

KACN020001742015



**IN THE COURT OF THE I ADDL. SENIOR CIVIL JUDGE
AND JMFC., AT CHAMARAJANAGARA.**

Dated this the 17th day of June, 2026

Present: Sri. Sunil .R, B.Com, LL.B.,
I ADDL. SENIOR CIVIL JUDGE & JMFC.,
CHAMARAJANAGARA.

O.S. No: 46/2015

Plaintiffs

- :**
1. Smt. Madamma
W/o Late. Nanjaiah,
Aged about 78 years,
 2. Sri. Mahadevaiah
S/o Late. Nanjaiah,
Aged about 60 years,
 3. Sri. Nanjundaswamy
S/o Late. Nanjaiah,
Aged about 40 years,
 4. Sri. Shivamallu
S/o Late. Nanjaiah,
Aged about 35 years,
 5. Sri. Nataraju
S/o Late. Nanjaiah,
Aged about 30 years,
 6. Smt. Gowramma
D/o Late. Nanjaiah,
Aged about 33 years,

7. Smt. Girijamma
D/o Late. Nanjaiah,
Aged about 58 years,
R/at Nerale Village,
Nanjanagud Taluk.

8. Smt. Shivananjaiah
S/o Late. Madaiah,
Aged about 65 years,

The plaintiff No.1 to 6 & 8
are R/at:

Galipura Extension,
Chamarajanagar Town.

[By Sri. D.M.S., Advocate]

V/s

Defendants

- : 1. Sri. V. Ramaiah
S/o Late. Varadaiah,
Aged about 75 years,
SINCE DEAD BY HIS LRS.,
- 1a. Sri. Dharmaraju
S/o Late. V. Ramaiah,
Aged about 52 years,
- 1b. Smt. Gowramma
D/o Late. V. Ramaiah,
Aged about 50 years,
- 1c. Smt. Bharathi
D/o Late. V. Ramaiah,
Aged about 48 years,
- 1d. Smt. Bhagyalakshmi
D/o Late. V. Ramaiah,
Aged about 46 years,

The above said defendant
No.1(a) and 1(d) are R/at:

Malliahnapura Village,
Kasaba Hobli,
Chamarajanagar Taluk.

[The LRs of defendant No.1 has
brought on record as per the
orders on IA No.9]

2. Smt. Mahadevamma
W/o Late. Siddaiah,
Aged about 75 years,
3. Sri. M.S. Gurusiddaiah
S/o Late. Siddaiah,
Major,
4. Sri. M.S. Shivanna
S/o Late. Siddaiah,
Major,
5. M.S. Ramesha
S/o Late. Siddaiah,
Major,
6. Sri. M.S. Prabhuswamy
S/o Late. Siddaiah,
Major,
7. Smt. M.S. Radhamani
D/o Late. Siddaiah,
Major,
8. Smt. Sujatha
S/o M. Gurusiddaiah,
Major,
9. Sri. Prakasha
S/o M.S. Gurusiddaiah,
Major,

10. Smt. Mamatha
D/o M.S. Gurusiddaiah,
Major,

11. Sri. Manoj
S/o M.S. Shivanna,
Aged about 18 years,

12. Jyothi
D/o M.S. Shivanna,
Aged about 14 years,

The defendant No.12 is minor
and she is represented by her
natural father defendant No.4 i.e.,
M.S. Shivanna.

13. Bharath
S/o M.S. Ramesh,
Aged about 12 years,

14. Madhushri
D/o M.S. Ramesha
Aged about 10 years,

The defendant No.13 & 14 are
minors and they are represented by
their natural father defendant No.5
i.e., M.S. Ramesha.

The defendant No.1 to 14 are
R/at Mallaiahnpura Village,
Kasaba Hobli,
Chamarajanagar Taluk.

15. Sri. Nayeem Ulla
S/o Abdul Gafar,
Aged about 45 years,

R/at Galipura Extension,
Beedi Merchant,
Chamarajanagar Town.

