

KACD510018722025



Presented on : 25-06-2025  
Registered on : 25-06-2025  
Decided on : 01-04-2026  
Duration : 9 months, 03 days

**IN THE COURT OF PRL. CIVIL JUDGE AND JMFC AT  
HOSADURGA, CHITRADURGA**

**Presided Over by PRASANNA KUMAR C., B.A.L.,LL.B.,  
Prl.Civil Judge & JMFC, Hosadurga.**

**Dated this the 1<sup>st</sup> day of April, 2026**

**O.S.No./365/2025**

**Between:**

**Smt.Muddamma  
W/o Rangappa,**  
Aged about 78 years,  
Agricultural and House wife,  
Resident of Machenahalli Village,  
Kasaba Hobli,  
Hosadurga Taluk  
Chitradurga District.

**...Plaintiff**

(By **Sri.C.G.Raghavendra,** *Advocate for Plaintiff*)

**And:**

1. Sri.Chowdappa  
S/o Malali Chikkanna,  
Aged about 68 years,  
Agriculturist
2. Sri.Shivanna S/o Dummanna,  
Aged about 50 years,

Agriculturist,

Defendant No.1 and 2 are  
residing at K.K.Hatti Village,  
M.G.Dibba,  
Kasaba Hobli,  
Hosadurga Taluk  
Chitradurga District

3. Sri.Shivappa S/o Nagappa,  
Aged about 70 years,  
Agriculturist,  
Resident of Machenahalli Village,  
Kasaba Hobli,  
Hosadurga Taluk,  
Chitradurga District

**..Defendant**

**(Ex-Parte)**

Date of institution of the suit	20.06.2025
Nature of the suit	Suit for Declaration and Mandatory injunction
Date of commencement of recording evidence	02.03.2026
Date on which the Judgment is pronounced	01.04.2026
Duration	9 months, 3 days

Sd/-  
(Prasanna Kumar C. )  
Pri.Civil Judge & JMFC.,  
Hosadurga.

**JUDGMENT**

This suit is filed by the plaintiff against the defendants seeking for the relief of declaration to declare that the plaintiff is the owner of the suit schedule "A" property and for mandatory injunction to direct the defendant No.1 to hand

over the encroached 0-04.08 guntas which is described as “B” schedule property, defendant No.2 to hand over the encroached 0-02 guntas which is described as “C” schedule property and defendant No.3 to hand over the encroached 0-03.08 guntas which is described as “D” schedule property in favour of the plaintiff. The suit schedule properties are described as under:

**“A” SCHEDULE**

A land bearing old Re.Sy.No.18/1P, New No.18/5 measuring 1 acre, situated at achenhalli Village, Kasaba Hobli, Hosadurga Taluk and bounded as follows:

- East by : Land of Shivanna S/o Karenagappa
- West by : Land of Mangajji Thippeshappa
- North by : Land of T.Manjappa
- South by : Land of Holige Hanumanna

**“B” SCHEDULE**

An land bearing old Re.Sy.No.18/1P, New No.18/5 measuring 1 acre, the defendant No.1 encroached area of 0-04.08 guntas towards eastern side situated at Machenhalli Village, Kasaba Hobli, Hosadurga Taluk and bounded as follows:

- East by : Land of Shivanna S/o Karenagappa
- West by : Remaining land of plaintiff
- North by : Land of T.Manjappa
- South by : encroached are of the defendant No.3

**“C” SCHEDULE**

An land bearing old Re.Sy.No.18/1P, New No.18/5 measuring 1 acre, the defendant No.2 encroached area of 0-02 guntas towards Northern side situated at Machenhalli Village, Kasaba Hobli, Hosadurga Taluk and bounded as follows:

East by : Land of Shivanna S/o Karenagappa  
West by : Land of Mangajji Thippeshappana  
North by : Land of T.Manjappa  
South by : Remaining land of plaintiff

**“D” SCHEDULE**

An land bearing old Re.Sy.No.18/1P, New No.18/5 measuring 1 acre, the defendant No.3 encroached area of 0-03.08 guntas towards eastern side situated at Machenhalli Village, Kasaba Hobli, Hosadurga Taluk and bounded as follows:

East by : Land of Shivanna S/o Karenagappa  
West by : Remaining land of plaintiff  
North by : Encroached area of the defendant No.1  
South by : Land of Holige Hanumanna.

