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**IN THE COURT OF THE III ADDL. DISTRICT &
SESSIONS JUDGE, RAMANAGARA.**

: PRESENT:

Sri. M. DEVARAJA BHAT, B.Com. LL.B.
III Addl. District & Sessions Judge,
Ramanagara.

DATED THIS THE 09th DAY OF SEPTEMBER 2022

R.A. No. 110/2019
(Old R.A.No. 3/2016).

BETWEEN:

**1) Smt. Gowramma, W/o.
Late Dundaiah, Aged about
72 years, Dead by Lrs:-**

**1(a) Smt. Shivalingamma,
W/o Rudramuni, D/o
Dundappa, Aged about 37
years, Residing at
Jogarapalya Village,
Anchipura Dakle, Bidadi
Hobli, Ramanagara Taluk and
District.**

**1(b) Smt. Siddarajamma, W/o
Somaiah, D/o Dundappa,
Aged about 34 years,
Residing at Megaladoddi
Village, Bidadi Hobli,
Ramanagara Taluk and
District.**

1(c) Smt. Renukamma, W/o Mallaiah, D/o Dundappa, Aged about 32 years, Residing at Thumbenahalli Village, Hebbakodi Dakle, Kailancha Hobli, Ramanagara Taluk and District.

2) Sri. Anke Gowda, S/o. Late Dundaiah, Aged about 50 years,

3) Sri. Shivamadaiah, S/o. Late Dundaiah, Aged about 43 years,

4) Sri. Siddaraju, S/o. Late Dundaiah, Aged about 40 years,

All are Residing at Kenjiganahalli Village, Mayaganahalli Post, Kasaba Hobli, Ramanagara Taluk, Ramanagara District.

:APPELLANTS/PLAINTIFFS.

(Represented by Smt. P.Varalakshmi, Advocate)

AND

1. Sri. Siddaiah, S/o. Late Sri.Madegowda, Aged about 70 years, Residing at Kenjiganahalli Village, Mayaganahalli Postr, Kasaba Hobli, Ramanagara Taluk and District.

2. Sri. Chandrasaha, S/o Sri. Ramanna, Aged about 55 Years, Residing at Karadigowdanadoddi Village, Uragepura Post, Bidadi Hobli, Ramanagara Taluk and District. Dead by Lrs:-

2(a) Smt. Nanjamma, W/o Late Chandrasaha, Aged about 60 years,

2(b) Sri. K.C.Kumar, S/o Late Chandrasaha, Aged about 35 years,

2(c) Smt. K.C.Sujatha, D/o of Late Chandrasaha, Aged about 32 years,

Respondent No. 2(a) to (c) are residing at Karadigowdanadoddi Village, Uragepura Post, Bidadi Hobli, Ramanagara Taluk and District.

3. Sri. Venkatappa, S/o Doddavenkatappa, Aged about 60 years, Residing at Hulikere Village, Kailanah Hobli, Ramanagara Taluk, Ramanagara District.

4. Sri. Mahadevaiah, S/o Late Dundaiah, Aged about 33 years, Residing at Kenjiganahalli Village, Mayaganahalli Post, Kasaba Hobli, Ramanagara Taluk, Ramanagara District.

**: RESPONDENTS / DEFENDANTS AND
5TH PLAINTIFF.**

(Respondent 1 is represented by Sri. Siddaramaiah, Advocate, Respondent 2(a) to (c) are placed ex parte. Respondent No.3 is represented by Sri. M.C. Devendra, Advocate, Respondent 4 is placed ex parte).

Nature of the Case	: Appeal against the Judgment dismissing the suit for Declaration and Permanent Injunction.		
Date of Institution of the Appeal	: 28.01.2016.		
Date of Judgment Pronounced	: 09.09.2022.		
Duration of the Appeal	Year/s	Month/s	Day/s
	06	07	11

J U D G M E N T

This is an Appeal preferred under Section 96 of the Civil Procedure Code challenging the Judgment and Decree passed in O.S. No. 166/2010 dated 01.10.2015 on the file of the Court of the Principal Civil Judge and Judicial Magistrate First Class, Ramanagara, (hereinafter referred to as ***“the Trial Court”***).