16. Syed Farman
S/o Syed Gafur,
Major,
K.P. Mohalla,
Chamarajanagar Town.
17. Abdul Rasheed
S/o Nazeer Ahamed,
Major, 2nd cross,
Souharda Dayan Nagara,
Gundlupete Town.
18. Mohammed Ali
S/o Abdul Gafur Saheb,
Aged about 47 years,
Galipura Extension,
Chamarajanagar Town.
19. Tharnum Taj
S/o Mohammed Ziaulla,
Major,
Holy Infant School,
4th 'A' cross, ILAZ nagara,
6th stage, JP Nagara,
Bangalore city.
20. Kaleem Ulla
S/o Abdul Gafur,
Major,
C-137, Near Kariyamma temple,
2nd cross, Sharfunnisa Mosque,
Galipura Extension,
Chamarajanagar Town.

21. Jabiulla
S/o Rafiulla,
Major,
No.14/261, Mubarak Mohalla,
Chamarajanagar.
22. Faziulla
S/o Rafiulla,
Major,
No.14/261, Mubarak Mohalla,
Chamarajanagar.
23. Heena Kousar
D/o Abdul Gafur,
Major,
C-137, Near Kariyamma temple,
2nd cross, Sharfunnisa Masque,
Galipura Extension,
Chamarajanagar Town.
24. Sharbin Taj
S/o Jabiulla,
Major,
Door No.384,
Ayodidasnagar,
Bangalore (North).
25. Shiphana
W/o Abdul Gafoor Sab,
Major,
Galipura Extension,
Chamarajanagar Town.
26. Mubin Taj
S/o Iliyas Shareef @ Ilias Ahameed,
Major,
Door No.4/495,
Galipura Extension,
Chamarajanagar Town.

27. Sri. Arif
S/o Late. Ibrahim Baig,
Major,
Vaniyar street,
Chamarajanagar Town.
 28. Sri. Jahid Iqbal
S/o Kaleel Ahamed,
Major,
Galipura Extension,
Chamarajanagar Town.
 29. Smt. Gulzar
W/o Abdul Hafiz @ Mohammed
Hafiz Ulla,
Major,
Door No.55, PWD Colony,
Chamarajanagar Town.
 30. Smt. Namitha M.C
W/o R. Darmaraju,
Aged about 50 years,
House No.373, 16th main,
Vijayanagara 3rd stage,
Mysore city.
- [D-1(a), 2 to 12 by Sri. MCS Adv.,]**
[D-13 & 14 - Represented by LRs.,
of defendant No.5]
[D-15, 16 & 18 – by Sri. RCS Adv.,]
[D1(b) to (d), 17, 19 to 30 : Ex-parte

Date of Institution of the suit : 02.03.2015

Nature of the suit : Declaration and Separate
Possession

Date of the commencement of
recording of the Evidence : 30.05.2023

Date of which the Judgment
was pronounced : 17.06.2026

	Years	Months	Days
Total duration	: 11	03	15

J U D G M E N T

The plaintiffs have filed this suit against the defendants for seeking the relief of declaration of ownership, permanent injunction and consequential relief.

2. The brief facts of the plaintiffs' case is as follows:

2a. The plaintiffs have averred that the landed property bearing Sy. No.100 measuring 4 acres situated at Galipura Village, Chamarajanagar Taluk was granted by the Government of Karnataka in favour of Kunta Mada through darkasth dated:15.11.1927. The said Kunta mada had got only one son by name Kachakki Mada. The said Kachakki Mada had 4 sons by name Chennamallaiah, Mallaiah, Madiiah and Nanjaiah. The said Kunta Mada, Kachakki Mada and his children are no more. The

Chennanmallaiah and Mallaiah had no legal heirs. The Madaiah died leaving behind that plaintiff No.8 as his legal heirs. The Nanjaiah died leaving behind the plaintiff No.1 to 7 as his legal heirs.

