

KAHS510009432025



Presented on : 11-06-2025  
Registered on : 11-06-2025  
Decided on : 11-06-2026  
Duration : 1 year

**IN THE COURT OF I ADDL. CIVIL JUDGE AND JMFC.,  
BELUR**

**PRESENT:-**

**SMT. SALMA A.S. B.B.A., LL.B.,(HONS)  
I ADDL. CIVIL JUDGE AND JMFC., BELUR.**

DATED THIS, THE 11<sup>TH</sup> DAY OF JUNE , 2026

**O.S. NO.230/2025**

**PLAINTIFFS:**

1. Rajiya W/o Monu  
Age: 61 Years,
2. Mariya D/o Monu  
Age: 43 Years,
3. Reshma D/o Monu,  
Age: 38 Years,
4. S. Asha D/o Monu,  
Age: 38 Years,
5. Roshana M. D/o Monu,  
Age: 35 Years,
6. Ajith M. S/o Monu  
Age: 31 Years,

7. Sharif S/o Monu  
Age: 35 Years,

All are R/o: Vatahalli village, Arehalli Hobli,  
Beluru Taluk, Hassan District.

**(By Sri. Y.D.R., Adv.,)**

**- Vs -**

**DEFENDANTS:**

1. Seethu W/o Muttappa,  
Aged about 50 years,
2. Girija W/o Shivappa,  
Aged about 55 years,
3. Bhagya W/o Devaraj Urs  
Aged about 48 years,
4. Bharathi W/o Sundaraj Urs  
Aged about 45 years,
5. Krishnaraj Aras S/o Erapparaj Urs  
Aged about 42 years,
6. Puttachar S/o Kalachar  
Aged about 55 years,

All are R/o: Vatahalli village, Arehalli Hobli,  
Beluru Taluk, Hassan District.

**(Sri. H.R.C., Advocate for defendant No.1 to 5)  
( Defendant No.6 is placed Ex-parte)**

Date of Institution of Suit	-	11-06-2025
Nature of Suit	-	For Permanent Injunction

Date on which commencement of recording of evidence.	-	24-01-2026
Date of pronouncing of Judgment.	-	11.06.2026
Total duration.	-	Year    Month    Day 1        0        0

**I Addl. Civil Judge & JMFC,  
Beluru.**

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

The plaintiffs have filed the present suit for the relief of Permanent Injunction to restrain the defendants or anybody claiming under them from demolishing the compound wall which is situated towards the Southern side of the suit schedule property and demolishing the foundation and restrain the defendants from interfering with plaintiffs construction and peaceful possession over the suit schedule property.

**2. The brief facts of the plaintiff's case is as follows;**

It is the contention of the plaintiffs that, the suit schedule property was granted to the plaintiffs father

Monu @ Mohammed under Akrama Sakrama scheme on 25.06.2014 and Hakku Patra was also issued in his favour. That the property bearing Sy No.44 of Vatehalli village, Arehalli Hobli, Beluru Taluk measuring East-West 48 feet and North-south 57 feet was granted to the father of the plaintiff including the house and vacant space. That the plaintiff No.1 is the wife and 2 to 7 are his children. That the said Monu has died on 06.05.2021 leaving behind the plaintiffs to succeed to estate. After the death of Monu, the plaintiffs continued to be in possession of the suit schedule property. That the defendants are the adjacent residents of the suit schedule property. Except the plaintiffs no other person has got any right over the suit schedule property. That the plaintiffs have constructed a house measuring 29 X 40 feet and has also constructed a compound wall around 4 years back by leaving 2 feet set back. That in the Hakku Patra the measurement is wrongly mentioned as East-West 48 feet and North-south 57 feet, in fact East-West 57 feet North-south 48 feet is the actual measurement. In this regard the plaintiffs have filed

application for correction of Hakku Patra but till date it is pending. That the plaintiffs are the absolute owners and in possession of the suit schedule property. That now the plaintiffs were trying to construct another room and laying foundation, at that time the defendants are interfering with the plaintiffs peaceful possession and enjoyment and tried to demolish the compound wall. In this regard the plaintiffs tried to lodge a complaint, but the police directed the plaintiff to approach the civil court since the matter is civil in nature. That again the defendants along with others came near the suit schedule property and tried to demolish the wall, that the plaintiffs resisted the same, the defendants left the spot by threatening that they will demolish the wall one or other day. That the defendants without any manner of right are trying to interfere with the possession of the plaintiffs trespassing into suit schedule property and trying to demolish the compound and hence the present suit and prayed to decree the suit.

3. In pursuance of service of suit summons, the defendant No.1 to 5 have appeared through their

counsel, but has not filed the written statement and contested the suit. In spite of due service of summons, defendant No.6 has not appeared before the court, hence he is placed Ex-parte.

4. The plaintiffs in order to prove their case got examined plaintiff No.1 as PW.1 and produced 6 documents as per Ex.P.1 to 6 and closed their evidence.

5. Heard the argument of learned counsel for plaintiffs and perused the pleading, oral as well as documentary evidence and other documents placed on record.

6. The following points arise for my consideration;

### **POINTS**

1. Whether the plaintiffs prove that they are in peaceful possession and enjoyment over the suit schedule property?
2. Whether the plaintiffs prove that the defendants are interfering with thier peaceful possession and enjoyment over the suit schedule property?
3. What order or decree?