2. This is a suit for Declaration of Title and for Permanent Injunction. The Appellants were Plaintiffs 1 to 4 before the Trial Court. The Respondents were the Defendants and Plaintiff No.5 before the Trial Court. For the sake of convenience, the parties are referred to as their ranks before the Trial Court.

3. **Pleadings of the Parties:-**

Averments pleaded in the Plaint: - The Plaintiffs, in the suit pleaded in the Plaint as hereunder: -

That the suit property was originally belonged to Sri.Mayegowda, who in turn sold in favour of Sri.Ningegowda, who in turn sold in favour of 1st Defendant as per the Registered Sale Deed dated 14.08.1958, who in turn sold in favour of husband of 1st Plaintiff as per Registered Sale Deed dated 12.09.1969, that after the death of husband of 1st Plaintiff, being his Legal Representatives the Plaintiffs continued to be in possession of the Plaintiffs, that due to illiteracy, Katha of the suit properties could not be changed, that by taking undue advantage of the same the 2nd Defendant being the grand son of Sri. Mayegowda seems to have alienated the suit property in favour of 3rd

Defendant as per Registered Sale Deed dated 24.07.2000, that the same is not binding on the Plaintiffs, that since the Defendant No.3 is asserting the rights over the suit properties, the Plaintiffs have filed the suit for the above mentioned reliefs.

4. **Averments pleaded in the Written Statements of the Defendants Nos. 1 and 3 : -**

The 1st Defendant has filed his Written Statement and has contended as follows: -

While denying the Plaint averments, the 1st Defendant has contended that himself and his sister Smt.Madamma jointly purchased the land bearing Sy.No.9 measuring 1 acre 3 guntas from Sri.Ningegowda and since then they are in possession of the same, that his sister filed a suit in O.S.No.102/2001 for the relief of declaration and permanent injunction and the same was dismissed, that the appeal against the same in R.A.No. 125/2010 is pending, that the defendant No.1 never executed any Sale Deed in favour of husband of 1st Plaintiff, that the Sale Deed was concocted by showing the boundaries of 37 guntas belonging to 1st Defendant and hence he prayed to dismiss the suit.

The 3rd Defendant has filed his Written Statement contended that the land bearing Sy.No.9 measuring 6 acres 8 guntas was originally belonged to the grandfather of 2nd Defendant, that after the death of father of 2nd Defendant, partition took place in the family and 3 acres 18 guntas was allotted to the share of 2nd Defendant and he alienated the same to Defendant No.3 as per Registered Sale Deed dated 24.07.2000, that he is a bonafide purchaser and he developed the same and hence, he prays to dismiss the suit.

The 2nd Defendant was placed as exparte before the Trial Court.

5. **Issues framed by the Trial Court: -**

The Trial Court on the strength of the respective pleadings of the parties framed the following Issues: -

- 1). Whether the Plaintiffs prove that they are the absolute owners of the suit schedule property having right, title and possession over the same?
- 2). Whether the Plaintiffs prove that the Sale Deed in favour of the 3rd Defendant, in respect of the suit

schedule property dated 24.07.2000
does not bind the Plaintiff?

3). Whether the Plaintiffs prove that they are in absolute possession and enjoyment over the suit schedule property as on the date of filing of the suit?

4). Whether the Plaintiffs prove the alleged interference by the Defendants?

5). Whether the Plaintiffs are entitled for the reliefs claimed in the Plaint?

6). What Order or Decree ?

6. **Evidence available on record: -**

Oral evidence: - On behalf of the Plaintiffs before the Trial Court oral evidence of P.W. 1 to 3 had been recorded. On behalf of the Defendants oral evidence of DW1 to 4 had been recorded.

