



**IN THE COURT OF THE CIVIL JUDGE AND JUDICIAL
MAGISTRATE FIRST CLASS, SAVANUR.**

PRESENT: SRI. SRINIVASA. S. N,
B.A., LL.M.,
Civil Judge and JMFC.,
Savanur.

ORIGINAL SUIT NO.62/2018

Dated this 1st day of August, 2026

Plaintiffs:

Abdulrahiman S/o Modinsab
Kempamodinsabanavar
Since dead represented by his LR:-

- 1(A).** Smt. Katunabi W/o Abdulsab @
Abdulrahiman Kempamodisabanavar,
Age: 74 years, Occ: Household work,
R/o: Davaga Street,
Tq: Savanur, Dist.: Haveri.
- 1(B).** Smt. Fatimabi W/o Hasanmiya Kharjigi,
Age: 53 years, Occ: Household work,
R/o: Hattimattur village,
Tq: Savanur, Dist.: Haveri.
- 1(C).** Smt. Shakeelabi W/o Abdul Khadar
Desuri,
Age: 45 years, Occ: Household work,
R/o: Malanji Street,
Tq: Savanur, Dist.: Haveri.
- 1(D).** Smt. Anisabi W/o Iqbalsab Harkuni,
Age: 44 years, Occ: Household work,
R/o: Andalagi village,
Tq: Savanur, Dist.: Haveri.
- 1(E).** Smt. Tahirabanu W/o Abdul Munaf Attar,
Age: 43 years, Occ: Household work,
R/o: Lakshar Bazar Street, Savanur,
Tq: Savanur, Dist.: Haveri.
- 1(F).** Mahmadkhasi S/o Abdulsab @
Abdulrahiman Kempamodisabanavar,
Age: 42 years, Occ: Agriculturist,



R/o: Davaga Street, Savanur,
Tq: Savanur, Dist.: Haveri.

- 1(G).** Smt. Madarabi W/o of Abdulgaffar
Lakshmeshwar,
Age: 40 years, Occ: Household work,
R/o: Soor Street, Savanur,
Tq: Savanur, Dist.: Haveri.
- 1(H).** Smt. Rehanabanu W/o Riyazahmad
Chikkamallihalli,
Age: 38 years, Occ: Household work,
R/o: Savanur,
Tq: Savanur, Dist.: Haveri.
- 1(I).** Abdulgani S/o Abdulsab @ Abdulrahiman
Kempamodisabnavar,
Age: 36 years, Occ: Agriculturist,
R/o: Davaga Street, Savanur,
Tq: Savanur, Dist.: Haveri.
- 1(J).** Khajahusain S/o Abdulsab @
Abdulrahiman Kempamodisabnavar,
Age: 74 years, Occ: Household work,
R/o: Davaga Street, Savanur,
Tq: Savanur, Dist.: Haveri.

[By Sri. F.N. Nellur, Advocate]

V/S

Defendants:

- 1.** Mahmadhanifsab S/o Modisab
Kempamodisabanavar
Age: 75 years, Occ: Agriculture,
R/o: Savanur,
Tq: Savanur, Dist.: Haveri.
- 2.** Mahammad Ishaq S/o Khajahusainsab
Kempamodinsabanavar
Age: 60 years, Occ: Household work,
R/o: Shukrawar Peth, Savanur.
Tq: Savanur, Dist.: Haveri.



3. Smt. Juharabegam W/o Hasanmiyya Kundur

Age: 45 years, Occ: Household work,

R/o: Shukrawar Peth, Savanur.

Tq: Savanur, Dist.: Haveri.

[D-1 by Sri V.B. Turakani, Advocate]

[D-2 Ex-parte]

[D-3 by Sri Sadik Kanvi, Advocate]

Date of institution of suit	22-02-2018		
Nature of the suit	Suit for Permanent Injunction		
Date of commencement of recording of the evidence	29-09-2022		
Date on which the Judgment was pronounced	01-08-2026		
Total duration	Year/s	Month/s	Day/s
	08	05	10

**Civil Judge & JMFC,
Savanur.**

J U D G M E N T

The original plaintiff instituted the present suit against the defendants seeking the relief of permanent injunction restraining the defendants from interfering with his alleged peaceful possession and enjoyment of the suit schedule



properties and with such other reliefs, in the interest of justice and equity.

