



IN THE COURT OF THE PRL.CIVIL JUDGE AND JMFC.,
AT MUDIGERE

-. P R E S E N T :-

Sri.YOGESHA M.R.,^{B.A.LLB.,}
PRL.CIVIL JUDGE AND JMFC.,
MUDIGERE

*Dated this the **03rd day of JULY, 2026.***

OS.No.29/2026

PLAINTIFF/S : Sri.J.E.Prashanth,
Aged about 57 years,
S/o Ere Gowda,
R/o Marebyle,
G.Agrahara Village,
Gonibeedu Hobli,
Jannapura Post,
Mudigere Taluk,
Chikkamagaluru District.
*[By Advocate Sri.**KAM.**,]*

V/s
DEFENDANT/S: **1.** Smt.Shanthamma,
Aged about 60 years,
W/o late Krishna Naika.

2. Smt.Shruthi,
Aged about 35 years,
D/o Jayamma.



Both are R/o Marebyle,
G.Agrahara Village,
Gonibeedu Hobli,
Mudigere Taluk,
Chikkamagaluru District .

[Dft-1 & 2 - **Ex-parte**]

Date of Institution of the suit : **27.01.2026**

Nature of the suit : **PERMANENT INJUNCTION**

Date of the commencement of
recording of evidence : **09.06.2026**

Date on which the Judgment
was pronounced : **03.07.2026**

Total Duration : **YEAR/S MONTH/S DAY/S**
00 05 06

(**YOGESHA M.R**)
PRL. CIVIL JUDGE AND JMFC.,
MUDIGERE.



-: J U D G M E N T :-

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

2. The brief facts of the case of the plaintiff's is that,

(a). The plaintiff is the absolute owner in lawful possession and enjoyment of the suit schedule property. The said site was granted by the government in favour of plaintiff under 'Hakku Patra' No.402/2022-23, dated 19.11.2022 in Sy.No.247, measuring 80x50 feet, totally 4,000 square feet. The plaintiff has constructed a new residential house in the said site and the plaintiff is regularly paying house tax to the concerned authority and the tax paid receipts are standing in the name of plaintiff. The defendants have no manner of right, title or interest over the suit schedule property and on 14.01.2025, the defendants have trespassed into the suit property along



with their men and damaged the compound wall erected by the plaintiff. With great difficulty, the plaintiff resisted the illegal acts of the defendants. It is further contended that the plaintiff has approached the Gonibeedu police, but the police stated that the matter is civil in nature and advised to approach the Civil Court. *Hence, this suit.*

3. After registration of suit summons was issued to the defendants. In spite of service of summons, the defendants remained absent, hence they were placed Ex-parte.

4. On the basis of the materials available on record, the following points arise for consideration;

:- P O I N T S :-

1. *Whether the plaintiff proves that, he is in possession of the suit schedule property as on the date of filing of the suit ?*



2. *Whether the plaintiff proves that, the defendants are interfering with the suit schedule property ?*
3. *Whether the plaintiff is entitle for the relief of permanent injunction as sought for ?*
4. *What order or decree ?*

5. To establish the plaintiff case, the plaintiff examined himself as PW1 and adduced as many as 6 documents as per Ex.P1 to P6. On the other hand, the defendants remained absent, hence they were placed Ex-parte.

6. Heard the arguments and perused the materials available on record. The plaintiff's side filed written argument also.

7. Plaintiff side relied upon the following decision;



1. Civil Appeal No.1725/2010, between Iqbal Basith & Ors. V/s N.Subbalakshmi & Ors.

8. On the basis of the materials available on record, this court answered the above points are as under;

POINT NO.1	:	AFFIRMATIVE
POINT NO.2	:	AFFIRMATIVE
POINT NO.3	:	AFFIRMATIVE
POINT NO.4	:	As per final order, for the following;

-. R E A S O N S :-

POINT NO.1 & 2 :-

9. As these points are interrelated to the each other, they are taken up together in order to avoid repetition of facts and for better appreciation of evidence.

10. This suit is instituted by the plaintiff against the defendants for the relief permanent injunction in respect of the suit schedule property. It is pertinent to note that, in a



suit for permanent injunction, the plaintiff has to prove his possession and enjoyment over the suit schedule property as on the date of filing of the suit. In addition to this, he has to establish the interference by the defendants. If these aspects are established, he will be entitled for the reliefs as sought for.

11. As per the plaintiff case, he is in possession and enjoyment of the suit schedule property. However, the defendants without any right and title, trying to interfere with the suit schedule property.

12. To establish plaintiff case, the plaintiff examined himself as PW1 and reiterated the averments of the plaint and also adduced as many as 6 documents as per Ex.P1 to 6. Ex.P1 is the original Hakku Pathra dated 19.11.2022, Ex.P2 is the certified copy of form No.9, Ex.P3 is the certified copy of form No.11, Ex.P4 is the certified copy of



sketch, Ex.P5 is the certified copy of grant register extract and Ex.P6 is the tax paid receipt.