**The brief facts leading to the present suit are as under:**

2. It is the case of the plaintiff that, the plaintiff is the lawful owner of the suit schedule “A” property bearing old Re.Sy.No.18/1P and New No.18/5 measuring 1 acre in total. The plaintiff has purchased the suit schedule “A” property

from one Sri. Hanumanthappa and his son Virupakshappa of M.G. Dibba Village through Registered sale deed dated 07.06.1999 for valuable consideration. After purchase of the suit schedule "A" property on the strength of registered sale deed the plaintiff has filed application before the Tahasildar, Hosadurga for change of katha in his name. As per the said application, the Thahasildar of Hosadurga has changed the katha of the suit schedule "A" property in favour of plaintiff. Ever since the date of purchase the plaintiff has been in possession and enjoyment of the same without disturbance from anybody in her own right as absolute owner by paying land revenue to the concerned revenue authorities regularly.

3. It is further contended by the plaintiff that, the defendants are the strangers to the suit schedule "A" property and they have no lands in the suit schedule Re.Sy.No.18. The defendants by colluding with each other illegally have encroached upon the portion of the Suit Schedule 'A' Property. The defendant No.1 has encroached about 0.04.08 guntas of suit schedule "A" property towards eastern side described as Suit Schedule 'B' Property, the defendant No.2 has encroached about 0.02 guntas of suit schedule "A" property towards eastern side which is described as Suit Schedule 'C' Property and the defendant No.3 has encroached about 0.03.08 guntas of suit schedule "A" property towards northern side which is described as Suit Schedule 'D' Property.

4. It is further contended by the plaintiff that, she has filed application before the Survey Department for Haddubasthu of the suit schedule "A" property. On 17.02.2025 the Surveyor has measured the suit schedule "A" property and prepared sketch in the presence of defendant No.1 and submitted report showing the encroachment made by the defendants and prepared Haddubastu sketch and report. As such, the plaintiff has requested the defendants to vacate the encroached area in the suit schedule "A" property, but the defendants flatly refused and harassed the plaintiff. The defendants are highly influential persons having political background. Therefore, the plaintiff has given complaint before the Hosadurga Police against the defendants. The police have received the complaint and issued endorsement dated 27.05.2025, but they have not taken any steps in respect of complaint of plaintiff against the defendants. Hence, the plaintiff has filed this suit for declaration and mandatory injunction.

5. On due service of summons, all the defendants remained absent. Accordingly, the defendants are placed Ex-Parte. As such the claim of the plaintiff remained unchallenged.

6. Basing of plaint, the following points would arise for consideration of the court.

#### **POINTS**

- 1] Whether the plaintiff is entitled to the reliefs as sought for?

2] What order or decree?

7. In order to establish the case of the plaintiff, the plaintiff got herself examined as PW.1 and got marked 9 documents as Ex.P1 to Ex.P.9. The plaintiff has also examined two more witnesses by name Sri.Jnaneshwara N S/o Nagalingappa as PW-2 and Sri.Rajappa T S/o Kare Thimmappa as PW-3 and closed her side. Since the defendants are placed Ex-Parte, the evidence adduced by the plaintiff remained unquestioned and unrebutted.

8. Heard the arguments. On the basis of pleadings, oral and documentary evidence adduced by the plaintiff, coupled with all the materials available on record, answer of this court to the above points is as under:

Point No.1 : In the Affirmative  
Point No.2 : As per final order  
for the following,

### **REASONS**

9. **Point No.1:** This suit is filed by the plaintiff for the relief of declaration to declare that the plaintiff is the owner of the suit schedule "A" property bearing old Re.Sy.No.18/1P New Sy.No.18/5 measuring 1 acre situated at Machenahalli Village, Kasaba Hobli, Hosadurga taluk and for mandatory injunction to direct the defendant No.1 to hand over the encroached 0-04.08 guntas which is described as "B"

schedule property, defendant No.2 to hand over the encroached 0-02 guntas which is described as “C” schedule property and defendant No.3 to hand over the encroached 0-03.08 guntas which is described as “D” schedule property in favour of the plaintiff.

10. In order to establish the same, the plaintiff has got herself examined as PW.1, filed affidavit in lieu of her examination-in-chief and reiterated the plaint averments. It is deposed by PW-1 that, the plaintiff has purchased the suit schedule “A” property from one Sri.Hanumathappa and his son Virupakshappa of M.G.Dibba Village, through registered sale deed dated 07.06.1999 which is marked as Ex.P-1. As per the said sale deed the khatha is also changed in her name as per order in MR No.T65/2019-20. Accordingly, the name of plaintiff is entered in the RTC extract as per Ex.P-2 RTC extract. Ex.P-3 to 5 are RTC extracts of neighboring land owners.

11. It is further deposed by the PW-1 that, the defendants without any right, interest or possession over the suit schedule “A” property have encroached upon different extents in the suit schedule “A” property. Accordingly, the plaintiff has given application for Haddubasthu of Suit Schedule ‘A’ Property as per Ex.P-6. Basing on the same, the the surveyor has conducted the survey and prepared report, sketch and Haddubastu as per Ex.P-8 thereby confirming the encroachment made by the defendant No.1 to 3. On going

through the Ex.P-8 report, it is clear that, the defendant No.1 has encroached about 0.04.08 guntas of suit schedule "A" property towards eastern side described as Suit Schedule 'B' Property, the defendant No.2 has encroached about 0.02 guntas of suit schedule "A" property towards eastern side which is described as Suit Schedule 'C' Property and the defendant No.3 has encroached about 0.03.08 guntas of suit schedule "A" property towards northern side which is described as Suit Schedule 'D' Property.