2. The averments of plaint in brief is as follow:

(a). It is the specific case of the plaintiff that the suit properties originally belonged to his father, defendant No.1 and the grandfather of defendant No.2, namely, Modinsab. According to the plaintiff, after the death of Modinsab, the plaintiff and defendant No.1 and 2 succeeded to the properties and continued to be in joint possession and enjoyment thereof, each having one-third share. It is specifically pleaded that no partition had taken place among the plaintiff and defendant No.1 and 2.

(b). It is further contended that defendant No.1, behind the back of the plaintiff, executed a gift deed in favour of his daughter, defendant No.3, in respect of land bearing Sy.No.441/1 measuring 2 acres 14 guntas. The mutation entry made on the basis of the said gift deed was challenged by the plaintiff before the Assistant Commissioner in RTS No.116/2014-15. After hearing the parties, the Assistant



Commissioner allowed the appeal and set aside the mutation entry.

(c). According to the plaintiff, defendant No.3 has no right, title or interest over the said property. It is alleged that the defendants, with an intention to deprive the plaintiff of his lawful share, were attempting to create false documents and alienate the suit properties. It is further alleged that on 14-02-2018, the defendants interfered with and obstructed the plaintiff's possession and enjoyment of the suit properties. Hence, the present suit came to be filed.

3.(a) After service of summons, defendant No.1 and 3 appeared through their respective counsel and filed their written statements. Defendant No.2 remained absent and was placed ex parte.

(b). The Defendant No.1 denied the material allegations made in the plaint, except the proceedings before the revenue authorities. Defendant No.1 contended that after the death of Modinsab, the names of the plaintiff, defendant No.1 and



Khwaja Hussainsab were entered in the revenue records relating to Sy.No.441/1B measuring 7 acres 6 guntas.

(c). According to defendant No.1, a family partition took place in the year 1993. Under the said partition, a house, backyard and certain other properties were allotted to the plaintiff. Defendant No.1 was allotted 2 acres 15 guntas on the northern side and 2 acres 16 guntas on the southern side of Sy.No.441/1B. Defendant No.2 was allotted the middle portion measuring 2 acres 16 guntas. It is contended that pursuant to the partition, the name of the plaintiff was deleted from the revenue records and Mutation Entry No.9582 was certified on 28-01-1994. Since then, defendant No.1 and 2 have been in possession and enjoyment of their respective portions.

(d). It is further contended that defendant No.1 executed a registered gift deed dated 09-01-2014 in favour of his daughter, defendant No.3, gifting his portion measuring 2 acres 14 guntas in Sy.No.441/1 and delivered possession thereof. On the strength of the gift deed, defendant No.3 claims to be the absolute owner in possession of the said property.



(e). Defendant No.1 further contended that though the plaintiff succeeded before the Assistant Commissioner in getting the mutation entry set aside, defendant No.3 challenged the said order before the Deputy Commissioner. The Deputy Commissioner directed the parties to maintain status quo. The registered gift deed has not been challenged before a competent civil court and therefore, according to the defendants, it continues to remain valid and binding.

(f). The defendants also contended that the plaintiff had earlier instituted O.S.No.57/2014 in respect of the very same properties against the same defendants and that the said suit was pending. They further contended that the present suit was not maintainable and that all the alleged joint family properties and necessary parties had not been included. On these grounds, they sought dismissal of the suit with costs.

4. Defendant No.3 filed a written statement raising substantially the same contentions as those raised by defendant No.1.

