

KACD510017252023



Presented on : 05-09-2023
Registered on : 05-09-2023
Decided on : 02-05-2026
Duration : 2 years, 7 months, 27 days

**IN THE COURT OF ADDITIONAL CIVIL JUDGE & JMFC
AT HOSADURGA**

PRESENTS

Smt. Thrinethra M.N
M.A. L.L.B.,
Addl. Civil Judge and J.M.F.C,
Hosadurga.

Original Suit No.450/2023

DATED THIS 02nd DAY OF MAY -2026

PLAINTIFFS :

Smt. Gangamma
W/o Late. Rajappa,
D/o. Hanumanthappa,
Aged about 46 years,
Occupation: Agriculturist &
housewife,
R/o. 1st Yalayakappanahatti village,
Kasaba Hobli,
Hosadurga taluk,
Chitradurga district,

Now R/o. Mugali village,
Ajjampura taluk,
Chikkamagaluru district.

(Rep. By Sri. GNP/DNM, Advocate)

Versus

DEFENDANTS:

1. Sri. Siddappa,
S/o. Mylarappa,
Aged about 75 years,
Agriculturist,
2. Sri. Onkarappa,
S/o Mylarappa,
Aged about 60 years,
3. Smt. Lakshamma,
W/o Dasappa,
Aged about 80 years,
4. Sri. Mallikarjun,
S/o. Dasappa,
Aged about 45 years,

All are Agriculturist, R/at 1st
Yalayakappanahatti village,
Kasaba Hobli,
Hosadurga taluk,
Chitradurga district,

**(Def. No.1 and 2 Rep. By Sri. MSS,
Advocate)**

(Def. No.3 and 4 placed Ex-parte)

Date of Institution of the suit.	05.09.2023
Nature of the suit.	Permanent Injunction
Date of the commencement of recording of the evidence.	16.04.2026
Date on which the Judgment was pronounced.	02.05.2026
Total Duration	Year/s Month/s Day/s 02 07 27

**(THRINETHRA M. N)
Addl. Civil Judge & JMFC.,
Hosadurga.**

J U D G M E N T

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

2. Brief facts of the case are as under:

It is specific case of the plaintiff's that, plaintiff is the owner and in possession of the land bearing Re.Sy.No.21/1 measuring 4 Acres bounded towards East-pond(kere), West-road, North-land of Shashikala and Dasappa and South-land of Gangamma and Onkarappa situated at Bokikere village, Kasaba Hobli, Hosadurga taluk. The said property is subject the matter of the suit hereinafter referred as "**suit property**".

3. It is the further case of the plaintiff that, she is the absolute owner in possession of the suit schedule property and that the same is her ancestral property. It is contended that the grandfather of the plaintiff, namely Thimmappa, and his brothers had, during their lifetime, effected a partition of the joint family properties, in which the suit property and other properties fell to the share of Thimmappa.

After the death of Thimmappa, the suit property devolved upon the father of the plaintiff, namely Hanumanthappa, as

ancestral property. During his lifetime, Hanumanthappa was in possession and enjoyment of the suit schedule property. It is further stated that Hanumanthappa had only one daughter, i.e., the plaintiff herein.

It is the further case of the plaintiff that she and her father were jointly enjoying the suit schedule property during his lifetime. After the demise of Hanumanthappa, the suit schedule property devolved upon the plaintiff as his sole legal heir.

The plaintiff further contends that the khata of the suit schedule property has been changed to her name as per M.R. No. 22/2021-22. Consequent to the change of khata, the RTC has also been mutated in her name. Since then, the plaintiff has been in peaceful possession and enjoyment of the suit schedule property.

It is the allegation of the plaintiff that the defendants are strangers to the suit schedule property and have no right, title, or interest over the same. In spite of this, the defendants have been attempting to interfere with the plaintiff's peaceful possession and enjoyment of the suit schedule property. It is specifically alleged that during the second week of August 2023,

the defendants caused interference, thereby giving rise to the cause of action to file the present suit.

