

KAHS310000952021



Presented on : 15-01-2021  
Registered on : 15-01-2021  
Decided on : 19-06-2026  
Duration : 5 years, 5 months, 4 days

**IN THE COURT OF THE PRL. CIVIL JUDGE &  
JMFC, ARAKALGUD.**

**PRESENT: SMT. CHAMPASHREE R., B.A.L., LL.B., LL.M.,  
PRL.CIVIL JUDGE & JMFC.,  
ARAKALGUD.**

**DATED THIS 19<sup>th</sup> DAY OF JUNE, 2026**

**ORIGINAL SUIT NO: 10/2021**

**BETWEEN:**

R.S Manjegowda S/o Late Subbegowda  
Aged about 55 years,  
R/at Rudrapattana village,  
Ramanathpura Hobli,  
Arakalgud Taluk,  
Hassan District.

**(By Sri.S.P.J, Advocate)**

**...Plaintiff**

**AND:**

1. Javaraiah S/o Late Siddayya  
Aged about 60 years,
2. Puttamma W/o Javaraiah  
Aged about 55 years,

Both are R/at Rudrapattana village,  
Ramanathpura Hobli,

Arakalgud Taluk,  
Hassan District.  
**(By Sri.G.D.M, Advocate)**

**...Defendants**

Date of Institution of suit : 15.01.2021  
Nature of Suit : Permanent Injunction  
Date of commencement of Evidence : 23.02.2022  
Date of Judgment : 19.06.2026

### **J U D G M E N T**

Plaintiffs filed present suit for the relief of Perpetual Injunction to restrain Defendants or any person on their behalf from interfering with the peaceful possession and enjoyment of Plaintiff in suit property.

#### **DESCRIPTION OF SUIT PROPERTY:**

*All that piece and parcel of the land bearing Sy.No.73/8 measuring 0.02 Gunthas which is situated Rudrapattana Nalahanta village, Ramanathpura Hobli, Arakalgud Taluk, Hassan District.*

*East : Flowing stream  
West : The Path and stream that flows through our farm.  
North : Land of Siddaiah S/o Late Javaraiah ,  
South : Land of Shankara S/o Late Siddegowda*

#### **FACTS IN BRIEF :**

2. It is stated that, suit property is the self-acquired property of Plaintiff and the same is in his possession and enjoyment, suit property originally belonged to Sri.R.S.Siddayya S/o Late.Lakkaya and his family. Plaintiff purchased suit property from Sri.R.S.Siddayya S/o Late.Lakkaya on 20.10.2020 and Plaintiff got mutated his name in revenue records

and has been in possession and enjoyment of the suit property. It is stated that, suit property being the fertile land Plaintiff is cultivating paddy during rainy season and growing vegetables during summer season.

3. It is stated that, Defendants have not got any rights over the suit property, but Plaintiff with ill-intention to disturb the Plaintiff's possession in the suit property is causing interference to Plaintiff's possession in suit property and if same continues, irreparable loss will be caused to the Plaintiff. It is stated that, Defendants were suggested through the elders of the village to restrain from causing interference to Plaintiff's possession in suit property, but Defendants failed to mend their ways.

4. It is stated that, therefore Plaintiff lodged complaint against the Defendants before the Konanur Police Station, but Konanur Police stated that without any order from the Court they are not able to do any Act. It is stated that, Defendants are economically and politically strong person, therefore, only from the order of the Court Defendants could be restrained from causing any sort of interference in the suit property. Hence, present suit.

5. Suit summons was duly served upon Defendants. Defendants appeared and filed their written statement and also cross examined the PW.1.

6. Defendants filed written statement denying entire case of Plaintiff and specifically contends that suit property originally belongs to one Boodhagirisiddayya and he had three sons i.e. Javaraya, Lakkaya and Siddaya and after the death of said Boodhagirisiddayya, his second son i.e. Lakkaya, portraying himself as a only son and colluding with revenue officials, got mutated suit property to his name by suppressing the fact

that he has two brothers. It is contended that, though his two brothers have equal rights over the suit property, he sold suit property to Plaintiff. Therefore, said sale is illegal and suit property is joint family property and Plaintiff has not got any right, title or possession over the suit property and only with an intention to harass the Defendants he filed present suit. Hence prays to dismiss the suit.