5. Based on the pleadings of both the parties, this court has framed the following four issues:-



ISSUES

1. Whether the plaintiff prove that he is in peaceful possession and enjoyment over suit property as on the date of suit?
 2. Whether the plaintiff further prove the alleged interference caused by the defendants with respect to suit property?
 3. whether defendants proves that suit is hit by principles of res-judicata?
 4. Whether the plaintiff is entitled to the reliefs as prayed for?
 5. What order or decree?
- 6.** During the pendency of the suit, the original plaintiff died. On the applications filed by his legal representatives, they were brought on record as plaintiff Nos.1(a) to 1(j). Thereafter, the plaint was amended accordingly.
- 7.** In order to prove the case of plaintiff, the plaintiff no.1(i) is examined as PW-1 and one witness was examined as PW.2. The plaintiffs got marked Ex.P.1 to P.7. On behalf of the defendants, defendant No.1 was examined as DW.1 and got marked Ex.D.1 to D.6. Defendant No.3 did not lead any oral evidence. Hence, her evidence was taken as nil.



8. The plaintiff counsel filed written arguments and Heard arguments of defendants counsel. Perused the documentary evidence and materials placed on record.

9. In view of the above facts and circumstances of the case, my answer to the above issues are as hereunder ;-

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 : As per final order for the following;

REASONS

10. **ISSUE NO.3:-** As far as Issue No.3 is concerned, this court has framed issue No.3 in respect of res judicata. It is necessary to answer the Issue No.3 before going to the other issues. If the said issue is answered in the Affirmative, the other remaining issues will not survive for consideration. Hence, issue No.3 is taken for consideration.

11. The defendants have contended that the original plaintiff had earlier filed O.S.No.57/2014 in respect of the suit



properties against the defendants and, therefore, the present suit is barred by the principles of res judicata.

12. During the cross-examination of DW.1, it has come on record that O.S.No.57/2014 was subsequently withdrawn by the plaintiff. It is also elicited that thereafter O.S.No.382/2023 has been instituted seeking partition and separate possession of the properties.

13. For application of the principle of res judicata, it is necessary that the matter directly and substantially in issue between the same parties must have been heard and finally decided by a competent court in the earlier suit. A suit which has merely been withdrawn cannot be treated as a matter heard and finally decided on merits.

14. In the present case, the defendants have not produced the plaint, order of withdrawal, judgment or decree in O.S.No.57/2014. There is no material to show that any issue concerning the possession, title or share of the parties was finally adjudicated in that suit. On the contrary, the evidence of DW.1 establishes that O.S.No.57/2014 was withdrawn.



15. The subsequent institution of O.S.No.382/2023 for partition and separate possession also does not attract the principle of res judicata, as the said suit is stated to be pending and has not been finally decided. The pendency of the partition suit may be relevant while considering the nature of the dispute and the relief claimed in the present suit, but it does not make the present suit barred by res judicata. Therefore, the defendants have failed to establish that the matter involved in the present suit was heard and finally decided in any earlier proceeding. ***Accordingly, Issue No.3 is answered in the Negative.***

16. ISSUE NO.1:- The original plaintiff instituted the present suit against the defendants seeking the relief of permanent injunction restraining the defendants from interfering with his alleged peaceful possession and enjoyment of the suit schedule properties and with such other reliefs, in the interest of justice and equity. An initial burden lies on the plaintiff U/Sec.101 of Indian Evidence Act, 1872 to prove the fact in issue that he was in possession of the suit properties as on the date of suit.



17. To prove the case of plaintiff, the plaintiff no.1(i) is examined as PW-1 and got marked Ex.P.1 to 7. The examined one witness as PW-2. Ex.P.1 is the RTC extract in respect of land bearing Sy.No.441/1 measuring 2 acres 14 guntas which is standing in the name of defendant no.3 for the year 2017-2018. Ex.P.2 is the RTC extract in respect of land bearing Sy.No.441/4 measuring 2 acres 16 guntas which is standing in the name of defendant no.2 for the year 2017-2018. Ex.P.3 is the RTC extract in respect of land bearing Sy.No.441/5 measuring 2 acres 16 guntas which is standing in the name of defendant no.1 for the year 2017-2018. Ex.P.4 is the Order passed by Assistant Commissioner, Savanur in RTS No.116/2014-2015 dated 17-04-2017 wherein the plaintiff challenged M.R.No.75/2013-2014 in respect of Sy.No.441/1. After hearing the parties, said Mutation was set aside. Ex.P.5 is the notice issued by plaintiff to Buddesab dated 12-02-2019 stating that not to purchase the suit property. Ex.P.6 and 7 are the postal receipt and postal acknowledgment.



