

KACM200004542021



**IN THE COURT OF SENIOR CIVIL JUDGE,
AT KADUR.**

Dated this the 17th day of March – 2026.

Present :SRI.IRFAN

B.A., LL.B.

Senior Civil Judge & JMFC,
Kadur,

Chikkamagaluru District.

O.S.No.157/2021

PLAINTIFF:-

Sri. Mylarappa,
S/o Late Mallappa,
Aged about 70 years,
Agriculturist,
R/o Thangli Village,
Kasaba Hobli,
Kadur Taluk.

(By: Smt. Sunitha D.C., Advocate)

V/s

DEFENDANTS:-

1. Smt. Gangamma,
W/o Thimmaiah,
Aged about 60 years,
House-wife,



R/o Behind Venkateshwara
Theater, Taluk Panchayath
Office, Kadur Town,
Kadur Taluk.

2. Smt. Kariyamma
@ Kamamma,
W/o Rudrappa,
Aged about 58 years,
House-wife,
R/o Ward No.7,
Rudrappa Badavane,
New Ajjampura Road,
2nd Cross, Birur Town,
Kadur Taluk.

(Defendants No.1 & 2 by: Sri. N.N. Vasantha Kumar,
Advocate)

Date of Institution of the Suit:	23.07.2021.
Nature of the suit :	Declaration & Injunction.
Date of commencement of recording of the evidence :	22.10.2021.
Date on which the Judgment was pronounce :	17.03.2026.
Total Duration	Years Months Days 04 07 25

Sd/-

(IRFAN)
Senior Civil Judge,
Kadur.



J U D G M E N T

This suit is for the relief of declaration to declare that the plaintiff is the absolute owner in exclusive possession over the suit schedule item No.1 to 5 properties by virtue of sale deeds dated 08.03.2017 respectively and for consequential relief of perpetual injunction restraining the defendants, either through themselves or their agents or servants from disturbing the plaintiff's peaceful possession and enjoyment over the suit schedule properties and for such other reliefs.

2. The case of the plaintiff is as follows;

One late Mallappa S/o late Honnaiah was the moolpurusha of the family of plaintiff and defendants. The said Mallappa died long-back leaving behind his sons namely Mylarappa, the plaintiff and Mallappa, who is also died leaving



behind his wife Smt. Laxmamma, Smt. Gangamma (1st defendant), Gangappa and Smt. Kariyamma @ Kamalamma (2nd defendant). In the family of the plaintiff is divided the ancestral properties long back, they have separated and living separately with their family and also cultivating their allotted shares separately. Thereafter. the plaintiff is doing business of coconut and other agricultural products. Business profits amount have been invested for purchase of agricultural properties i.e., suit schedule properties. The said properties purchased by plaintiff through different sale deeds. Suit schedule item No.1 property purchased from Sri. Gowramma, Sri. Anand, Sri. Venkatesh, Sri. Kantharaj and others on 08.03.2017. Suit schedule item No.2 property



purchased from Smt. Sumithamma, Smt / Kumari Sindu and Smt / Kumari Sandya on 08.03.2017. Suit schedule item No.3 property purchased from Smt. Yashodamma, Sri. Chandrashekar, Sri. Ravi, Sri. Harish, Smt / Kumari Jayashri and others on 08.03.2017. Suit schedule item No.4 property purchased from Sri. H. Somanna, Smt / Kumari K.S. Chaithra and Smt / Kumari K.S. Chandan on 08.03.2017 and Suit schedule item No.5 property purchased from Sri. Shivappa, Smt / Kumari Ranjitha and Sri. Rajani on 08.03.2017 before the Kadur Sub-Registrar Office.

After purchase of the aforesaid properties, the plaintiff has become the absolute owner and in exclusive possession over the same and also said properties are the self-acquired properties



of the plaintiff. The plaintiff paid tax to the revenue authorities till this day. The defendants No.1 and 2 have no manner of right, title and interest, much less possession over the suit schedule properties. The defendants have been given cash and old golden articles in lieu of their shares in the joint family. Despite of this fact, the defendants No.1 and 2 have harassed the plaintiff to allot the shares in the suit schedule properties and also caused interference. Hence, the plaintiff has instituted the said suit against the defendants seeking for the relief of declaration and also for consequential relief of perpetual injunction. Hence, prays to decree the suit.

3. In response to the service of summons, the defendants No.1 and 2 entered appearance



through their counsel, but have not filed any written statement on their behalf.

4. To establish his case, the plaintiff got examined himself as PW-1 and examined two witnesses as PW-2 and 3 and got marked 13 documents as Ex.P-1 to 13 and closed his side.

5. Heard Smt. DCS for plaintiff and perused the case records.

6. On the basis of the aforesaid pleadings of the parties, the following points arise for consideration;

1. Whether the plaintiff proves that he is the absolute owner and in possession over the suit schedule item No.1 to 5 property by virtue of sale deeds dated 08.03.2017 respectively?



2. Whether the plaintiff proves the alleged interference by the defendants No.1 and 2 ?
3. Whether the plaintiff is entitled for the relief claimed?
4. What order or decree?

7. Answers to the above points are as under:

- 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

8. **POINT No.1 to 3** :- These points are taken together for common discussion to avoid repetition of facts.



