

KADG210003392025



Presented on : 03-06-2025
Registered on : 03-06-2025
Decided on : 22-07-2026
Duration : 1 years, 1 months, 19 days

**IN THE COURT OF THE SENIOR CIVIL JUDGE & J.M.F.C
AT: CHANNAGIRI**

Present:
Soubhagya.B.Bhusher
B.A.,LL.M

**Senior Civil Judge & J.M.F.C.,
Channagiri**

DATED; THIS THE 22nd DAY OF JULY 2026
R.A.NO.42/2025

**APPELLANT/
DEFENDANT**

Kuberachar S/o Halappa, Age: 70 years,
Occ: Agriculturist, R/o: Kondadahalli, Tq:
Channagiri, Dist: Davanagere.

(By Sri.M.Thippeswamy.,Adv.,)

V/s

**RESPONDENTS/
PLAINTIFFS**

1. Vijay S/o Eswarappa, Age: 54 years, Occ:
Agriculturist,
2. Onkarappa S/o Eswarappa, Age:52 years,
Occ: Agriculturist, Both are R/o:
Kondadahalli, Tq: Channagiri, Dist:
Davanagere.

(By Sri.H.M.Vijay.,Adv)

1.	Date & Nature of decree appealed against.	Judgment and decree passed in O.S.No.89/2015 dated: 21.03.2025 on the file of I Addl. Civil Judge & J.M.F.C., Channagiri.		
2.	Date of Institution of the appeal.	03.06.2025		
3.	Date of Judgment.	22.07.2026		
4.	Duration of the Appeal.	Year	Month	Days
		01	01	19

(Soubhagya.B.Bhusher)
Senior Civil Judge & J.M.F.C.,
Channagiri

JUDGMENT

The present appeal is preferred by the appellant/defendant under Order 41 Rule 1 of C.P.C., against the respondents/plaintiffs to set aside the judgment and decree passed in O.S No.89/2015 dated: 21.03.2025 on the file of I Addl. Civil Judge and J.M.F.C., Channagiri.

2. The appellant was the defendant and the respondents were the plaintiffs before the trial court. Thus, they are referred to by the same rank, in this case.

3. The summary of the suit that was filed by the plaintiffs

against the defendant for the relief of declaration and permanent injunction in respect of the suit schedule properties. The plaintiffs have pleaded that the suit "A" schedule property was under the ownership of one Anantha Rama Shastry and the father of the plaintiffs was cultivating the same as a tenant and he filed an application in 1974-75 to the Land Tribunal for grant of occupancy rights in his favour and Land Tribunal initiated the legal proceedings in case No.52, appeal No.95/1974-75 and after holding enquiry, the Land Tribunal came to the conclusion that the father of the plaintiffs was a tenant and hence, the tribunal has passed the order granting the continued in possession and enjoyment of the same and immediately after issuance of Hakkupatra on 18.11.1981 the authorities of the Government have changed the khata and RTC in the name of Eshwarappa and he was paying tax. Moreover, the father of the plaintiffs was also deposited the appropriate premium amount. However, in the year 1979 Eshwarappa died and the plaintiffs as per basing on the application filed before land tribunal, khata and RTC were mutated in their names. Infact the defendant was not at all tenant with respect to any portion of the land situated in Sy.No.60/3 of Kondadahalli village and it appears to the plaintiffs that in collusion with the original owner Anantha Rama Shastry he might have fraudulently created concocted documents in his name with respect to the portion of the land. The said owner Anantha Rama Shastry had no right to transfer any portion of the land as he had already let out the property to the father of the plaintiffs and during

the subsistence of period of tenancy he had no right to transfer the same.