18. In order to disprove the case of plaintiff, the defendant No.1 was examined as DW.1 and got marked Ex.D.1 to D.6. Ex.D.1 is the RTC extract in respect of land bearing Sy.No.441/1 measuring 2 acres 14 guntas which is standing in the name of defendant no.3 for the year 2022-2023. Ex.D.2 is the RTC extract in respect of land bearing Sy.No.441/5 measuring 2 acres 16 guntas which is standing in the name of defendant no.1 for the year 2022-2023. Ex.D.3 and 4 are the letter given to the Village Accountant of Hattimattur Village, to give effect to the partition, in respect of Sy.No.441/1B. Ex.D.5 is the FORM no.U Rule 65 to give effect to M.E.No.9582. Ex.D.6 is the M.R.No.H75/2013-2014 which shows that the defendant no.1 has executed gift deed in favour of his daughter defendant no.3 in respect of Sy.No.441/1 measuring 2 acres 14 guntas.

19. The burden of proving lawful possession over the suit properties as on the date of the suit lies upon the plaintiffs. Since the relief sought is one of permanent injunction, the plaintiffs are required to establish their actual or legally



recognizable possession over the suit properties on the date of institution of the suit.

20. The plaintiffs have produced Ex.P.1 to P.3, which are the RTC extracts relating to the suit properties for the year 2017-18. Therefore, none of Ex.P.1 to P.3 contains the name of the original plaintiff either in the ownership column or in the cultivator's column. On the contrary, the documents produced by the plaintiffs themselves disclose that the suit properties stand separately in the names of defendant No.1 to 3.

21. Ex.P.4 is the certified copy of the order dated 17-04-2017 passed by the Assistant Commissioner, Savanur in RTS No.116/2014-15. It shows that the plaintiff challenged Mutation Entry No.H75/2013-14 relating to Sy.No.441/1 and that the Assistant Commissioner set aside the said mutation entry. However, an order passed by a revenue authority concerning a mutation entry does not, by itself, establish actual possession of the plaintiff over the property. Revenue proceedings are primarily concerned with fiscal entries and do



not conclusively determine title or physical possession between rival claimants.

22. It is also evident from the material placed on record that defendant No.3 challenged the subsequent revenue proceedings before the higher authorities and that the matter ultimately reached the Hon'ble High Court of Karnataka in W.P.No.103043/2022. The order of the Hon'ble High Court directs the concerned State and revenue authorities to maintain status quo in respect of the revenue entries. The said order does not declare that the original plaintiff or the present plaintiffs are in possession of the suit properties. It also does not confer any substantive title upon them.

23. Ex.P.5 is a notice dated 12-02-2019 allegedly issued by the plaintiff to one Buddesab, cautioning him not to purchase the suit property. Exs.P.6 and P.7 are the postal receipt and postal acknowledgment. These documents are subsequent to the institution of the suit. A self-serving notice issued by a party cannot establish that the issuing party was in possession



of the property on the date of the suit. At the most, it shows that the plaintiff asserted a claim over the property.

24. The evidence of PW.1 is also material. PW.1 is one of the legal representatives of the deceased original plaintiff. During his cross-examination, he admitted that Sy.No.441/4 stands in the name of defendant No.2. He further stated that he did not know what had happened in the year 1994 among the original plaintiff and defendant No.1 and 2 concerning the properties. He admitted that the joint family house continued to stand in the name of the original propositus and that the said house had not been included in the present suit. He also stated that he did not know how the name of his father, namely, the original plaintiff, had been entered in the records.