7. Based on the pleadings, following issues were framed by this Court:

**: ISSUES:**

- 1. Whether Plaintiff prove that he is in possession of suit property as on the date of suit ?***
- 2. Whether Plaintiffs proves that Defendants caused interference to the Plaintiff's possession in suit schedule property ?***
- 3. Whether Plaintiff is entitled for the relief sought for?***
- 4. What order or decree?***

8. Plaintiffs in order to substantiate his case Plaintiff got examined as PW.1 and got marked 14 documents as Ex.P1 to Ex.P14. Ex.P1 is registered sale deed dated 20.12.2020. Ex.P2 is the RTC extract. Ex.P3 is the M.R extract. Ex.P4 is the acknowledgment. Ex.P5 is the tax paid receipt. Ex.P6 is the Encumbrance certificate. Ex.P7 and P8 are the RTC extracts. Ex.P9 is the registered sale deed dated 07.03.1972. Ex.P10 is the hand written RTC extract. Ex.P11 is the M.R No. 24/1994-95 extract. Ex.P12 and P13 are the RTC extracts. Ex.P14 is the Akarbandh.

9. Heard learned counsel for Plaintiff. Defendant Counsel failed to canvass his arguments, hence, same was taken as not canvassed. Based on oral and documentary evidence and on the arguments canvassed by Plaintiffs counsel, this Court answers above points as under:

***Issue No. 1 : In the Affirmative,  
Issue No. 2 : In the Affirmative,  
Issue No. 3 : In the Affirmative,  
Issue No. 4 : As per the final order,  
for the following,***

**: REASONS :**

10. **Issue No.1:** It is specific case of Plaintiff that, suit property is the self-acquired property of Plaintiff and the same is in his possession and enjoyment, suit property originally belonged to Sri.R.S.Siddayya S/o Late.Lakkaya and his family. Plaintiff purchased suit property from Sri.R.S.Siddayya S/o Late.Lakkaya on 20.10.2020 and Plaintiff has mutated the name in revenue records and has been in possession and enjoyment of the suit property. Suit property being the fertile land Plaintiff is cultivating paddy during rainy season and grow vegetables during summer season.

11. Defendants have not got any rights over the suit property, but Plaintiff with ill-intention to disturb the Plaintiff's possession in the suit property is causing interference to Plaintiff's possession in suit property and if same continues, irreparable loss will be caused to the Plaintiff. Defendants were suggested through the elders of the village to restrain from causing interference to Plaintiff's possession in suit property, but Defendants failed to mend their ways. Therefore, Plaintiff lodged complaint against the Defendant before the Konanur police station, but

Konanur police stated that without any order from the Court they are not able to do any Act. Defendant is economically and politically strong person, therefore, only from the order of the Court Defendant could be restrained from causing any sort of interference in the suit property. Hence, prays to decree the suit.

12. Plaintiff in order to substantiate his case has got examined himself as PW.1 and got marked 14 documents as Ex.P1 to Ex.P14. Ex.P1 is registered sale deed dated 201.2020 . Ex.P2 is the RTC extract. Ex.P3 is the M.R extract. Ex.P4 is the acknowledgment Ex.P5 is the tax paid receipt. Ex.P6 is the Encumbrance certificate. Ex.P7 and P8 are the RTC extracats. Ex.P9 is the registered sale deed dated 07.03.1972. Ex.P10 is the hand written RTC extract. Ex.P11 is the M.R No. 24/1994-95 extract. Ex.P12 and P13 are the RTC extracts. Ex.P14 is the Akar bandh.

13. PW.1 adduces that, suit property is the self-acquired property of Plaintiff and the same is in his possession and enjoyment, suit property originally belonged to Sri.R.S.Siddayya S/o Late.Lakkaya and his family. Plaintiff purchased suit property from Sri.R.S.Siddayya S/o Late.Lakkaya on 20.10.2020 and Plaintiff has mutated the name in revenue records and has been in possession and enjoyment of the suit property. Suit property being the fertile land Plaintiff is cultivating paddy during rainy season and grow vegetables during summer season.