4. Further stated that inspite of the same, on the illegal inducement made by the defendant, there may be several documents might have been created. But, at no point of time, the defendant has not appeared before the tribunal and claimed any sort of right over any portion of the suit schedule property. Moreover, the father of the plaintiffs had not been dispossessed in any manner from the schedule land in accordance with law. Hence, the tenancy right was continued and after holding enquiry, the Land Tribunal has granted occupancy right over the suit schedule property. Hence, the father of the plaintiffs had acquired absolute title over the property which has been succeeded by the plaintiffs. Under these circumstances, if at all any sort of deeds or documents in the custody of the defendant, they are illegal, void and inoperative in the eye of law as they might have been created by illegal means under which, the defendant could not get any sort of right, title or interest over any portion of the suit schedule property and if the defendant is able to produce any sort of deeds or documents, these documents are not binding on the plaintiffs. The defendant has no manner of right, title or interest over the suit schedule property and inspite of the same, the defendant is managing to take forcible possession of the suit schedule property with a malafied intention to have wrongful gain and to cause loss and irreparable injury to the plaintiffs.

5. Further the defendant is also managing to change the nature of the suit schedule property by encroaching the remaining area in "A" schedule property. Infact, the defendant was requested the plaintiffs to provide him a space to run iron furnace for temporary period and he was also agreed to hand over the possession of the "B" schedule property to the plaintiffs as and when they require the same. But, the defendant has cultivated hostile attitude towards the plaintiffs as the plaintiffs have demanded the vacant possession of the "B" schedule property. But, the plaintiffs have also terminated the license and permission granted in favor of the defendant on 01.03.2015. Inspite of termination and demands made by the plaintiffs for vacant possession of "B" schedule property, the defendant failed to comply the demands made by the plaintiffs and also failed to handed over the vacant possession of the "B" schedule property. The defendant is neither the owner nor got any sort of right to change the nature of the property nor got any sort of right to construct any sort of superstructure by encroaching the suit "A" schedule property. Further the defendant is a powerful person in the locality and he has got his own men and money power at his command. In the 1st week of April 2015 the defendant came near the suit schedule property along-with supporters and hirelings and suddenly tried to excavate the remaining area of the suit schedule "A" property with a malafide intention to lay foundation to his intended building construction. Further he has also threatened the plaintiffs and their family members with deadly weapons and also

abused them in filthy language. Hence, the plaintiffs have constrained to file this suit.

6. In the trial court, the defendant has appeared and contest the suit. In the written statement the defendant has denied the entire plaint allegation averments. It is contended that he had not taken the possession of any part of Sy.No.60/3 with the permission of the plaintiffs for running iron furnace. In the same way the defendant not agreed to hand over the possession of "B" schedule property to the plaintiffs as and when they required. Infact, there is no relationship of licensee and licensor amongst the defendant and the plaintiffs and as such question of putting the demand by the plaintiffs to the defendant for handing over of any portion of Sy.No.60/3 does not arise at all. Infact there is no cause of action to this suit. It is specific defence of the defendant is that the land in Sy.No.60/3 of Kondadahalli was under the ownership and possession of one Anantha Rama Shastry, out of the entire extent of Sy.No.60/3 the said Anantha Rama Shastry sold out Northern 2½ guntas in favour of father of the defendant namely Halappa under a registered sale deed dated: 31.12.74 for a valuable sale consideration and handed over the possession of the sold out portion in favour of father of the defendant and thus the father of the defendant become the owner in possession of Northern 2½ guntas.

7. Further in the same way on the same day, on 31.12.74

subsequent to the registration of aforesaid sale deed in favour of father of the defendant, the remaining Southern extent in Sy.No.60/3 which was remained with the owner was sold out in favour of father of the plaintiffs under a registered sale deed for a valuable sale consideration and put the purchaser in possession of sold out portion in favour of father of the plaintiffs. Thus, the father of the plaintiffs took the possession of the land in Sy.No.60/3 of Kondadahalli which was bounded by specific boundaries. The northern boundary in the sale deed of father of the plaintiffs, which clearly proves that the father of the plaintiffs was put in possession of only 1 acre 37½ guntas in Sy.No. 60/3 situated to the South of Northern 2½ guntas sold out in favour of father of the defendant. Therefore, the claim made by the plaintiffs that their father was the owner in possession of entire extent of Sy.No.60/3 i.e., 'A' schedule property is absolutely false. In the same way the claim made by the plaintiffs that they become the owner in possession of the "A" schedule property after the death of their father and they permitted the defendant to occupy the 'B' schedule property are all nothing but figments of imaginations of the plaintiffs. The plaintiffs being well aware of the aforesaid sale deeds and rights and possession flows in favour of purchasers from the said sale deeds have suppressed the same and protruded their imaginary rights and possession in suit property on the created fraudulent documents concocted by father of the plaintiffs in collusion with Land Tribunal members behind the back of the defendant and his father.