2b. The plaintiffs have further averred that during the life time of Kunta Mada, Kachakki Mada and his 4 children have been in possession and enjoyment of above 4 acres of land. The Sy. No.10 measuring 4 acres was phoded as Sy. No.100/1A measuring 1 acre 26 guntas, Sy. No.100/1B measuring 1 acre 5 guntas, Sy. No.100/2A measuring 21 guntas, Sy. No.100/2B measuring 20 guntas, Sy. No.100/2C measuring 9 guntas respectively. During the life time of Chennamallaiah, he sold the landed property bearing Sy. No.100/2A and Sy. No.2C in favour of one Maneyamma W/o Madaiah by deducting the karab land. Subsequently, they are in possession and enjoyment of the Sy. No.100/1A measuring 1 acre 26 guntas, Sy. No.100/1B measuring 1 acre 5 guntas and Sy. No.100/2B measuring 20 guntas as title holders and cultivating the same.

2c. The plaintiffs have further averred that the defendant No.1 to 14 have no manner of right, title,

interest or possession over the landed property bearing Sy. No.100/1A, Sy. No.100/1B and Sy.No.100/2B. The defendant No.1 to 14 have illegally changed the khatha of the landed property bearing Sy. No.100/1A, Sy. No.100/1B and Sy. No.100/2B into their names. Subsequently, the defendant No.1 to 14 have illegally sold the landed property measuring 20 guntas out of 1 acre 20 guntas in Sy. No.100/1A infavour of defendant No.15 through the registered sale deed dated:16.01.2012. Thereafter, the said 20 guntas was phoded as Sy. No.100/1A2. Then, the defendant No.1 to 14 have illegally sold the landed property measuring 10 guntas (item No.3 of suit schedule property) out of 1 acre 20 guntas in Sy. No.100/1A infavour of defendant No.16 through the registered sale deed dated: 18.01.2012. Then, the defendant No.1 to 14 have illegally sold the landed property measuring 10 guntas (item No.4 of suit schedule property) out of 1 acre 20 guntas in Sy. No.100/1A infavour of defendant No.18 through the registered sale deed dated: 17.02.2012. So, the defendant No.1 to 14 have retained only 20 guntas out of 1 acre 20 guntas in Sy. No.100/1A.

2d. The plaintiffs have further averred that the defendant No.16 was sold the item No.3 of suit schedule property infavour of defendant No.17 through the registered sale deed dated:05.03.2014. The defendant No.18 was sold item No.4 of suit schedule property infavour of defendant No.19 through the registered sale deed dated:11.02.2014. Then, the defendant No.15 has sold 2 guntas (item No.5 of suit schedule property) out of his 20 guntas infavour of defendant No.20 through the registered sale deed dated:06.11.2013. The said 2 guntas of landed property was phoded as Sy. No.100/1A5. Then, the defendant No.15 has sold 1 gunta (item No.6 of suit schedule property) out of his 20 guntas infavour of defendant No.21 through the registered sale deed dated:06.11.2013. The said 1 guntas of landed property was phoded as Sy. No.100/1A6. Then, the defendant No.15 has sold 1 gunta (item No.7 of suit schedule property) out of his 20 guntas infavour of defendant No.22 through the registered sale deed dated:06.11.2013. The said 1 guntas of landed property was phoded as Sy. No.100/1A7. Then, the defendant No.15 has bequeathed the 1 gunta (item No.8 of suit

schedule property) out of his 20 guntas infavour of defendant No.23 through the registered gift deed dated:11.11.2013. The said 1 guntas of landed property was phoded as Sy. No.100/1A8. Then, the defendant No.15 has bequeathed the 1 guntas each out of his 20 guntas infavour of defendant No.24 and 25 respectively through the registered gift deeds dated:11.11.2013. Then, the defendant No.15 was sold 1 guntas of land infavour of defendant No.26 through the registered sale deed dated:11.10.2013. Then, the defendant No.15 was sold 1¼ guntas each of land infavour of defendant No.27 and 28 respectively through the registered sale deeds dated: 22.01.2014. Then, the defendant No.15 was sold 1 guntas of land infavour of defendant No.29 through the registered sale deed dated:06.02.2014. As such, the defendant No.15 has remained in possession of 8½ guntas in Sy. No.100/1A2.

