.4 is the RTC extract of Sy.No.215/1 for the years 2021-22, Ex.P.5 is the copy of M.R.No.H138/2011-12, Ex.P.6 is the RTC extract of Sy.No.213/1P2, for the years 2019-20, Ex.P.7 is the RTC extract of Sy.No.212/2, for the years 2021-22, Ex.P.8 is the Two photographs, Ex.P.8(a) is the one C.D.

11. From the oral and documentary evidence, it is clear that the defendants have admitted the ownership and possession of the plaintiff over the suit schedule property. The plaintiff has produced RTC extracts at Ex.P4 and Ex.P6 and Mutation Register extract at Ex.P5, which show that the suit schedule property stands in the name of the plaintiff and he is in possession of the same. The defendants have not produced any documents to dispute the possession of the plaintiff. Further, the defendants have not cross-examined PW1 and have not led any evidence on their behalf. Therefore, the oral and documentary evidence of the plaintiff remains unchallenged. Hence, this Court holds that the plaintiff has proved that he is in peaceful possession and

enjoyment of the suit schedule property. Accordingly, **Issue No.1** is answered in the **Affirmative**.

12. Issue No.2: The defendants themselves have contended that they are using the suit schedule property as a pathway to reach their lands. This itself shows that the defendants are interfering with the possession and enjoyment of the plaintiff. The defendants have contended that there exists a pathway in the suit schedule property, but they have not produced any document, sketch, or village map to show the existence of such pathway. Therefore, the contention of the defendants cannot be accepted. The materials on record clearly show that the defendants are trying to form or use a pathway in the suit schedule property. The same amounts to interference with the peaceful possession and enjoyment of the plaintiff. Accordingly, **Issue No.2** is answered in the **Affirmative**.

13. Issue No.3: Since the plaintiff has proved his peaceful possession and enjoyment over the suit schedule property and also proved the interference by the defendants, the plaintiff is entitled for the relief of permanent injunction as sought in the plaint. Accordingly, **Issue No.3** is answered in the **Affirmative**.

14. ISSUE No.4:- In view of discussion on issue No 1 to 3, this Court proceed to pass the following :-

ORDER

The suit of the plaintiff is hereby decreed with costs.

The defendants, their agents, servants, or anybody claiming through them are hereby permanently restrained from forming any footpath or road in the suit schedule property and from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property.

Draw decree accordingly.

(Dictated to the stenographer directly on Desk-top, the same is corrected by me and then pronounced by me in the open Court on this the 02nd day of April, 2026)

(Sri.Shridhara. H.D.)
C/C Addl. Civil Judge & JMFC,
Hiriyur.

ANNEXURES

List of the Witnesses examined on behalf of Plaintiff:

P.W.1 : Hanumappa H.V.
P.W.2 : Chandrashekar.N.

List of the Documents marked on behalf of Plaintiff:

- Ex.P.1 : Copy of Information letter issued by the
Assistance Executive Engineer,
- Ex.P.2 : Two sketch of Hemadala village,
- Ex.P.3 : Letter to Tahasildar,
- Ex.P.4 : RTC extract of Sy.No.215/1 for the years 2021-22,
- Ex.P.5 : Copy of M.R.No.H138/2011-12,
- Ex.P.6 : RTC extract of Sy.No.213/1P2 for the years 2019-20,
- Ex.P.7 : RTC extract of Sy.No.212/2 for the years 2021-22,
- Ex.P.8 : Two photographs,
- Ex.P.8(a) : One C.D.

List of the Witnesses examined on behalf of Defendants:

-----Nil-----

List of the Documents marked on behalf of Defendants:

-----Nil-----

**C/C Addl. Civil Judge & JMFC,
Hiriyur.**