8. Further contended that the father of this defendant was a rustic villager had not at all verified the revenue documents to know whether mutation was effected on the basis of sale deed executed in his favour and there was no occasion was arisen to him or to the defendant to verify the revenue documents as nobody have obstructed the possession of the defendant in Northern 2½ guntas in Sy.No.60/3. On the other hand the aforesaid two sale deeds have not been cancelled up to this day by any competent Civil Court. Thus, the purchasers under the aforesaid sale deeds who acquired the rights and possession of the respective purchased extents in Sy.No.60/3 have been in possession till their death and thereafter the plaintiffs and the defendant being their legal heirs have been continued with the possession of respective extents at their own rights. Hence, the plaintiffs or their father or neither the owners nor in possession of entire extent in Sy.No.60/3 at any point of time. The plaintiffs are not entitled for any of the reliefs as claimed by them. The reliefs of declaration as sought for by the plaintiffs in regard to the imaginary 'B' schedule property without seeking the relief of declaration of their title to "A" schedule property is not liable in law. The defendant specifically disputing and denied the identify and description of "A" and "B" schedule property as described in the suit schedule. Hence, he prays to dismiss the suit with costs.

9. On the basis of the pleadings and the materials placed on record, the trial court framed the following;

ISSUES

1. Whether the plaintiffs prove that they are the absolute owners of the 'B' suit schedule property?
2. Whether the plaintiffs prove that the defendant is in possession over 'B' suit schedule property with permission of plaintiff as stated in para 4 of the plaint?
3. Whether plaintiffs prove that the license terminated on 01.03.2015?
4. Whether the plaintiffs prove that they are in possession of 'A' suit schedule property?
5. Whether the plaintiffs prove the alleged interference over 'A' suit schedule property by defendant?
6. Whether the plaintiffs are entitled for the relief sought for?
7. What order or decree?

10. In the trial court, the plaintiff No.1 examined himself as PW.1 and 20 documents were marked at Ex.P.1 to 20. The plaintiffs have also examined one more independent witness as PW.2.

11. Per contra, the defendant examined himself as DW.1 and 7 documents were marked at Ex.D.1 to 7. That apart the defendant also examined two more independent witnesses as DW.2 and 3.

12. After trial, the trial court has answered the issue No.1, 4 to 6 in the Affirmative and consequentially decreed the suit of the plaintiffs. Feeling aggrieved by the said impugned judgment and decree, the defendant has preferred this appeal on the grounds that the trial court has not considered the evidence let by the parties with proper perspective and thus came to a wrong conclusion of decreeing the suit claim which is opposed to law and facts and also opposed to the settled principles of law. It is the specific claim of the plaintiffs that they are the owners of suit 'A' schedule property in which the part of 'A' schedule property was given to the defendant with a permission for running iron furnace which is specifically disputed and denied by the defendant. In this regard the trial court had not at all considered the pleadings and relative evidence of both parties with regard to the ownership and possession of 'A' and 'B' schedule properties and even the trial court had not considered the admissions of the plaintiffs and their witnesses regarding the area in which defendant is in possession in Sy.No.60/3. The trial court based its opinion to answer the issue No.1 in the affirmative only the basis of legal aspect that "on coming into force of Karnataka Land Reforms Act, that tenanted lands on 31.03.1974 were vested with Government and the owners of the said lands have no rights to deal with the said land. Whereas the plaintiffs themselves had produced the RTC records pertains to Sy.No.60/3 for the period from 1990-91 to 1994-95-Ex.P.18, wherein it reveals that the total extent of Sy.No.60/3 was continued in the name of "Anantha Rama Shastry" and it also

reveals that during 1994 i.e., under M.R No.1994-95, the mutation was effected into the name of Smt.Savitramma mother of the plaintiffs to an extent of 1 acre 37½ guntas only on the basis of sale deed and this revenue record is an undisputed document which reveals the rights and possession of predecessor of the plaintiffs is only to an extent of 1 acre 37½ guntas and the trial court had not considered this documentary evidence.