7. On hearing plaintiffs and on perusal of oral and documentary evidence placed on record my answer to the above points is as following:

**Point No 1: In the affirmative.**

**Point No 2: In the affirmative.**

**Point No 3: As per final order for the following;**

### **REASONS**

8. **POINT NO.1 and 2** : Since these points are inter connected with each other, hence, in order to avoid repetition of facts, are taken together for discussion.

It is the contention of the plaintiffs that, the plaintiffs are the absolute owners and in possession of the suit schedule property being granted to the husband of plaintiff No.1 and father of plaintiff No.2 to 7. That the defendants without any manner of right are interfering with the plaintiffs peaceful possession and enjoyment over the suit schedule property .

9. The plaintiffs in order to prove thier case got examined plaintiff No.1 as PW.1. PW.1 filed affidavit in lieu of her chief examination by reiterating the plaint

averments and produced 6 documents as per Ex.P.1 to 6. Ex.P.1 is the Death certificate of Monu, Ex.P2 is the Genealogical Tree, Ex.P3 is the RTC of property bearing Sy No.44 measuring 0.02.08 guntas, Ex.P4 is the MR No.H20/2021-22, Ex.P5 is the Hakku Patra, Ex.P6 is the Official Memorandum.

10. In the light of the above it is to be observed that plaintiffs have contended that, they are the absolute owners and in possession and enjoyment of the suit schedule property being granted the same to one Monu. It is the contention of the plaintiffs that, originally the suit schedule property was granted in favour of one Monu, who is the father of plaintiff No.2 to 7 and husband of plaintiff No.1. That he has died on 06.05.2021 leaving behind the plaintiffs as his legal heirs. That after his death the plaintiffs continued to be in possession of the suit schedule property. In order to prove their possession over the suit schedule property, the plaintiffs have produced Hakku Patra as per Ex.P5. On perusal of the same it is found that, the suit schedule property is granted in favour of one Monu S/o

Mohammed. Further the plaintiffs have produced the death certificate of said Monu as per Ex.P1 and Genealogical tree as per Ex.P2 to establish their relationship with deceased Monu. Further the plaintiffs have produced RTC of property bearing Sy No.44 as per Ex.P3 on perusal of the same it is found that, the suit schedule property is standing in the name of deceased Monu. The plaintiff by producing Ex.P1 to 6 have established that, the suit schedule property was granted to deceased Monu and they are in possession of the suit schedule property.

11. The defendant No.1 to 5 though appeared have not filed the written statement and contested the suit. The oral and documentary evidence of the plaintiffs has remained unchallenged. There are no reasons to disbelieve the oral and documentary evidence of the plaintiffs. It is well settled principle of law that, if the party has appeared, but has not stepped into witness box, adverse inference can be drawn against them as plaintiff's case is correct.

12. In this regard this Court would like to rely upon the decision reported in ***AIR 1999 Supreme Court 1441 rendered by Hon'ble Supreme Court in Vidhyadhar Vs. Manikrao***. It was held in the said case that "Where party to the suit does not step into witness box and state his own case on oath and does not offer himself to be cross examined by the other side, a presumption would arise that the case set up by him is not correct". This principle also is enumerated in Section 114 of Evidence Act.

13. Further it is the contention of the plaintiffs that, the defendants are trying to demolish the wall situated towards the southern side of the suit schedule property, demolish the foundation and trying to interfere with the plaintiffs peaceful possession and enjoyment over the suit schedule property. Mere apprehension is sufficient for grant of injunction. Moreover the pleadings and evidence of the plaintiffs is not denied by the defendants. That the plaintiffs through oral and documentary evidence have proved their possession and interference made by the

defendants over the suit schedule property. Hence **I answered Point No.1 and 2 in the Affirmative.**

14. **POINT NO.3:** For the reasons and discussions made above and findings on the above points this Court is of the opinion that plaintiffs are entitled for the relief as sought in the plaint. Accordingly, I proceed to pass the following:

### **ORDER**

The suit of the plaintiffs is hereby decreed with cost.

The defendants or anybody claiming under them are hereby permanently restrained from demolishing the compound wall which is situated towards the southern side of the suit schedule property, demolishing the foundation and interfering with the plaintiffs peaceful possession and enjoyment over the suit schedule property.

Draw decree accordingly.

(Dictated to the Stenographer transcribed and computerized by her, corrected by me and then pronounced in the open court on this, **11<sup>th</sup> day of June, 2026**)

**I Addl. Civil Judge & JMFC,  
Beluru.**

**- ANNEXURES -**

**LIST OF WITNESSES EXAMINED ON BEHALF OF plaintiff**

P.W.1 – Rajiya W/o Monu

**LIST OF DOCUMENTS MARKED ON BEHALF OF plaintiffs**

- Ex.P.1 – Death certificate  
Ex.P.2 – Genealogical Tree,  
Ex.P.3 – RTC of property bearing Sy No.44  
Ex.P.4 – MR No.H20/2021-22  
Ex.P.5 – Hakku Patra  
Ex.P.6 – Official Memorandum.

**LIST OF WITNESSES EXAMINED AND LIST OF DOCUMENTS  
MARKED ON BEHALF OF DEFENDANT/S**

– Nil –

**(Salma A.S)**

I Addl. Civil Judge & JMFC,  
Beluru.