Hence, the plaintiff has filed the present suit seeking the relief of permanent injunction restraining the defendants, their men, agents, servants, or any person claiming through or under them from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property.

4. After service of suit summons, Defendant Nos. 1 and 2 appeared through their counsel and filed vakalath. However, Defendant Nos. 3 and 4 failed to appear before the Court and were placed ex parte. Defendant Nos. 1 and 2 have not filed their written statement.

5. In order to prove her case, the plaintiff examined herself as PW.1 and filed her affidavit evidence reiterating the plaint averments. The plaintiff has produced documents, namely RTC extract marked as Ex.P1 and Mutation Register extract marked as Ex.P2.

6. The documents relied upon by the plaintiff is given in the annexure of this Judgment.

7. The defendants have not adduced any evidence.

8. Heard the arguments of the learned counsel for the plaintiff.

Perused the entire material available on record.

9. Upon hearing arguments and on materials placed on record, the following Points that would arise for consideration:

POINTS

1. Whether the plaintiffs are entitled to the reliefs as sought for?
 2. What Order or Decree?
10. My findings to the above Points are as under:

Point No.1 : In the Affirmative.

Point No.2 : As per final order for the following :

REASONS

11. **Point No.1**:- It is the specific case of the plaintiff that she is the absolute owner in possession of the suit schedule property through inheritance. It is further contended that the defendants, who have no manner of right, title, or interest over the suit schedule property, are illegally and high-handedly interfering with the peaceful possession and enjoyment of the plaintiff. Hence, the present suit is filed.

12. In order to substantiate their case, the plaintiff examined himself as PW-1 and filed his affidavit evidence reiterating the plaint averments. In support of his claim, the plaintiff has

produced the following documents: RTC extract for the year 2023-2024 in respect of land bearing Re-Sy.No.21/1 measuring 4 acres situated at Bokikere Village – marked as Ex.P1 and Mutation registered extract – markes as Ex.P.2.

13. The defendant no 3 and 4 have not appeared before the Court and defendant no 1 and 2 have not cross-examined PW-1. Hence, the oral and documentary evidence adduced by the plaintiff remains unchallenged and unimpeached.

14. The Ex P 2 clearly discloses that the suit property fell to the plaintiff. Further, Ex.P1 (RTC extract) stands in the name of the plaintiff, and her name appear in Column No.9. These documents clearly establish that the plaintiff is in possession and enjoyment of the suit property.

15. Therefore, the oral and documentary evidence produced by the plaintiffs is sufficient to hold that they are in possession and enjoyment of the suit property. Consequently, the defendants are liable to be restrained from causing any kind of interference with the plaintiffs' peaceful possession and enjoyment of the suit property. **Accordingly, Point Nos.1 are answered in the Affirmative.**

16. **Point No.2**:- In view of findings on point No.1, this court proceed to pass the following:

ORDER

Suit of the plaintiff is hereby decreed in following terms.

The relief of permanent injunction is also granted in favour of plaintiff.

Consequently, the defendants, their men, agents, servants, or any persons claiming through or under them are permanently restrained from interfering in any manner with the plaintiff's peaceful possession and enjoyment of the suit properties, except in accordance with due process of law.

No order as to costs.

Draw decree accordingly.

(Dictated to the stenographer, transcribed by her, corrected by me, then pronounced in the open court on this the 02nd day of May 2026)

(THRINETHRA M. N)
Addl. Civil Judge & JMFC.,
Hosadurga.

ANNEXURES

List of Witnesses examined on behalf of Plaintiffs:

P.W.1 : Smt. Gangamma

PW.2 : Sri. Manjunath

List of Documents marked on behalf of Plaintiffs:

Ex.P-1 : RTC extract in Sy.No.21/1

Ex.P-2 : Copy of mutation register

Ex.P-3 : News paper

List of Witnesses examined on behalf of Defendants :

--Nil--

List of Documents marked on behalf of Defendants:

--Nil--

**(THRINETHRA M. N)
Addl. Civil Judge & JMFC.,
Hosadurga.**