25. These admissions show that PW.1 has no direct or definite knowledge regarding the alleged joint possession, the revenue entries made in the year 1994 or the nature of enjoyment of the suit properties. His evidence is therefore insufficient to establish that the original plaintiff was



personally cultivating or possessing the suit properties on the date of the suit.

26. The evidence of PW.2 also does not find sufficient support from any documentary evidence showing cultivation or physical possession of the original plaintiff. No tax-paid receipts, crop loan documents, cultivation records, electricity records, irrigation records, photographs or any other independent evidence of actual possession have been produced.

27. The defendants rely upon Ex.D.1 and D.2. Ex.D.1 is the RTC relating to Sy.No.441/1 measuring 2 acres 14 guntas for the year 2022-23, standing in the name of defendant No.3. Ex.D.2 is the RTC relating to Sy.No.441/5 measuring 2 acres 16 guntas for the same period, standing in the name of defendant No.1. These entries are consistent with the entries found in Ex.P.1 and P.3.

28. Ex.D.3 and D.4 are the letters said to have been submitted to the Village Accountant of Hattimattur Village for



giving effect to the alleged partition in respect of Sy.No.441/1B. Ex.D.5 is Form No.U under Rule 65 relating to Mutation Entry No.9582. Ex.D.6 is Mutation Entry No.H75/2013-14, showing the entry made pursuant to the gift deed executed by defendant No.1 in favour of defendant No.3 in respect of Sy.No.441/1 measuring 2 acres 14 guntas.

29. It is true that, in the course of cross-examination, DW.1 stated that no partition had taken place between himself and his brothers in respect of their father's properties. This admission is inconsistent with the specific defence in the written statement that a family partition took place in the year 1993.

30. However, the weakness of the defence cannot automatically result in proof of the plaintiffs case. The plaintiffs must succeed on the strength of their own pleadings and evidence. Even if the alleged partition is not accepted, the plaintiffs were still required to establish that the original plaintiff was in actual or joint possession of the specific suit properties on the date of the suit.



31. The plaintiff's own documents disclose that the properties stand separately in the names of defendant No.1 to 3. The oral evidence of PW.1 does not establish actual cultivation or enjoyment by the deceased original plaintiff. Moreover, the original plaintiff admittedly instituted O.S.No.57/2014 earlier in respect of the properties. However, the plaint, written statement, issues or orders passed in the said suit have not been produced to show the exact nature of the earlier claim or the possession asserted therein.

32. The plaint contains a general assertion that the plaintiff and defendant No.1 and 2 were in joint possession, each having one-third share. However, a mere assertion of co-ownership or share is not sufficient to grant a decree for permanent injunction, particularly when the entries stand in the names of the defendants and when there is a serious dispute concerning partition.

33. The dispute between the parties is substantially regarding their respective rights, the alleged family partition of the year 1993, the validity and effect of the gift deed dated 09-



01-2014 and the respective shares in the properties. These disputed questions cannot be finally determined in a bare suit for permanent injunction without a proper prayer for declaration or partition. For all these reasons, the plaintiffs have failed to prove that the original plaintiff was in peaceful possession and enjoyment of the suit properties as on the date of the suit. ***Accordingly, Issue No.1 is answered in the Negative.***

34. ISSUE NO.2:- The burden of proving this issue lies upon the plaintiff. In a suit for permanent injunction, the plaintiff must establish two essential ingredients; firstly, that he was in lawful possession of the suit property as on the date of the suit and secondly, that the defendants interfered or attempted to interfere with such possession. Mere allegation of obstruction is not sufficient, the same must be supported by cogent and convincing evidence. The plaintiff has pleaded that on 14-02-2018, the defendants interfered with and obstructed his possession over the suit properties. However, except the general statement made in the plaint and the oral assertion in



the evidence, no specific particulars of the alleged incident have been established.

35. The plaintiff has not explained the manner in which the alleged obstruction was caused, the place where it occurred, the persons who were present or the acts committed by each of the defendants. No complaint made to the police or any other authority regarding the alleged incident dated 14-02-2018 has been produced.