Documentary evidence: - On behalf of the Plaintiffs, Exs. P. 1 to 8 were marked. On behalf of the Defendants, Exs.D.1 to 43 were marked.

7. **Findings recorded by the Trial Court:-**

After hearing the arguments and perusing the records, the Trial Court passed the Impugned

Judgment and Decree and dismissed the suit by answering Issue No. 1 to 5 in the Negative.

8. Being aggrieved by the said Judgment and Decree the Plaintiffs 1 to 4 preferred this Appeal on the following **grounds: -**

That the Trial Court has not appreciated the evidence on record adduced on behalf of the Plaintiffs that Ex.P.2 clearly shows that the husband of Plaintiff No.1 purchased the suit property, that the Trial Court has dismissed the suit solely on the ground that they have not produced any revenue documents, that the Trial Court has failed in examining the contention of the Defendant No.1 and 3 that the suit property was acquired through the family partition, in the absence of any partition deed, that the 3rd Defendant has failed to prove the flow of title to him in respect of the suit property, that admittedly Sri.Mayegowda was the absolute owner of the entire extent of land measuring 6 acres 8 guntas, that there is no dispute that he sold the land in favour of Sri.Ningegowda who in turn sold in favour of the 1st Defendant, that who in turn sold in favour of the husband of 1st Plaintiff, that the sister of 1st Defendant also filed a suit in

O.S.No.102/2001 against the Defendants is pending before the Trial Court, that the Trial Court has not believed Ex.P.2 only for the reason that the Plaintiffs have not produced the mother documents, that the Plaintiffs built a tomb over the suit property, that the Sale Deed dated 12.09.1969 prevails over the Sale Deed dated 24.07.2000 and hence they prayed to set aside the Impugned Judgment.

9. **Arguments of the Learned Advocate for the Plaintiffs: -**

The Learned Advocate for the Plaintiffs Smt. P.Varalakshmi has reiterated the contentions of the Plaintiffs in the Plaint and oral and documentary evidence in her arguments. She has also argued on I.A.No.VI filed under Order XLI Rule 27 of Civil Procedure Code dated 22.07.2019.

10. **Arguments of the Learned Advocates for the Defendants 1 and 3 : -**

The learned Advocate for the 1st Defendant Sri.Siddaramaiah and the learned Advocate for the Defendant No.3, Sri. M.C.Devendra, have submitted their arguments in line with their contentions in the

Written Statement and evidence and supported the findings of the Trial Court.

11. **Points for consideration:** - On the strength of the pleadings of the both parties, the submissions made by the learned Counsel for the both parties, oral and documentary evidence, the findings recorded by the Trial Court, and the grounds urged in the Appeal Memo, the following Points arise for consideration in the present Appeal:-

- (1) Whether the Plaintiffs are entitled for the relief of Declaration of their title over the suit properties and the relief of Permanent Injunction as prayed in the Plaint?
- (2) Whether there are any grounds to allow the I.A.No.VI filed under Order XLI Rule 27 of Civil Procedure Code dated 22.07.2019?
- (3) Whether the Impugned Judgement and Decree calls for interference?
- (4) What Order?

12. **My findings are as follows:-**

Point No.1: - In the **Affirmative.**

Point No.2: - In the **Negative.**

Point No.3: - In the **Affirmative.**

Point No.4: - As per my final order for the following reasons.

REASONS.