13. The trial court had not at all considered the fact of creation of documents relating to Sy.No.60/3 with the collusion of revenue department, which is proved by the very documents produced by the plaintiffs i.e., the date of application filed by the father of the plaintiffs is not specific and on the other hand other documents relied by the plaintiffs, i.e., Ex.P.3 and 4 apparently shown the date as 9.1.76, which are alleged to be the notices issued by the Land Tribunal and the said notices, contains the statement of father of the plaintiffs which apparently proves the concoction of documents. On the other hand Ex.P.5 is the said to be the certified copy of deposition of Eshwarappa, which does not bear the date on which it was recorded and there is no mention in the said document who recorded the said statement. On perusal of Ex.P.3 to 5, it reveals that the same statement is there in these three documents, which apparently proves the concoction of documents. Further it is the specific defence of the defendant on 31.12.1974, two registered sale deeds came to be executed by Anantha Rama Shastry, one in favour of father of the plaintiffs to an extent of 1 acre 37½ guntas and one in favour of father of the

defendant to an extent of 2½ guntas and those sale deeds reveals the handing over of possession of respective extents to the respective purchasers. In this context the trial court had not at all taken into account regarding the contents of sale deeds and its relative effect. It is thus reveals that even the father of the plaintiffs claimed his rights as a tenant in Sy.No.60/3 and whereas he himself had entered in to the sale transaction to Sy.No.60/3 to an extent of 1 acre 37½ guntas on 31.12.1974, which apparently reveals that he given up his status as a tenant and occupied the possession and rights in Sy.No.60/3 to an extent of 1 acre 37½ guntas only as purchaser and this legal aspect had not at all considered by the trial court.

14. Further another plea made by the plaintiffs that they handed over the possession of 'B' schedule property i.e., 10X15 feet in Sy.No.60/3. Wherein the defendant pleaded that his father purchased 2½ guntas in Sy.No.60/3 under the registered sale deed and he continued in possession of the said extent which was subsequently succeeded by the defendant and thus there is specific dispute and denial to the extent mentioned in 'B' schedule property. Further the oral evidence of PW.1 and 2 and their admissions regarding the extent of possession of the defendant in Sy.No.60/3. In this regard the cross of PW.1 reveals, what extent of the property in Sy.No.60/3 has being in possession of the defendant for which the relevant portion of deposition of PW.1 in page No.9 and to which goes to the very root of the claim of the plaintiffs. On the other hand, it is the specific cause of action of the

plaintiffs is that the defendant is in permissive possession of 'B' schedule property, which is specifically denied by the defendant and the issue No.2 was framed in that context. The law is settled in this aspect that where the cause of action "i.e., permissive possession" was denied, it is mandatory on the part of the plaintiffs to prove the cause of action through their evidence. In this context it is relevant to consider the evidence of PW.1 in page No.12 second para i.e., "2010-11 ರಲ್ಲಿ ಸದರಿ ಸ್ವತ್ತಿನಲ್ಲಿ ಕುಲುಮೆ ಮನೆ ಮಾಡಲು ಅನುಮತಿ ನೀಡಿದ್ದೇವೆ". At the same time it is relevant to consider the admission of PW.1 in page No.10 of his cross examination "ಕುಲುಮೆ ಮನೆ 2007 ರಿಂದ ಸದರಿ ಸ್ಥಳದಲ್ಲಿ ಇರುತ್ತದೆ". These facts reveals that the cause of action pleaded by the plaintiffs is an imaginary one and thus when the cause of action was not proved by the plaintiffs, the question of decreeing the claim of the plaintiffs does not arise at all. Hence, he prays to allow the appeal.

15. The respondents in response to the notice appeared before the court through their counsel and contested the appeal. The trial court records were secured.