36. Ex.P.5 notice was issued on 12-02-2019 to one Buddesab cautioning him not to purchase the suit property. The said notice was issued nearly one year after the alleged cause of action and after the institution of the suit. It neither proves interference on 14-02-2018 nor establishes that any defendant attempted to dispossess the original plaintiff.

37. Further, when the plaintiffs have failed to establish their possession over the suit properties as on the date of the suit, the question of unlawful interference with such possession does not arise. A decree of permanent injunction cannot be



granted merely on the basis of an apprehension or a general allegation unsupported by reliable evidence. Accordingly, the plaintiffs have failed to prove the alleged interference by the defendants. ***Hence, Issue No.2 is answered in the Negative.***

38. ISSUE NO.4:-The plaintiffs have sought the relief of permanent injunction. To obtain such relief, they were required to establish their lawful and peaceful possession over the suit properties and the alleged unlawful interference by the defendants.

39. Sri.F.N.N Advocate, learned counsel for the plaintiffs contended that the suit properties are admittedly ancestral properties of late Modinsab and that no partition has taken place between the plaintiff, defendant No.1 and defendant No.2. It is argued that though defendant No.1 and 3 have pleaded that a family partition was effected in the year 1993, they have failed to produce any legally acceptable document evidencing such partition. It is further submitted that Ex.D.3 to D.5 are only mutation proceedings and revenue documents, which do not create or extinguish title. It is therefore argued



that defendant No.1 had no exclusive right to execute the Gift Deed in favour of defendant No.3, and consequently the plaintiffs are entitled to protection of their possession.

40. Per contra, Sri.V.B.T Advocate, learned counsel for the defendants contended that the plaintiffs themselves have pleaded that the plaintiff, defendant No.1 and defendant No.2 are in joint possession of the suit properties, each claiming one-third share. Therefore, according to the defendants, one co-owner cannot seek a decree of permanent injunction against the other co-owners in respect of undivided joint family property. It is also contended that the dispute between the parties is essentially one relating to title and partition and not one of mere interference with possession.

41. On careful observation, there is no doubt, defendant No.1 and 3 have pleaded that a family partition was effected in the year 1993. However, except relying upon Ex.D.3 to D.5, which are revenue records relating to mutation proceedings, they have not produced any convincing evidence to establish that there was a complete partition of all the family properties. More



importantly, during the cross-examination, DW.1 has admitted that no partition had taken place between himself and his brothers in respect of their father's properties. Therefore, this Court is not inclined to accept the contention of defendant No.1 and 3 that the suit properties had already been divided by metes and bounds.

42. However, merely because the defendants have failed to establish the alleged partition, it does not automatically follow that the plaintiffs are entitled to a decree for permanent injunction. The plaintiffs have to independently establish the ingredients necessary for grant of such relief. In the plaint itself, the original plaintiff has categorically pleaded that he, defendant No.1 and defendant No.2 are in joint possession of the suit properties and that each has an undivided one-third share. Thus, the plaintiffs themselves admit the status of defendant No.1 and 2 as co-owners.

43. In law, possession of one co-owner is ordinarily deemed to be possession on behalf of all the co-owners unless there is clear evidence of ouster or exclusive possession of a particular



portion. Therefore, a decree of permanent injunction restraining one co-owner from entering upon or enjoying the joint property cannot ordinarily be granted in favour of another co-owner in respect of an undivided property. Such a decree would virtually exclude the other co-owner from the common property without there being a partition by metes and bounds.

44. It is true that in appropriate cases a co-owner may seek an injunction against another co-owner where he proves exclusive settled possession over a defined portion or establishes acts of ouster, unlawful construction or any other act prejudicial to the common property. However, no such circumstances have been established in the present case.

45. The plaintiffs have not produced any documentary evidence to show that the original plaintiff was in exclusive possession of any specific portion of the suit properties. On the contrary, Ex.P.1 to Ex.P.3, which are relied upon by the plaintiffs themselves, disclose that the revenue records stood in the names of defendant Nos.3, 2 and 1 respectively during the relevant period. Though these revenue entries are not



conclusive proof of title, they are relevant while considering the question of possession in a suit for bare injunction.