13. First of all, I wish to mention that what should be the approach of the First Appellate Court is categorically explained by the Hon'ble Supreme Court in the decision reported in **2001(3) S.C.C. 179 (Santhosh Hazari vs. Purushotham Tiwari)**. In paragraph 15, it is held as follows: -

“The appellate Court has jurisdiction to reverse or affirm the findings of the trial Court. First appeal is a valuable right of the parties and unless restricted by law, the whole case is therein open for rehearing both on questions of fact and law. The judgment of the appellate Court must, therefore, reflect its conscious application of mind, and record findings supported by reasons, on all the issues arising along with the contentions put forth, and pressed by the parties for decision of the appellate Court. The task of an

appellate Court affirming the findings of the trial Court is an easier one. The appellate Court agreeing with the view of the trial Court need not restate the effect of the evidence or reiterate the reasons given by the trial Court; expression of general agreement with reasons given by the Court, decision of which is under appeal, would ordinarily suffice (See *Girijanandini Devi & Ors. vs. Bijendra Narain Choudhary*, AIR 1967 SC 1124). We would, however, like to sound a note of caution. Expression of general agreement with the findings recorded in the judgment under appeal should not be a device or camouflage adopted by the appellate Court for shirking the duty cast on it. While writing a judgment of reversal the appellate Court must remain conscious of two principles. Firstly, the findings of fact based on conflicting evidence arrived at by the trial Court must weigh with the appellate Court, more so when the findings are based on oral evidence recorded by the same presiding Judge who authors the judgment. This certainly does not mean that when an appeal lies on facts, the appellate Court is not competent to reverse a finding of fact arrived at by the trial Judge. As a matter of law if the appraisal of the evidence by the trial Court suffers from a material irregularity or is based on inadmissible evidence or on conjectures and surmises, the appellate Court is entitled to interfere with the finding of fact (See *Madhusudan Das vs. Smt. Narayani Bai & Ors.*, AIR 1983 SC 114). The rule is __ and it is nothing more than a rule of practice __ that when there is conflict of oral evidence of the parties on any matter in issue and the

decision hinges upon the credibility of witnesses, then unless there is some special feature about the evidence of a particular witness which has escaped the trial Judges notice or there is a sufficient balance of improbability to displace his opinion as to where the credibility lies, the appellate Court should not interfere with the finding of the trial Judge on a question of fact.(See Sarju Pershad Ramdeo Sahu vs. Jwaleshwari Pratap Narain Singh & Ors., AIR 1951 SC 120). Secondly, while reversing a finding of fact the appellate Court must come into close quarters with the reasoning assigned by the trial Court and then assign its own reasons for arriving at a different finding. This would satisfy the Court hearing a further appeal that the first appellate Court had discharged the duty expected of it. We need only remind the first appellate Courts of the Principal obligation cast on them by the scheme of the present Section 100 substituted in the Code. The first appellate Court continues, as before, to be a final Court of facts; pure findings of fact remain immune from challenge before the High Court in second appeal. Now the first appellate Court is also a final Court of law in the sense that its decision on a question of law even if erroneous may not be vulnerable before the High Court in second appeal because the jurisdiction of the High Court has now ceased to be available to correct the errors of law or the erroneous findings of the first appellate Court even on questions of law unless such question of law be a substantial one.”

14. Further, the Court has to take note of the Section 99 of the Code of Civil Procedure, which provides that

"No decree shall be reversed or substantially varied, nor shall any case be remanded, in appeal on account of any mis-joinder or non-joinder of parties or causes of action of any error, defect or irregularity in any proceedings in the suit, not affecting the merits of the case or the jurisdiction of the Court, provided that nothing in this Section shall apply to non-joinder of a necessary party."

15. One more important point to be noted here is that the Appellate Court has to bear in mind about Section 167 of the Indian Evidence Act, while appreciating the facts and evidence while dealing with appeals. The said Section reads as follows: -

"No new trial for improper admission or rejection of evidence. - The improper admission or rejection of evidence shall not be ground of itself for a new trial or reversal of any decision in any case, if it shall appear to the Court before which such objection is raised that, independently of the evidence objected to and admitted, there was sufficient evidence to justify the decision, or that, if the rejected evidence had been received, it ought not to have varied the decision."