13. Ex.P1 is the original 'Hakku Pathra' Dated 19.11.2022. As per the Ex.P1, the government has issued the 'Hakku Pathra' in favour of the plaintiff on 19.11.2022. As per the above 'Hakku Pathra', the said site granted to the plaintiff.

14. The Ex.P2 and 3 i.e., form No.9 and 11(a) and Ex.P5 is the grant register extract. As per the above documents, the concerned panchayath change the khatha in the name of the plaintiff in respect of the suit schedule property and the above said documents are standing in the name of the plaintiff and the Ex.P6 is the Tax paid receipt in respect of year 2023.

15. At present, the revenue records pertaining to the suit schedule property is standing in the name of the



plaintiff. Admittedly, on perusal of above said documents, it clearly goes to establishes the possession of the plaintiff over the suit schedule property as on the date of filing the suit. There is no counter evidence or any reason to disbelieve the plaintiff case. When the evidence of the PW1 remained unchallenged, so far the possession and interference is concerned, certainly the case put forth by the plaintiff required to be accepted. The decision relied by the plaintiff side is applicable to the present case on hand. As per the above decision, the defendant not appeared before the Court, hence Court can draw an adverse inference against the present defendants.

16. In these circumstance, this court come to conclusion that, the plaintiff has proved his case. Accordingly, this court come to a conclusion that the plaintiff has proved that, he is in possession and enjoyment over the suit schedule property as on the date of filing the



suit and interference by the defendants. *Hence, this court answered the Point No.1 & 2 in the **Affirmative.***

POINT NO.3:-

17. The plaintiff has sought for the relief of permanent injunction against the defendants restraining them and their agents from interfering with peaceful possession of the suit schedule property. The plaintiff has proved that, he is in possession of the suit schedule property and he has also proved that, the defendants are interfering with the plaintiff's peaceful possession over the suit schedule property. The relief of permanent injunction is an equitable relief granting of which vests on the discretionary power of the court.

18. The provisions under which permanent injunction can be granted is Sec.38 of the Specific Relief Act, 1963. The Sec.38 of the Specific Relief Act enumerates



situations when permanent injunction may be granted. As per the said provision of the said act, permanent injunction may be granted to the plaintiff to prevent the breach of an obligation existing in his favour. Further, where there is no exists standard for ascertaining the actual damage caused, or likely to be caused by the invasion, perpetual injunction can be granted in favour of the plaintiff.

19. Sec.38 also states situations when the defendants invades or threatens to invade the plaintiff right to, enjoyment of property, the court may grant a perpetual injunction in certain cases namely (1) where the defendants are trustee of the property for the plaintiff or, (2) where there is no exists standard for ascertaining the actual damage caused, or likely to be caused, by the invasion or, (3) where the invasion is such that, compensation terms money would not afford adequate relief or, (4) where the



injunction is necessary to prevent multiplicity of proceedings.

20. In the case on hand, the plaintiff has proved that, he is in possession and defendants are interfering with peaceful possession. If the defendants are not restrained by way of perpetual injunction from interfering with peaceful possession of the plaintiff, they may dispossess the plaintiff from the suit schedule property. The same cannot be compensated in terms of money. There is no exists standard for ascertaining the actual damage caused by dispossession.

21. The plaintiff has proved his possession as per Ex.P1 to P6. Moreover, there is no contrary material to disbelieve the plaintiff case. Hence, this court inevitably come to the conclusion that, the plaintiff is entitle for the reliefs as sought for. *Hence, this court answered the point No.3 in the **Affirmative.***

**POINT NO.4:-**

22. In view of the above discussions, this court proceed to pass the following;

ORDER

The suit of the plaintiff is hereby decreed with cost.

The defendants or their agents or anybody acting under them are hereby permanently restrained from interfering with the plaintiff's possession and enjoyment over the suit schedule property in any manner.

Draw decree accordingly.

*(Dictated to the Stenographer directly in computer, revised, corrected by me and then pronounced in the open court on this the **03rd DAY OF JULY, 2026**)*

(YOGESHA M.R)
PRL. CIVIL JUDGE AND JMFC.,
MUDIGERE

**-: A N N E X U R E S :-****Witnesses Examined On Behalf Of Plaintiff:**

PW1 : J.E.Prashanth

Documents Marked On Behalf Of Plaintiff:

Ex.P1 : Original Hakku Pathra dated 19.11.2022

Ex.P2 : Certified copy of form No.9

Ex.P3 : Certified copy of form No.11

Ex.P4 : Certified copy of sketch

Ex.P5 : Certified copy of grant register extract

Ex.P6 : tax paid receipt

Witnesses Examined On Behalf Of Defendants : Nil

Documents Marked On Behalf Of Defendants : Nil

(YOGESHA M.R)
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