16. Heard the arguments and perused the written argument filed by the respondents and also perused the trial court records. The following points that arise for my consideration;

1. Whether the impugned judgment and decree are perverse, capricious and resulted in miscarriage of justice warranting interference by this court?

2. What order or direction?

17. My answers to the above points are as follows;

Point No.1: In the Negative.

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

:REASONS:

18. POINT NO.1: The brief fact of the case is shown in the inception of the judgement. Hence, in order to avoid the repetition I don't want to repeat the same here once again.

19. Now the said impugned judgement and decree are challenged by the appellant mainly on grounds that the trial court is unjust, capricious, erroneous and the trial court has illegally decreed the suit of the plaintiffs without there being the necessary and supporting oral and documentary evidence produced by the plaintiffs. Further the trial court without appreciating the oral and documentary evidence in a proper and prospective manner and by ignoring and over looking the vital evidence adduced on his behalf has proceed to decreed the suit of the plaintiffs on untenable grounds. Further the trial court has grossly erred in answering the issue No.1, 4 to 6 in the Affirmative.

20. The trial court after considering the said oral and documentary evidence produced by both the sides has proceeded to answer the issue No.1, 4 to 6 in the Affirmative and issue No.2 and 3 does not arise for consideration. While considering the issues regarding the ownership, permissive possession, license

termination, present possession and interference, the trial court has discussed at length the oral and documentary evidence placed before it. To discharge the burden of proof, the plaintiff No.1 examined himself as PW.1 and an independent witness examined as PW.2, while marking 20 documentary exhibits as Ex.P.1 to 20. The defendant examined himself as DW.1 and two independent witnesses examined as DW.2 and 3 and got marked 07 documents as Ex.D.1 to 7. Thereafter, by placing reliance on the presumption of oral as well as documentary evidence, the trial court held that the land had automatically vested in the State Government on 01.03.1974, rendering the sale deeds of 31.12.1974 legally void. Finding the Land Tribunal grant to be the valid root of title and holding the defendant to be a licensee whose permission was revoked, the trial court decreed the suit on 21.03.2025. The aggrieved by the same, the defendant has preferred this appeal.

21. The learned counsel for the appellant has argued with great vehemence that that the trial court committed a serious error in invalidating the defendant's/appellant's sale deed. It is further argued that on 31.12.1974, the original owner executed two synchronous sale deeds splitting Sy.No.60/3. Because the boundary descriptions in the plaintiffs' own deed acknowledge the defendant's share, and vice versa, the appellant argues that the plaintiffs is legally estopped from challenging the validity of the defendant's acquisition through sale deed. The appellant contends the families have lived in separate possession of their respective shares for more than 40 years based on these boundaries. The

reasonings given by the trial court to rely on the revenue records and Land Tribunal orders. Though the plaintiffs have not produced any evidence to prove their title over the suit schedule property, but the trial court wrongly observed that it was proved. So also on wrong presumption the trial court has placed reliance on the admissions of DW.1 to 3. Therefore, it was his submission that the judgment of the trial court is perverse and against the materials on record.

22. On the other hand, the learned counsel for the respondents has supported the reasonings given by the trial court in decreeing the suit. It was his submission that there are no grounds to interfere with well reasoned judgment of the trial court. On perusing the oral and documentary evidence in this case it is shown that the suit schedule property is originally belongs to Anantha Rama Shastry. The father of the plaintiffs was in tenant and he has filed application before land tribunal, Channagiri. Accordingly, on 18.11.1981 the tribunal granted the occupancy right in the name of the father of the plaintiffs. As per the grant order name of the Eshwarappa got mutated and he has paid tax to the Government. Further argued that the said Eshwarappa became the absolute owner and possessor and after his death the plaintiffs are the absolute owners and possession over the suit schedule property. The plaintiffs have produced the Land Tribunal orders, RTC's, Form No.10, mutation entry, wherein the name of the Eshwarappa came to be entered in the revenue records and thereafter the names of the plaintiffs got mutated. Hence, the trial

court rightly considered these documents and decreed the suit. Hence, there are no grounds to set aside the judgment. Hence, he prays to dismiss the appeal.