14. It is adduced that, Defendants have not got any rights over the suit property, but Plaintiff with ill-intention to disturb the Plaintiff's possession in the suit property is causing interference to Plaintiff's possession in suit property and if same continues, irreparable loss will be caused to the Plaintiff. Defendants were suggested through the

elders of the village to restrain from causing interference to Plaintiff's possession in suit property, but Defendants failed to mend their ways. Therefore, Plaintiff lodged complaint against the Defendant before the Konanur police station, but Konanur police stated that without any order from the Court they are not able to do any Act. Defendant is economically and politically strong person, therefore, only from the order of the Court Defendant could be restrained from causing any sort of interference in the suit property. Hence, prays to decree the suit.

15. PW.1 to prove that Plaintiff is in possession of the suit property as on date of suit, PW.1 mainly relied on Ex.P1, Ex.P2, Ex.P3, Ex.P5, Ex.P6, Ex.P7. Ex.P1 is the registered sale deed dated 20.10.2020, wherein it reflects that one R.L.Siddhaya and his children Lakshmi Prasad, Hemashree Jayachandra executed sale deed in favour of R. S. Manjegoda i.e. Plaintiff. On going through the said sale deed it is noticed that the description of the property as per the said sale deed and the suit property are one and the same and by observing Ex.P1, it is clear that suit property was purchased by Plaintiff on 20.10.2020 from R.L.Siddhaya and his children for sale consideration.

16. Ex.P2 is the RTC extract with respect to suit property wherein in column No. 9 name of Plaintiff is mentioned and in column No.10 the mode of possession is mentioned as through sale. On observing the said document it is clear that said RTC is with respect to the year 2020-2021 i.e., as on date of suit, suit property as per RTC extract was standing in the name of Plaintiff., therefore it appears Plaintiff is in possession of the suit property as on date of suit.

17. As per Section.133 of The Karnataka Land Revenue Act, 1964, an entry in Record of Rights and a certified entry in the Register of

Mutations or in Patta book shall be presumed to be true, until the contrary is proved or a new entry is lawfully substituted. Herein, present case the presumption under Section 133 of The Karnataka Land Revenue Act, 1964 is not rebutted. Unless the contrary is proved the entry made in the Record of Rights is presumed to be true, therefore, it is presumed that Plaintiffs are in possession of suit property as on date of suit.

18. Ex.P3 is the mutation extract bearing MR No. H24 / 2020-2021 wherein it appears that Plaintiff's name was mutated with respect to suit property from R. L. Siddayya, S/o Lakkaya, for the transaction of sale. On observing the said document it is clear that earlier the suit property was standing in the name of R.L Siddayya S/o Lakkaiah and through transaction of sale name of Plaintiff was ordered to be mutated on 21.10.2020.

19. Ex.P5 is the tax paid receipt, dated 01.01.2021 wherein it appears that tax has been paid with respect to suit property by Plaintiff, therefore it appears Plaintiff has paid tax with respect to the suit property to the Government. Ex.P6 is the Encumbrance with respect to the suit property pertaining to the year 21.10.2020 to 21.10.2020 wherein it appears that survey number 73/8 measuring 20 guntas was in the name of Plaintiff as on 21.10.2020. On meticulously observing the said document, it is clear that as on 21.10.2020, the name of Plaintiff is with respect to suit property and there was no any sort of encumbrance or the same is not in the possession or right over others.

20. Ex.P12 is the RTC extract with respect to suit property pertaining to the period 2000-2001, wherein it appears in column No. 9, the name of R.L Sidayya S/o Lakkaiah name was mentioned and the mode of his

possession is mentioned as sale. On going through the same document, it is clear that suit property during the year 2020-21 was in the name of R.L.Siddayya S/o Lakkaya and his name was mutated to the revenue records for the transaction of sale.

21. PW-1 was cross examined by Defendant counsel but no fact contrary to the case of Plaintiff was elicited to disprove that Plaintiff is not in possession of suit property.