46. The plaintiffs have also failed to establish any specific overt act of interference by the defendants. Except making a general allegation that the defendants obstructed the plaintiff on 14-02-2018 and were attempting to alienate the properties, no independent evidence has been placed on record to prove dispossession, attempted dispossession or any act amounting to ouster. Ex.P.5, the legal notice issued to a prospective purchaser, only indicates that the plaintiff objected to a proposed transaction. It does not establish that the plaintiff was in actual possession of the suit properties or that the defendants had unlawfully interfered with such possession.

47. It is also brought on record through the evidence of DW.1 that the earlier suit in O.S.No.57/2014 came to be withdrawn and thereafter O.S.No.382/2023 has been instituted by the plaintiffs seeking partition and separate possession. The institution of the partition suit clearly indicates that the dispute between the parties relates to their respective shares



and rights in the suit properties. The questions regarding the validity of the alleged partition, the legality of the Gift Deed executed in favour of defendant No.3 and the entitlement of the parties to separate shares are matters to be adjudicated in the said partition suit.

48. Therefore, although this Court does not accept the defence that the alleged partition of the year 1993 has been proved, the plaintiffs are nevertheless not entitled to the equitable relief of permanent injunction. In view of their own pleading of joint possession, the absence of proof of exclusive possession or ouster and the existence of a serious dispute regarding the rights of the parties, the relief sought in the present suit cannot be granted. Accordingly, this Court holds that the plaintiffs have failed to establish their entitlement to the relief of permanent injunction. ***Hence, Issue No.4 is answered in the Negative.***

49. ISSUE NO.5:- In view of above said discussions and reasons, this court proceed to pass the following:-



ORDER

The Suit of the plaintiffs is hereby dismissed with cost.

The Interim orders and interlocutory applications, if any pending, are disposed off accordingly.

Draw decree accordingly.

(Dictated to the stenographer directly on computer, corrected, signed and then pronounced by me in the Open Court on this the 1st day of August, 2026)

**(SRINIVASA S.N.)
Civil Judge & JMFC.,
Savanur.**

: ANNEXURE :

LIST OF WITNESS EXAMINED ON BEHALF OF PLAINTIFFS:

- PW.1 : Abdulgani S/o Abdulsab @ Abdulrahiman
Kempamodisabnavar,
PW.2: Noorahamad S/o Husainsab Karjigi

LIST OF DOCUMENTS MARKED ON BEHALF OF PLAINTIFFS :

- Ex.P.1: RTC extract in respect of land bearing Sy.No.441/1
for the year 2017-2018
Ex.P.2: RTC extract in respect of land bearing Sy.No.441/4
for the year 2017-2018
Ex.P.3: RTC extract in respect of land bearing Sy.No.441/5
for the year 2017-2018
Ex.P.4: Order passed by Assistant Commissioner, Savanur in



RTS No.116/2014-2015 dated 17-04-2017

Ex.P.5: Notice issued by plaintiff to Buddesab dated 12-02-2019

Ex.P.6: Postal receipt

Ex.P.7: Postal acknowledgment

LIST OF WITNESS EXAMINED ON BEHALF OF DEFENDANTS:

DW.1: Mahmadhanifsab S/o Modisab Kempamodisabanavar

LIST OF DOCUMENT MARKED ON BEHALF OF DEFENDANTS:

Ex.D.1 : RTC extract in respect of land bearing Sy.No.441/1 for the year 2022-2023

Ex.D.2 : RTC extract in respect of land bearing Sy.No.441/5 for the year 2022-2023

Ex.D.3 & Letter given to the Village Accountant of Hattimattur 4: Village

Ex.D.5 : FORM No.U Rule 65

Ex.D.6 : M.R.No.H75/2013-2014

**(SRINIVASA. S.N.)
Civil Judge & JMFC.,
Savanur.**

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