2e. The plaintiffs have further averred that the title has not conveyed by the defendant No.1 to 14 and their family members. The defendant No.1 to 14 have illegally created the said registered documents. The sale deeds executed by the defendant No.1 to 4 and her family

members infavour of defendant No.15, 16 and 18 are not binding upon them. Further, the defendant No.15, 16 and 18 have not obtained any right, title, interest and possession from the defendant No.1 to 14 through the registered documents. The registered documents executed by the defendant No.1 to 16 and 18 are null, void and not binding upon them.

2f. The plaintiffs have further averred that the defendant No.1 namely V. Ramaiah was created the registered gift deed dated:02.02.2018 infavour of Namitha M.C i.e., defenant No.1(a) in respect of item No.9 of suit schedule property. The defendant No.1 has no right to execute the said registered gift deed dated:02.02.2018. As such, the said gift deed is null, void and not binding upon them. Further, on 01.11.2014 they being the owners of suit schedule properties have requested the defendants to execute necessary documents in their favour. But, the defendants have denied their title and possession over the suit schedule properties. Even though they have issued a legal notice to the defendants, the defendants neither come forward to comply the instructions of legal notice nor replied the

legal notice. Hence, without having any option, they have constrained to file the present suit for seeking the above reliefs and pray to decreed the suit.

3. In pursuance of suit summons, the defendant No.1 to 16 and 18 are appeared through their counsels and filed their separate written statements. The defendant No.17 and 19 to 30 are remained absent and placed ex-parte.

3a. In the written statement, the defendant No.1 denied the entire averments made in the plaint. The defendant No.1 contended that the landed property bearing Sy. No.100/1b is belongs to him. He did not transfer the khatha of the said property into his name illegally. He has filed original suit in OS No.13/2015 before the Addl. Civil Judge and JMFC., court, Chamarajanagar against the plaintiff No.1 and 3 for seeking the relief of permanent injunction and in the said suit, temporary injunction is ordered in his favour. The plaintiffs are not having any manner of rights, title or interest or possession over the said property i.e., item No.9 of suit schedule property. Hence, on these grounds, he prays to dismiss the suit of the plaintiffs.

3b. In the written statement, the defendant No.2 to 14 have denied the entire averments made in the plaint. The defendant No.2 to 14 have contended that item No.1 to 8 of the suit schedule property totally measuring 1 acre 20 guntas is their ancestral property. After the death of husband of defendant No.2, the khatha of the said property has been changed in the name of defendant No.2. All the revenue records in respect of said property stands in the name of defendant No.2. After changing the khatha, they have sold 1 acre infavour of defendant No.15 for valuable sale consideration. Remaining 20 guntas of landed property stands in the name of defendant No.2 and they are in peaceful possession and enjoyment of the same i.e., item No.1 property. The plaintiffs have no any manner of right, title, interest or possession whatsoever over the item No.1 to 8 of suit schedule properties. On these grounds, they pray to dismiss the suit of the plaintiffs.

3c. In the written statement, the defendant No.15, 16 and 18 have denied the entire averments made in the plaint except admitting the relationship with the defendant No.2 to 14. The defendant No.15, 16 and 18

have contended that the plaintiffs have not properly valued the suit schedule properties and not paid proper court fee. The suit of the plaintiffs is barred by law of limitation. The landed property bearing Sy. No.100/1A originally belongs to one Siddaiah resident of Mallaiahnapura Village. After the death of said Siddaiah, their family members executed a sale deed in their favour in respect of said property. After purchasing of the said property, they are in possession and enjoyment of the same uninterruptedly. Then, they have sold and bequeathed the said property into several pieces infavour of defendant No.19 to 30 through registered sale deeds and WILL respectively. Though the plaintiffs have no manner of right, title, interest or possession over the suit schedule property, they have filed the present suit with the malafide intention to grab the suit schedule properties. Hence, on these grounds, they pray to dismiss the suit of the plaintiffs.

4. On the basis of the above pleadings, this court has framed the following issues:

ISSUES

1. Does the plaintiffs prove that they are absolute owners of item No.1 to 9 of the suit schedule properties?
2. Does the plaintiffs further prove that they are in possession of suit schedule properties?
3. Does the plaintiffs further prove that defendant No.2 to 14 have illegally executed registered sale deeds in favour of defendant No.15 to 28 and the said sale deeds are not binding on their rights?
4. Does the plaintiffs further prove that defendant No.15 had no right to execute registered gift deed in respect of of item No.8 in favour of defendant No.23 to 25?
5. Whether the plaintiffs are entitled for the reliefs claimed in the suit?
6. What order or decree?