22. To prove that Plaintiff was in the suit property as on date of suit , PW-1 as discussed above mainly relied on sale deed as per Ex.P1 and RTC extract as per Ex.P2. On collectively looking into said document it is clear that suit property was purchased by Plaintiff in 20.10.2020 and based on said transaction name of Plaintiff was mutated to the RTC extract with respect to suit property. As discussed above Section.133 of The Karnataka Land Revenue Act, 1964, an entry in Record of Rights and a certified entry in the Register of Mutations or in Patta book shall be presumed to be true, until the contrary is proved or a new entry is lawfully substituted. Herein present case PW-1 to prove his possession in suit property as on date of suit mainly relied on Ex.P2 and any entry in said document is presumed to be proved until the contrary is proved but though DW-1 disputes the possession of Plaintiff and also the title of Plaintiff in suit property but failed to contrary elicitate any fact during the cross examination of PW-1 and though Defendant to disprove the case of Plaintiff got examined himself as DW-1 but failed to produce any documents or tender himself for cross examination, therefore the evidence of DW-1 has no any evidentiary value. Therefore for the discussion made above this Court opines that Plaintiff proved his possession in suit property as on date of suit. **Hence, this Court proceed to answer this point in Affirmative.**

23. **Issue No.2:** PW.1 adduced that, Defendants are causing interference to his possession in suit property and in support of his oral evidence he relied on Ex.P4. Ex.P4 is the NCR dated 27.12.2020 wherein Plaintiff has lodged complaint against Defendants on 27.12.2020 wherein it is stated that, Defendants are causing interference in Sy. No. 73/8 measuring 20 guntas i.e., in suit property. On meticulously observing the said documents it appears that there was no quarrel between Plaintiff and Defendants with respect to suit property. PW-1 was cross examined by Defendant counsel and no facts disproving that Plaintiff is not in possession of suit property were elicited. DW-1 to disprove that case of Plaintiff adduced that Plaintiff is not in possession of suit property but Plaintiff is causing interference to Defendants possession in suit property but DW-1 failed to tender himself for cross examination, therefore the evidence of DW-1 has no evidentiary value and same cannot be acceptable. **Hence, this Court proceeds to answer this issue in Affirmative.**

24. **Issue No.3:** For the discussion made above it is clear that Plaintiff proved that he is in possession of suit property as on date of suit and also proved that Defendants caused interference to Plaintiff's possession. As Plaintiff proved his case beyond preponderance of probability, he is entitled for the relief sought. **Hence, this Court proceeds to answer this issue in Affirmative.**

25. **Issue No.4:** In view of the above discussions, this Court proceeds to pass the following:

### **ORDER**

Suit filed by Plaintiff is hereby decreed with costs.

Defendants or any body acting on their behalf are hereby restrained from interfering the peaceful possession and enjoyment of Plaintiff in suit property.

Draw decree accordingly.

*(Dictated directly to the stenographer on Computer, the same is revised, edited and corrected by me and then pronounced in the Open Court on this the 19<sup>th</sup> day of June , 2026).*

**(CHAMPASHREE R.)**  
**Prl.Civil Judge & JMFC,**  
**Arakalagud.**

**: ANNEXURES :**

**LIST OF WITNESS EXAMINED ON BEHALF OF THE Plaintiff:**

PW.1 : Mr. R.S Manjegowda

**LIST OF DOCUMENTS MARKED ON BEHALF OF THE Plaintiff:**

Ex.P1 : Registered sale deed dated 201.2020  
Ex.P2 : RTC extract  
Ex.P3 : M.R extract.  
Ex.P4 : Acknowledgment  
Ex.P5 : Tax paid receipt  
Ex.P6 : Encumbrance certificate  
Ex.P7& 8 : RTC extracts  
Ex.P9 : Registered sale deed dated 07.03.1972  
Ex.P10 : Hand written RTC extract  
Ex.P411 : M.R No. 24/1994-95 extract  
Ex.P12&13 : RTC extracts  
Ex.P14 : Akar bandh

**LIST OF WITNESS EXAMINED ON BEHALF OF THE DEFENDANT:**

-Nil-

**LIST OF DOCUMENTS MARKED ON BEHALF OF DEFENDANT:**

-Nil-

(Smt. CHAMPASHREE R.)  
Prl. Civil Judge & JMFC,  
Arakalagud.

(Judgment pronounced in open Court vide in separate order sheet)

**: ORDER :**

Suit filed by Plaintiff is hereby decreed with costs.

Defendants or any body acting on their behalf are hereby restrained from interfering the peaceful possession and enjoyment of Plaintiff in suit property.

Draw decree accordingly.

**Prl. Civil Judge & JMFC,  
Arakalagud.**