16. Keeping in my mind about the above aspects, I now to analyse the contentions of the both parties and the oral and documentary evidence adduced by them, with reference to the findings and reasoning given by the Trial Court in the impugned judgment and the grounds urged in the Appeal memo.

17. **Point No. 1 : -** The Plaintiffs are claiming to be the absolute owners of the suit property based on Ex.P.2/The Registered Sale Deed dated 12.09.1969 executed by the 1st Defendant in favour of the husband of the 1st Plaintiff. The 1st Defendant has denied the execution of Ex.P.2. Further, the 3rd Defendant has claimed his right over the suit property based on the Ex.D.9/Registered Sale Deed dated 24.07.2000 executed by the 2nd Defendant in his favour. In order to appreciate their rival contentions I arrange the documents produced by both parties in chronological order as follows:-

18. Though the Ex.D.41, which is the Certified Copy of Sale Deed dated 21.04.1947, is produced and marked through D.W.2 he has not adduced any oral evidence to connect the said document about the facts of this case. The said document is not legible. For what purpose the said document is

produced is not forth coming. During the course of arguments also, the Advocate for the 3rd Defendant has not submitted any arguments about the said document.

19. According to the Plaintiff the suit property was originally belonged to Sri. Mayegowda and that the 2nd Defendant is his grandson. Their further contentions is that the said Sri.Mayegowda sold the said suit property in favour of Sri.Ningegowda. The P.W.1 has deposed the said facts at Para No.1 of his Affidavit filed in-lieu of oral Examination-in-Chief.

20. Ex.D.42 is the Certified Copy of Sale Deed dated 26.06.1950, executed by Sri.Siddaiah, S/o Siddegowda in favour of Sri.Lingegowda S/o Sri. Siddegowda, in respect of portion of Sy.No.9 measuring 1 acre 35 guntas. The said Sri.Lingegowda is the person described as Sri.Ningegowda by the Plaintiffs.

21. Ex.D.2 is the Certified Copy of Sale Deed dated 04.08.1958, executed by Sri.Lingegowda in favour of the 1st Defendant and Smt.Madamma. Therefore the 1st Defendant and Smt. Madamma had purchased the said property detailed in above-mentioned Ex.D.42.

22. Thereafter the 1st Defendant has sold the said property in favour of Sri.Dundamadaiah, S/o Madegowda as per Ex.P.2/Certified Copy of Sale Deed dated 12.09.1969. The Plaintiffs are claiming to be the legal representatives of said Sri.Dundamadaiah. Though the 1st Defendant has contended that he has not executed any Sale Deed in favour of his brother Sri.Dundappa, he has further contended that the Plaintiffs got created a Sale Deed in favour of Sri.Dundamadaiah and claiming that the said Sale Deed was in favour their father. According to his contentions, his elder brother Sri. Dundappa is not the purchaser under Ex.P.2 and that the purchaser in Ex.P.2 Sri.Dundamadaiah is a different person. However, the D.W.1, who is the son of 1st Defendant and the Power of Attorney Holder of 1st Defendant has deposed that Sri. Dundaiah @ Sri.Dundamadaiah is the elder brother of his father. When such being the case the said contention of the 1st Defendant cannot be considered at all.

23. The D.W.1 has further deposed during his cross-examination that his father 1st Defendant along with his elder sister purchased the suit

property by Sri.Ningegowda and that the said property was purchased by the said Sri.Ningegowda from Sri. Mayegowda. In view of the said evidence of D.W.1, the contentions of the Plaintiffs that the said property originally belonged to Sri.Mayegowda and that he sold the same to Sri.Ningegowda and in turn Sri.Ningegowda sold the same in favour of the 1st Defendant, are proved.