ADDITIONAL ISSUES

1. Whether plaintiffs prove that the registered gift deed dated:11.11.2013 executed by defendant No.15 infavour of defendant No.23 to 25 in respect of item No.2 and 8 are null and void and not binding upon them?

2. Whether plaintiffs prove that the registered sale deed dated:06.02.2014 executed by defendant No.15 infavour of defendant No.29 in respect of item No.2 is null and void and not binding upon them?

3. Whether suit of the plaintiffs is barred by law of limitation?

PRELIMINARY ISSUES

1. Whether valuation made and court fee paid is correct and proper?

5. In order to prove their contention, the plaintiff No.3 examined himself as PW.1 and got marked 53 documents as per Ex.P1 to 53. On the other hand, the defendant No.1(a), 4 and 18 are examined themselves as DW.1 to 3 and they have got marked 36 documents as per Ex.D1 to 36.

6. The learned counsel for the plaintiffs and defendant No.1 to 16 and 18 have addressed their arguments. Both the learned counsels have furnished citations. Perused the same.

7. My findings on the above issues are as follows:

Issue No.1 : In the Negative

Issue No.2 : In the Negative

Issue No.3 : In the Negative

Issue No.4 : In the Negative

Issue No.5 : In the Affirmative

Additional Issue

No.1 and 2 : In the Negative

Additional Issue No.3 : In the Negative

Preliminary Issue : In the Affirmative

**Issue No.6 : As per the final Order,
for the following :**

REASONS

8. Issue No.1 and 2: Since these 2 issues are inter-linked to each other, in order to avoid repetition of facts and evidence, taken together for common discussion. In the plaint, the plaintiffs have stated that the landed property bearing Sy. No.100 measuring 4 acres situated at Galipura Village was granted by the Government of Karnataka infavour of Kuntamada through darkasth. After the death of Kuntamada, his sons Kachakki Mada was in possession and enjoyment of said 4 acres. After the death of Kachakki Mada, his four children have succeeded the said 4 acres of land. After the demise of four children of Kachakki Mada, they are in possession

and enjoyment of said 4 acres of landed property i.e., suit schedule properties as absolute owners.

9. In order to substantiate their contention, the plaintiffs have adduced their oral evidence and produced documentary evidence. On perusal of Ex.P1 i.e., certified copy of Tippani, it is noticed that the name of the Balagai (ಬಲಗೈ) Kunta Mada is appeared in the said record in respect of landed property bearing Sy. No.100. Further, on perusal of Ex.P2 i.e., certified copy of khethuvar (ಕೇತುವಾರು), it is noticed that the khatha of the landed property bearing Sy. No.100 measuring 4 acres is standing in the name of Kachakki Mada S/o Kunta Mada. As per Ex.P2 khethuvar, the khatha of the said property was transferred into the name of Kachakki Mada on 09.12.1927. Further, on perusal of Ex.P26 i.e., certified copy of preliminary record (Form No.I), it is noticed that the khatha of the landed property bearing Sy. No.100 measuring 2 acres 10 guntas is standing in the name of Kachakki Mada S/o Kunta Mada. But, in the column No.9 of the said document, the name of Kulla S/o Dodda haida is appeared as he is in possession of the said property. Therefore, it is clear that Kachakki Mada S/o Kunta Mada

is left out from the possession of the landed property bearing Sy. No.100 measuring 2 acres 10 guntas.