This suit is for the relief of declaration and also for consequential relief of perpetual injunction with respect to the suit schedule properties. It is the case of the plaintiff that one Mallappa S/o Honnaiah was the propositus of the joint family consisting of his five children namely Mylarappa (plaintiff), Mallappa, Smt. Gangamma (1st defendant), Gangappa and Smt. Kariyamma @ Kamalamma (2nd defendant). It is contended that their joint family had already got divided their ancestral and joint family properties since long-back and they have been leaving separately with their respective family members and are cultivating in the respective properties allotted to their respective shares. It is contended that after the partition, the plaintiff through his



business of selling coconut and other agricultural produces has acquired the suit schedule item No.1 to 5 properties under different sale deeds dated 08.03.2017 and those properties are his self-acquired properties. It is specifically contended that such being the case, the defendants having no manner of right over the suit schedule properties have been demanding the plaintiff for allotment of their share in the suit schedule properties. Therefore, the plaintiff has instituted this suit seeking for declaration of his title. The defendants though appeared through their counsel, but have not opted to file any written statement or deny the case of the plaintiff.



9. The plaintiff in order to substantiate his case has got examined himself as PW-1 and also examined two independent witnesses as PW-2 and 3. He has produced RTC extracts under Ex.P-1 to 6, Relinquishment deed dated 12.08.2021, Encumbrance certificate and Duly certified copy of the sale deeds (Digitally signed documents) under Ex.P-7 to 13 respectively. On perusal of the relinquishment deed dated 12.08.2021, it appears that the defendants herein have executed the same by admitting the exclusive ownership of the plaintiff over the suit schedule properties. On perusal of registered sale deeds dated 08.03.2017 produced under Ex.P-9 to 13, it is apparent that on the said date under five different sale deeds, the plaintiff has



purchased the suit schedule item No.1 to 5 properties in the following manner. Suit schedule item No.1 property purchased from Sri. Gowramma, Sri. Anand, Sri. Venkatesh, Sri. Kantharaj and others. Suit schedule item No.2 property purchased from Smt. Sumithamma, Smt / Kumari Sindu and Smt / Kumari Kumari Sandya. Suit schedule item No.3 property purchased from Smt. Yashodamma, Sri. Chandrashekar, Sri. Ravi, Sri. Harish, Smt / Kumari Jayashri and others. Suit schedule item No.4 property purchased from Sri. H. Somanna, Smt / Kumari K.S. Chaithra and Smt / Kumari K.S. Chandan and Suit schedule item No.5 property purchased from Sri. Shivappa, Smt / Kumari Ranjitha and Sri. Rajani. The RTC extracts produced under Ex.P-1 to 6 also



demonstrates that the suit schedule properties are existing in the name of plaintiff as on the date of filing of the suit. All these documents clinchingly establishes the very title of the plaintiff over the suit schedule properties. In the absence of any contrary evidence, it has to be held that the plaintiff is the absolute owner and in peaceful possession over the suit schedule properties. As far as, interference is concerned, the plaint averments with regard to the allegation of interference by the defendants has not been denied by the defendants even though they have appeared through their counsel. All these aspects go to establish that the interference of the defendants over the peaceful possession and enjoyment over the suit schedule properties. Therefore, it is necessary to pass an



order restraining the defendants from interfering with the peaceful possession and enjoyment of plaintiff over the suit schedule properties. Accordingly, **issues No.1 to 3 under consideration are answered in the Affirmative.**

10. **Issue No.4:-** In view of the findings on the foregoing issues, the following;

ORDER

Suit is decreed.

The plaintiff is declared as absolute owner in possession of suit schedule properties.

The defendants are permanently restrained from interfering with peaceful possession and enjoyment



over the suit schedule
properties.

Draw decree accordingly.

(Dictated to the Stenographer, directly on computer, printout taken by him, corrected and then pronounced by me in the open court, today this 17th day of March-2026)

Sd/-
(IRFAN)
Senior Civil Judge,
Kadur.

ANNEXURE

I List of witnesses examined on behalf of the plaintiff:

PW-1 : Sri. Mylarappa.
PW-2 : Sri. T.A. Amzad Kharn.
PW-3 : Sri. T.R. Nagappa.

II List of witnesses examined on behalf of defendants:

-NIL-

III List of documents marked on behalf of the plaintiff:

Ex.P.1 : RTC
(Sy.No.132/2 of Ullinagaru village)
Ex.P.2 : RTC
(Sy.No.132/3 of Ullinagaru village)
Ex.P.3 : RTC
(Sy.No.141/2 of Ullinagaru village)
Ex.P.4 : RTC



- Ex.P.5 : (Sy.No.132/5 of Ullinagaru village)
RTC
- Ex.P.6 : (Sy.No.141/1 of Ullinagaru village)
RTC
- Ex.P.7 : (Sy.No.132/4 of Ullinagaru village)
Hakku Kulase Patra dated 12.08.2021.
- Ex.P.8 : Encumbrance Certificate.
- Ex.P.9 : Copy of Sale deed dated 08.03.2017
with respect to Suit schedule item
No.1 property.
- Ex.P.10 : Copy of Sale deed dated 08.03.2017
with respect to Suit schedule item
No.2 property.
- Ex.P.11 : Copy of Sale deed dated 08.03.2017
with respect to Suit schedule item
No.3 property.
- Ex.P.12 : Copy of Sale deed dated 08.03.2017
with respect to Suit schedule item
No.4 property.
- Ex.P.13 : Copy of Sale deed dated 08.03.2017
with respect to Suit schedule item
No.5 property.

**IV List of documents marked on behalf of
defendants:**

-NIL-

Sd/-
(IRFAN)
Senior Civil Judge,
Kadur.