24. Ex.D.43 is the Certified Copy of Sale Deed dated 28.06.1971, executed by Sri. Patel Mayegowda in favour of Smt. Venkatamma and her children Sri.Muttaiah and Sri.Thimmaiah in respect of Sy.No.7 and 8. The Learned Advocate for Plaintiffs during her arguments has argued that the said document is not related to suit property. Though the Ex.D.43 is produced and marked through D.W.2 he has not adduced any oral evidence to connect the said document about the facts of this case. For what purpose the said document is produced is not forth coming. During the course of arguments also, the Advocate for the 3rd Defendant has not submitted any arguments about the said document. Hence, the said arguments of the Advocate for the Plaintiffs is accepted.

25. It is the further case of the Plaintiffs that though the above said Sri.Dundamadaiah purchased the suit property as per Ex.P.2, the katha of the suit property remained in the name of original owner Sri.Mayegowda. Their further contentions that by taking undue advantage of the said aspects, the grandson of Sri.Mayegowda, the 2nd Defendant sold the suit property in favour of 3rd Defendant as per Ex.D.9/Certified Copy of Sale Deed dated 10.07.2000. Based on Ex.D.9, the 3rd Defendant is claiming the suit property as his exclusive property. His contention is that he is a bonfide purchaser. His Advocate has also argued the same aspect before me.

26. The Trial Court at Para No.13 of the Impugned Judgment, in view of the finding in Ex.D.6/Judgment passed in O.S.No.102/2001, has come to the conclusion that the Defendant No.1 and his sister have no right over the suit properties and that they cannot alienate the suit property in favour of the husband of Plaintiff No.1 and hence the Plaintiffs have not proved their contentions. It is to be noted that the Plaintiffs are not parties to the suit in O.S.No. 102/2001. Though as per Ex.D.6, the said

suit was dismissed, the Trial Court has ignored the pleadings and evidence about the Ex.D.6. It is to be noted that the 1st Defendant at Para No.3 of his written statement has contended that the said Ex.D.6 was challenged in R.A.No.125/2010 and the same is pending disposal. The Trial Court has not considered the said aspect.

27. The Learned Advocate for the Plaintiffs has argued that along with I.A.No. VI, the Plaintiffs have produced the Judgment passed in R.A.No.125/2010 dated 11.06.2015, wherein the matter was remanded to the Trial Court after setting aside the Ex.D.6/Judgment. It is to be noted that the Impugned Judgment was passed on 01.10.2015, much after the passing of Judgment in R.A.No.125/2010. The said aspect was within the knowledge of the Trial Court, though the said Judgment was not produced before it. It is to be noted that during the cross-examination of D.W.2 recorded on 17.07.2015, he has clearly deposed that in R.A.No.125/2010, the matter was remanded. The Trial Court has failed to appreciate the said evidence and has come to the erroneous finding on the said aspect.

28. It is to be noted that the Plaintiffs now wanted to introduce additional evidence as per I.A.No. VI to produce the certified copy of the Judgment in R.A.No.125/2010 and subsequent Judgment passed in O.S.No. 102/2001 dated 15.11.2018. However in view of above-mentioned discussions and in view of the evidence of D.W.2, the said documents need not to be produced as additional evidence as requested in I.A.No.VI.

29. The Trial Court in the Impugned Judgment at Para No.14 has given a finding to the effect that since the P.W.1 has admitted that he possess only the Sale Deed and no katha effected in the name of purchasers of the suit property and hence the Plaintiffs failed to prove their possession and the Trial Court has dismissed the suit of the Plaintiffs merely because katha was not changed in their favour. The said finding of the Trial Court is clearly contrary to the provisions of Karnataka Land Revenue Act.