10. Further, in the plaint, the plaintiffs have stated that landed property bearing Sy. No.100 measuring 4 acres situated at Galipura Village was granted by the Government of Karnataka infavour of Kuntamada through darkasth on 15.11.1927. But, in support of their contention, they have not produced the grant certificate before this court. Further, on perusal of Ex.P3 i.e., encumbrance certificate, it is noticed that the names of Kunta Mada and his son Kachakki Mada are not appeared in column No.5 of the said encumbrance certificate since 01.04.1925 to 20.10.2013. Further, on careful perusal of Ex.P3 documents, it is noticed that on 31.03.1962, 19.02.1963, 16.12.1967, 28.08.1967, the children of Kachakki Mada namely Mallaiah, Nanjaiah and Chennamallaiah had sold the property measuring 8½ guntas, 8½ guntas, 17 guntas, 8½ guntas in Sy. No.100/2 infavour of third parties respectively. But, the said facts is not narrated by the plaintiffs in their plaint. As such, the plaintiffs have filed the present suit by suppressing the material fact. Hence, this court is the considered opinoin

that the plaintiffs have not come to the court with clean hands.

11. Further, during the cross-examination, the DW.1 to 3 have admitted that name of Kunta Mada and Kachakki Mada are entered in Ex.P1, 2 and 26 documents. Admittedly, Ex.P1, 2 and 26 documents are preliminary revenue documents. Except Ex.P1, 2 and 26 documents, the plaintiffs have not produced any other related documents in order to prove their contention. **It is well settled law that** *'in a suit for declaration of ownership or title, the burden always lies on the plaintiff to make out and establish a clear case for granting such a declaration and the weakness if any of the case set up by the defendants would not be ground to grant relief to the plaintiff'.*

In the present suit, the plaintiffs have not produced the grant certificate in order to establish the ownership of their ancestors i.e., Kunta Mada and Kachakki Mada. The plaintiffs have produced only preliminary revenue documents. But, the preliminary revenue records produced by the plaintiffs are not confirmed title over the

suit schedule properties. An entry in the preliminary revenue papers no such of imagination can form the basis for declaration of title in favour of the plaintiffs.

12. On perusal of Ex.P11 i.e., RTC extract for the year 2014-15, it is noticed that the landed property bearing Sy. No.100/1A1 measuring 20 guntas situated at Galipura Village i.e., item No.1 of suit schedule property is standing in the name of defendant No.2. Further, on perusal of Ex.P12 to 20 i.e., RTC extracts for the year 2014-15, it is noticed that the landed property bearing Sy. No.100/1A2 and Sy. No.100/1A3, Sy. No.100/1A4, Sy. No.100/1A5, Sy. No.100/1A6, Sy. No.100/1A7, Sy. No.100/1A8 and Sy. No.100/1B situated at Galipura Village i.e., item No.2 to 9 of suit schedule properties are stands in the name of defendant No.1, 15 to 30. Therefore, the RTC extract produced by the plaintiffs clearly discloses that the defendant No.1, 2, 15 to 30 are in possession of suit schedule properties on the date of filing of the present suit. The plaintiffs have not placed the cogent and reliable documentary evidence to show that they are in possession of suit schedule properties as on the date of filing of this suit. Further more, the

plaintiffs have not challenged the khatha of suit schedule properties stands in the name of defendant No.1, 2, 15 to 30 before the concerned authorities till day. As such, as per **Sec.133 of Karnataka Land Revenue Act**, '*the person name is appearing in the record of rights is presumed to be true unless it is rebutted*'. The said presumption is rebuttable presumption. But, the plaintiffs have not placed the reliable and documentary evidence before this court to rebut the said presumption. Therefore, this court is of the considered opinion that the plaintiffs are not in possession of suit schedule properties as on the date of filing of the present suit.

13. In the present suit, it is an admitted fact that defendant No.15, 16, and 18 had purchased certain extents of the suit schedule properties from defendant No. 2 to 14 through registered testamentary documents. Subsequently, defendant No.15, 16, and 18 have divided the said properties into several plots and sold and bequeathed the same in favour of defendant No.17 and 19 to 30 through duly registered documents and retained a portion of the properties in their own possession. Further, as per the registered testamentary documents,

the khatha of the purchased property transferred into the name of defendant No.17, 19 to 30 and entered their names in the RTC extracts.