23. Both the parties are produced the documents before the trial court, on perusal of the documents produced by the plaintiffs it clearly reveals that in application No.95/1094-75 dated: 27.03.1976 Land Tribunal passed the order that applicant be registered as the occupant of land for Sy.No.60/3 measuring 2 acres 3 guntas and accordingly land was granted in the name of the plaintiffs father. To effect this order the land tribunal issued notice to the plaintiffs father to furnish the documents as prescribed under Form No.48 within 7 days. Accordingly, he has furnished those documents and occupancy right was granted in the name of the plaintiffs father to an extent of 2 acres 3 guntas in Sy.No.60/3. Subsequently, the suit property revenue records were mutated in the name of the plaintiffs father. Further on perusal of the documents it is clear that as per the order passed under Land Reforms act in Form No.10 mutation was accepted to an extent of 2 acres 3 guntas. It has been observed by the trial court that the defendant based on his case on register sale deed bearing SR No.2949/1974-75 and 2953/1974-75 dated: 31.12.1974. On perusal of these two sale deeds the plaintiffs father Eshwarappa and the defendant's father Halappa purchased 1 acre 37 guntas and 2.1/2 guntas respectively for valuable consideration of Rs.2,000/- and 300/- on 31.12.1974 from Ananta Rama Shastry. At the time of Land Tribunal proceedings the alleged sale deeds

dated: 31.12.1974 were executed by the then original owner Ananta Rama Shastry in favour of the plaintiff's father and the defendant's father which is bad under law. In the instant case the plaintiff's father filed an application on 27.12.1974 to seek occupancy rights. As on the date of 01.03.1974 lands were vested with State Government. The original owner sold properties on 31.12.1974. Thus, as on the date of filing of the application the original owner who is Ananta Rama Shastry lost his ownership on the suit schedule property. When the Ananta Rama Shastry holds no right or title on the suit schedule property the sale deeds executed on 31.12.1974 are bad in law and not binding either on the plaintiff's or on the defendant father. Hence, the plaintiff's proved that when the application is pending for consideration before land tribunal in spite of issuance of notice to the original owner not filed any objection with respect to the occupancy rights rather sold the property to the plaintiff's father and the defendant father.

24. It was further observed that the original owner Ananta Rama Shastry he knew that as per the amendment act occupant who is none other than Eshwarappa will be considered as an absolute owner of the suit property to an extent of 2 acres 3 guntas. In order to get away from the pros and cons sold the suit properties to the plaintiff's father and the defendant father. Thus, these sale deeds would not effect the right conferred by order dated: 27.03.1974, since, the suit schedule properties were vested with the Government as on the date of sale deeds. Thus, the

plaintiffs proved that they are the absolute owners and possession over the "A" and "B" properties by virtue of Land Tribunal order. The trial court has referred the various judgment and documents relied upon by the parties and has held that the plaintiffs are the absolute owners of the suit schedule properties and accordingly, decreed the suit.

25. On perusal of the entire material placed on record and on perusal of the trial court judgment, while factually compelling on its face, completely collapses when tested against the mandatory provisions of statutory agrarian laws. Section 44 of the Karnataka Land Reforms Act, 1961, mandates an automatic vesting of all tenanted agricultural lands in the State Government as of March 1, 1974. Once an application in Form No.7 is submitted, the landlord is completely divested of his right, title and interest by operation of law. On 31.12.1974, the landlord Ananta Rama Shastri possessed zero legal authority to execute any sale deeds. Therefore, both the sale deeds executed on 31.12.1974 are void ab-initio and completely non-est in the eyes of law. The appellant's invocation of the principle of estoppel or mutual boundaries cannot be validate a contract that is statutorily dead from its inception. A recital in a void document cannot defeat a sovereign legislative enactment. The true root of title for this land flows solely from the Land Tribunal's occupancy certificate as per Ex.P.1. Since the final Form No.10 explicitly grants occupancy rights for the entire survey number to the plaintiffs family i.e., the Eshwarappa, the statutory grant legally

encompasses the 2.1/2 guntas occupied by the defendant. The trial court finding on this point is flawless.