30 For the said aspect I wish to refer a decision reported in **1980(1) - KAR.L.J. - 419 (N.Shivanna vs. State of Karnataka)**, wherein at Para No.7 it is held as follows:-

“Thus, it is clear that at the time of registration of the document itself, the necessary fees for making entries in the record of rights is collected by the registering authority. Further a statutory duty is cast upon the registering authority to make a report of the acquisition of right to the prescribed officer. Section 129(1) thereof further provides that the prescribed officer shall enter in the register of mutations every report made to him under sub-section (1) of Section 128 or received by him under sub-section (2) or sub-section (4) of the said Section. Thus, it is clear that in the case of acquisition of right under a registered document required to be entered in the record of rights and the Register of mutations the person acquiring the right under such document need not make a report as per sub-section (1) of section 128 of Karnataka Land Revenue Act, and it is incumbent upon the registering authority to make a report of the acquisition of right to the prescribed officer who shall, on receipt of such report, enter in the register of mutation every report made to him. That being so, the failure on the part of the prescribed officer to make entries in pursuance of the report made by the registering authority of the acquisition of right cannot jeopardize the right acquired by the Petitioner under a registered deed.”

31. Therefore, in view of the ratio of above-mentioned decision and in view of Section 128 of the Karnataka Land Revenue Act, I cannot accept the said findings of the Trial Court.

32. Therefore, the Plaintiffs have proved their right, title and interests over the suit property based on the Registered Sale Deed, marked as Ex.P.2.

33. When such being the case, the 2nd Defendant cannot sell the suit property in favour of the 3rd Defendant as per Ex.D.9. The 2nd Defendant had no right to sell the suit property in favour of 3rd Defendant. Similarly the 3rd Defendant has not acquired any right, title or interest over the suit properties as per Ex.D.9. He is not a bonafide purchaser as contended by him. Hence, the Plaintiffs are entitled for the relief of declaration of their title and consequential relief of permanent injunction as prayed by them. Therefore, I answer this ***Point in the Affirmative.***

34. **Point No. 2 :-** While discussing the Point No.1 above, I discussed about the I.A.No.VI also. For the same reasons, no additional evidence is to be adduced by the Appellants. There are no grounds to allow I.A.No.VI. Hence, I answer this ***Point in Negative.***

35. **Point No. 3 :-** After re-appreciation of the contentions and evidence of the both sides as

discussed by me above, I am of the opinion that the suit is to be decreed. The Impugned Judgment is not well-reasoned. Hence, the finding of the Trial Court is liable to be set aside by allowing this Appeal. There are merits in the Appeal and the same is liable to be allowed. Hence, I answer this ***Point in Affirmative.***

36. **Point No. 3:-** Therefore, I proceed to pass the following Order.

: O R D E R :

The Regular Appeal No.110/2019 (Old Regular Appeal No.3/2016) challenging the Judgment and Decree passed in O.S. No. 166/2010 dated 01.10.2015 on the file of the Court of the Prl. Civil Judge and Judicial Magistrate First Class at Ramanagara is allowed.

Consequently, the Judgement and Decree passed in O.S. No. 166/2010 dated 01.10.2015 on the file of the Court of the Prl. Civil Judge and Judicial Magistrate First Class at Ramanagara is hereby set aside.

Consequently, the suit of the Plaintiff in O.S. No. 166/2010 on the file of the Court of the Prl. Civil Judge and Judicial Magistrate First Class at Ramanagara is decreed.

It is hereby declared that the Plaintiffs are the absolute owners of the suit property and that the Registered Sale Deed dated 24.07.2000 in favour of the 3rd Defendant is not binding of the Plaintiffs.

The Defendants, their agents, servants, followers, supporters, henchman and all/any persons claiming through them are hereby restrained by way of Permanent Injunction from causing interference to the possession of the suit property by the Plaintiffs.

The Respondents 1 to 3 are directed to pay costs to the Plaintiffs throughout.

Draw up Decree accordingly.

The Office is directed to return the Trial Court Records with copy of this Judgment to the Trial Court immediately.

(Dictated to the Typist-Copyist, typed by her directly on the computer, transcribed by her, corrected by me and pronounced in the open court on **9th day of September 2022**).

(M. DEVARAJA BHAT)
III Addl. District & Sessions Judge,
Ramanagara.