14. On perusal of Ex.D3 i.e., certified copy of mutation register, it is evident that the landed property bearing Sy. No.100/1B measuring 1 acre 5 guntas originally belongs to B. Ramaiah resident of Mallaiahna pura Village. After demise of said B. Ramaiah, the khatha of the said landed property is to be transferred into his wife namely Smt. C. Nagamma through MR No.111/1996-97. Further, in the mutation register, there is a recitals that the said property is self acquired property of B. Ramaiah. After changing the khatha of said property, the name of the Smt. C.Nagamma is entered in column No.9 of the RTC extact as cultivator and possessor. But, the plaintiffs or their ancestors have not challenged the said mutation register before the concerned authority.

15. Further, on perusal of Ex.D7 i.e., certified copy of hand written RTC extract, it is noticed that the name of Varadiah S/o Kulla is entered in the column No.9 of the RTC extract in respect of landed property bearing Sy. No.100/1B measuring 1 acre 5 guntas in the year 1971.

Further, the certified copy of phasalu pahani also discloses that the said Varadaiah S/o Kulla is the possessor and grantee of Inam land bearing Sy. No. 100/1B measuring 1 acre 5 guntas. Therefore, said documents are clearly discloses that the landed property bearing Sy. No.100/1B measuring 1 acre 5 guntas originally belongs to Varadiah S/o Kulla and thereafter V. Ramaiah had purchased the same Inam land.

16. Moreover, the plaintiffs have not produced the tax paid receipts to show that they have paid taxes to the concerned authorities in respect of suit schedule properties. Hence, in view of the aforesaid discussions, this court is of the considered opinion that the plaintiffs have utterly failed to prove that they are absolute owners and in possession of suit schedule properties. Accordingly, this court answered the **Issue No.1 and 2 in the Negative.**

17. Issue No.3, 4 and Additional Issue No.1 and 2: These issues and additional issues are inter-related to each other. Hence, in order to avoid repetition of facts and evidence, they have taken together for common discussion. The plaintiffs have contended that the sale

deeds executed by defendant No.2 to 14 in favour of defendant No.15, 16, 18 and the subsequent sale deeds and WILL executed by defendant No.15, 16 and 18 in favour of defendant No.17 and 19 to 30 are illegal and not binding upon them. The defendants have admitted the said execution of sale deeds and WILL by placing the said documents before this court. But, as per discussion made on Issue No.1 and 2, the plaintiffs have failed to establish that they are the owners and in possession of suit schedule properties. When the plaintiffs have failed to establish their ownership and possession over the suit schedule properties, they cannot question the legality and validity of the sale deeds and WILL executed by the defendant No.2 to 16 and 18. Therefore, this court is of the opinion that the plaintiffs have failed to prove that the sale deed and WILL executed by the defendant No.2 to 16 and 18 are null, void and not binding upon them. Accordingly, this court answered the **Issue No.3, 4 and Additional Issue No.1 & 2 in the Negative.**

18. Additional Issue No.3: In their written statement, the defendant No.15, 16 and 18 have taken the contention that the suit filed by the plaintiffs is barred

by law of limitation. The burden of proving this issue lies upon the defendant No.15, 16 and 18. Except taking a contention in the written statement, the defendant No. 15, 16 and 18 have not produced any cogent evidence to establish that the suit is barred by limitation. The plaintiffs have instituted the present suit within the prescribed period of limitation from the date on which the cause of action arose and from the date of knowledge of the impugned transactions. Therefore, the defendant No.15, 16 and 18 have failed to prove that the suit is barred by limitation. Accordingly, this court answered the **Additional Issue No.3 in the Negative.**

19. Preliminary Issue: In their written statement, the defendant No.15, 16 and 18 have taken the contention that the plaintiffs have not properly valued the suit property and not paid the proper court fee. On perusal of valuation slip, it is noticed that the plaintiffs have valued the suit schedule properties for Rs.9,50,000/- and paid court fee of Rs.50/- under Sec.24(b) r/w Sec.7(2)(a) of Karnataka Court Fees and Suit Valuation Act. Hence, the plaintiffs have valued the suit and paid the court fee in accordance with the provisions of the

Court Fees and Suits Valuation Act applicable to the declaratory and consequential relief of permanent injunction sought in the plaint. The defendants have not placed any material on record to show that the valuation of the suit is incorrect or the court fee paid is insufficient. On perusal of the plaint and the court fee paid thereon, this court finds that the suit has been properly valued and the requisite court fee has been paid. Accordingly, this this court answered **Preliminary Issue in the Affirmative.**