12. It is deposed that prior to conducting the said survey notice was also issued to the plaintiff, defendants and adjacent land owners and it is deposed that Defendant No.1 was also present at the time of survey. As per Ex.P-9 Mahazar was also conducted at the time of conducting local inspection and measurement of the suit schedule 'A' property. As a result the surveyor has confirmed the encroachment of land by the defendant as stated above. The PW-2 and 3 have also deposed supporting the case of the plaintiff regarding ownership of plaintiff over the Suit Schedule 'A' Property and subsequent encroachment made by the defendants.

13. On the other hand, the defendants failed to appear before the court despite due service of summons. As such, the defendants have failed to conduct cross-examination of PW-1 and 3 and not adduced any evidence on their behalf by placing cogent materials before this court to disbelieve the version of plaintiff and her witnesses. Under the

circumstances adverse inference is drawn against the defendants. However, the plaintiff has also produced sufficient materials before this court to establish that she is the owner of suit schedule "A" property and the The defendant No.1 has encroached about 0.04.08 guntas of suit schedule "A" property towards eastern side described as Suit Schedule 'B' Property, the defendant No.2 has encroached about 0.02 guntas of suit schedule "A" property towards eastern side which is described as Suit Schedule 'C' Property and the defendant No.3 has encroached about 0.03.08 guntas of suit schedule "A" property towards northern side which is described as Suit Schedule 'D' Property. As already stated above, the defendants failed to rebut the evidence by placing cogent materials in order to contest the claim of the plaintiff. Therefore, on appreciation of both oral and documentary evidence, this court comes to the conclusion that the plaintiff has established her claim. Hence, she is entitled to the relief of declaration and mandatory injunction as sought for. Therefore, the suit deserves to be decreed. Accordingly, this court answered Point No.1 in the ***Affirmative***.

14. **Point No.2:** For the foregoing reasons and discussions made above, this court proceed to pass the following:

**ORDER::**

- The suit of the plaintiff is hereby decreed with costs.
- It is declared that the plaintiff is the owner of the suit

schedule “A” property.

- Further, an order of Mandatory injunction is issued thereby directing the defendant No.1 to hand over the encroached portion of 0.04.08 guntas of suit schedule “A” property towards eastern side described as Suit Schedule ‘B’ Property; the defendant No.2 is directed to hand over the encroached portion of 0.02 guntas of suit schedule “A” property towards eastern side which is described as Suit Schedule ‘C’ Property; and the defendant No.3 is directed to hand over encroached portion of 0.03.08 guntas of suit schedule “A” property towards northern side which is described as Suit Schedule ‘D’ Property, within 2 months from the date of this order.
- Failing which, the plaintiff is at liberty to take recourse under law to get the possession of suit schedule “B to D” properties from the respective defendants.
- Draw decree accordingly.

(Dictated to the stenographer, transcribed by her, transcription corrected by me and then pronounced in the open court on this the 1<sup>st</sup> day of April, 2026)

Sd/-  
(Prasanna Kumar C.)  
Prl.Civil Judge & JMFC.,  
Hosadurga.

**-ANNEXURE-**

**I. WITNESSES EXAMINED FOR THE PLAINTIFF:**

**PW-1:** Muddamma

PW-2: Gnaneshwara

PW-3: Rajappa T

**II. WITNESSES EXAMINED FOR THE DEFENDANTS:**

Nil

**III. DOCUMENTS PRODUCED BY THE PLAINTIFF**

- Ex.P1 : Original sale deed dated 07.06.1999
- Ex.P2 : RTC extract in respect of Sy.No.18/5 for the year 2024-25
- Ex.P3 : RTC extract in respect of Sy.No.18/1 for the year 2024-25
- Ex.P4 : RTC extract in respect of Sy.No.18/6 for the year 2024-25
- Ex.P5 : RTC extract in respect of Sy.No.18/4 for the year 2024-25
- Ex.P6 : Application given for Haddubasthu dated 17.02.2025
- Ex.P-7 : Police acknowledgment dated 27.05.2025
- Ex.P-8 : Sketch and Haddubasthu
- Ex.P- : Mahazar

**IV. DOCUMENTS MARKED FOR THE DEFENDANTS:**

NIL

Sd/-

**(Prasanna Kumar C.)  
Prl.Civil Judge & JMFC.,  
Hosadurga.**