26. Further the appellant strongly urged that because of the plaintiff's father passed away in 1979, the Land Tribunal order passed later in 1981 is a structural nullity, as an order cannot be made in favour of a deceased individual. This court finds that the trial court properly addressed this defence by applying the statutory bar of jurisdiction, the Karnataka Land Reform Act, explicitly bars Civil Court from questioning or adjudicating upon order passed by the Land Tribunal, the certified copies of the documents issued by the Land Tribunal as per Ex.P.1 to 5 command a statutory presumption of validity under section 74 and 79 of the Indian Evidence Act. If the Land Tribunal committed a procedural irregularity by passing the order without formally bringing the legal representatives on record after the death of Eshwarappa in 1979, the remedy for the defendant was to challenge the grant via a Writ Petition before the Hon'ble High Court. The defendant cannot remain silent for four decades, fails to challenge the order in the appropriate legal forum, and then launch a collateral attack against a final statutory grant. The trial court correctly held that it lacked the jurisdiction to set aside the 1981 tribunal order.

27. The appellant further pointed out a structural conflict between the plaintiffs chief-examination, wherein he stated permission to run the furnace was given in 2010-11 and his cross

examination admission that the furnace structure had physically stood on the land since 2007. The appellant claims this contradiction invalidates the entire cause of action. This court cannot agree with the appellant's action. It is an established canon of the law of evidence that minor inconsistencies in oral testimony do not override concrete, certified documentary title. A witnesses deposition must be evaluated in its entirety rather than focusing on a single, isolated line extracted during cross examination. The plaintiffs conclusively proved absolute title by submitting Ex.P.1 to 20 well supported documents, including the tribunal order, Form No.10 and consecutive RTC records showing their family's name in the cultivator column. Once, the defendant's underlying claim to ownership the sale deed 1974 is proven to be legally non-existent, the defendant is reduced to an occupant with no legal title on land belonging to the plaintiffs. Hence, the trial court's assessment of the evidence does not suffer from any perversity.

28. In view of the evidence on record the said reasonings of the trial court in holding that the plaintiffs are the absolute owners in possession over the suit schedule properties, which goes to prove the title of the plaintiffs is in no way wrong or against the fact of the case. Therefore, this court does not find any illegality in the judgment and decree passed by the trial court. The said judgment is well reasoned and has taken into consideration, the documents and evidence in the right perspective. Though the trial court while considering the issues has observed that the plaintiffs have proved their absolute ownership over the suit schedule schedule

properties. Therefore, the trial court has meticulously analysed both the oral and documentary evidence presented by both the parties. The trial court applied the provisions of Karnataka Land Reforms Act in there correct perspective. The appellant has failed to highlight any major illegality, misreading of evidence, or perversity in the trial court's record. Hence, the trial court rightly answered the issue No.1, 4 to 6 in the affirmative, no illegality has been committed by the trial court. In view of the above discussions, this court is of the opinion that the appellant has not made out any grounds for interfering with the well reasoned judgment of the trial court. So also no miscarriage of justice has been caused to interfere with the judgment by this court. Consequentially, the judgment and decree passed by the trial court does not call for any interference from this court. Hence, I answered the point No.1 in the Negative.

29. POINT NO.2: For the aforesaid reasons, I proceed to pass the following;

ORDER

The appeal filed by the appellant/defendant under order 41 Rule 1 of C.P.C., is hereby dismissed with costs throughout.

Consequently, the judgment and decree passed by the I Addl. Civil Judge and

J.M.F.C., Channagiri in O.S.No.89/2015
dated: 21.03.2025 is hereby confirmed.

Office is directed to draw decree
accordingly.

The office is hereby directed to send
back the Trial Court Records along with copy
of this judgment and decree.

**(Directly dictated on computer script to typist, typed by
him, corrected by me, signed and then pronounced in
open court on 22nd day of July 2026)**

**(Soubhagya.B.Bhusher).
Senior Civil Judge & J.M.F.C
Channagiri**