20. Issue No.5: In view of the discussions made supra, this court has already come to conclusion that the plaintiffs have failed to establish their ownership and possession over the suit schedule properties. Accordingly, this court is of the opinion that the plaintiffs are not entitled for declaratory and consequential reliefs of permanent injunction. Accordingly, this court answered **Issue No.5 in the Affirmative.**

21. Issue No.6: As per discussion made on above Issue No.1 to 5, Additional issue No.1 to 3 and preliminary issue, this court proceed to pass the following:

ORDER

The suit of the plaintiffs is hereby
dismissed with cost.

Draw decree accordingly.

*[Dictated to the Stenographer, transcribed and typed by her on the Computer, corrected
and then pronounced by me in the open Court on this **17th day of June, 2026**]*

**[Sunil .R]
I Addl. Sr. Civil Judge & JMFC.,
Chamarajanagara.**

ANNEXURE**1. List of witnesses examined for the plaintiffs:**

PW-1 : Sri. Nanjundaswamy

2. List of documents exhibited for the plaintiffs:

Ex.P-1 : Copy of Tippani

Ex.P-2 : Certified copy of khethuvaru

Ex.P-3 : Encumbrance certificate

Ex.P-4 : Form No.5

Ex.P-5 to 10 : Certified copy of sale deeds

Ex.P-11 to 20 : Certified copy of RTC extracts

Ex.P-21 : Office copy of legal notice

Ex.P-22 : Postal receipt

Ex.P-23 & 24 : Postal acknowledgments

- Ex.P-25 : Notice
- Ex.P-26 & 27 : Certified copy of preliminary records
- Ex.P-28 : Encumbrance certificate
- Ex.P-29 & 30 : Survey sketches
- Ex.P-31 : Election ID card
- Ex.P-32 : Patta book
- Ex.P-33 : Certified copy of sale deed
- Ex.P-34 : Certified copy of Karda
- Ex.P-35 : Order of old age pension
- Ex.P-36 : Income certificate
- Ex.P-37 : Caste certificate
- Ex.P-38 : Ration card
- Ex.P-39 to 41 : Tax paid receipts
- Ex.P-42 : Election ID card
- Ex.P-43 : Notarized certificate
- Ex.P-44 : Tax paid receipt
- Ex.P-45 : Self assessment register extract
- Ex.P-46 : Bhagya Jyothi application
- Ex.P-47 to 52 : Aadhaar cards
- Ex.P-53 : Registered gift deed
dated:02.02.2018

3. List of witnesses examined for the defendants:

DW-1 : Sri. Dharmaraju
DW-2 : Sri. Shivanna M.S
DW-3 : Sri. Mohammed Ali

4. List of documents exhibited for the defendants:

Ex.D-1 : Original registered gift deed dated:
02.02.2018
Ex.D-2 : Computerized RTC extract
Ex.D-3 : Certified copy of mutation register
Ex.D-4 : Encumbrance certificate
Ex.D-5 : Tax paid receipt
Ex.D-6 : Certified copy of RTC extract
Ex.D-7 : Certified copy of handwritten
RTC extract
Ex.D-8 : Certified copy of mutation register
Ex.D-9 : Certified copy of tax paid receipt
Ex.D-10 : Certified copy of survey sketch
Ex.D-11 : Certified copy of Akar bandh
Ex.D-12 : Certified copy of Encumbrance
certificate
Ex.D-13 : Certified copy of patta book
Ex.D-14 : Certified copy of RTC register

Ex.D-15 to 18 : RTC extracts

Ex.D-19 : Tax paid receipts

Ex.D-20 : Certified copy of mutation
register

Ex.D-21 : Encumbrance certificate

Ex.D-22 to 32 : Digital copy of registered sale
deeds

Ex.D-33 to 35 : Digital copy of gift deeds

Ex.D-36 : Digital copy of registered sale
deed

**I Addl. Sr. Civil Judge & JMFC.,
Chamarajanagara.**