

**IN THE COURT OF THE CIVIL JUDGE & JMFC., JEWARGI****AT: JEWARGI****Present : Shri.D.RAMESH, B.AL., LL.B.,  
Civil Judge & J.M.F.C., Jewargi****DATED:THIS THE 24<sup>th</sup> DAY OF AUGUST, 2022****O.S.No.53/2020****Plaintiff:**

Hulgeppa  
S/o Hayyalappa,  
Aged about: 55 years,  
Occupation: Agriculture,  
R/o Halgadla Village,  
Jewargi Taluk, Kalaburagi District.

**(By Sri. N.K., Adv.)****V/s****Defendants:**

1. Siddappa  
S/o Mallappa,  
Aged about: 25 years,  
Occupation: Agriculture.
2. Mallappa  
S/o Bailappa Pujari (Heror),  
Aged about: 65 years,  
Occupation: Agriculture.
3. Shaikappa  
S/o Mallappa Pujari (Heror),  
Aged about: 22 years,  
Occupation: Agriculture.
4. Sharanappa  
S/o Mallappa Pujari (Heror),  
Aged about: 20 years,

All are R/o Halgadla Village,  
Jewargi Taluk, Kalaburagi District.

**(By Sri. B.B., Adv.)**

\*\*\*\*

Date of institution of the suit : 30.09.2020

Nature of the suit : Perpetual Injunction

Date of the commencement of  
Recording of the evidence. : 07.08.2021

Date on which the Judgment  
was pronounced. : 24.08.2022

Total Duration : Year/s Month/s Day/s  
-01- -10- -25-

**Civil Judge & J.M.F.C.,  
Jewargi.**

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

The plaintiff has filed the suit against the defendants for the relief of permanent injunction in respect of suit schedule property.

#### **2. The brief averments of the plaint are as follows:-**

The description of the suit schedule property is land bearing Sy.No.139 measuring 2 acres of Gairan Land, situated at Halgadla

Village, Jewargi Taluk, Kalauburagi District with the following boundaries: East Land of Bhimaraya son of Hayyalappa, West: Land of Shankargouda son of Manik Gouda, North Land of Hanamanthraya son of Hayyalappa and South: Land of Kalappa son of Dharmappa.

**3.** That the plaintiff is in possession of suit land since more than 45 years as cultivator. The said land has been granted under the land grant rules in the year 1993. Since the date of grant the plaintiff acquired the legal rights of ownership and legal rights of possession of the said land. The plaintiff being an illiterate could not obtain record of rights showing his name in the ROR. That the said government Gairan land is in all 30 acres 23 guntas. In the said land the grant was also made to the various unauthorized cultivators along with the plaintiff. The plaintiff came to know that his name was not mutated in the ROR of the said land. Therefore, representations are made to the Tahasildar to mutate his name by issuing "Saguvali Chiti" i.e., certificate of cultivation in his name. The revenue department did not mutate the name of the plaintiff in the ROR. Therefore, the plaintiff approached the Hon'ble High Court of Karnataka in Writ Petition No.201740/2015. The Hon'ble High Court issued the directions to the Tahasildar to issue Saguvali Chiti in the name of plaintiff. The Tahasildar Jewargi has issued Saguvali Chiti on 11-03-2016 as per the directions of Hon'ble High Court. The Tahasildar also issued directions to the Computer Section to mutate the name of the plaintiff in the ROR of the suit land. The computer section deliberately kept pending in mentioning the name of plaintiff in the ROR without any reasons.

However, Saguvali Chiti clearly speaks the lawful possession of plaintiff. The defendants are no way concerned to the suit land. They have illegally started interferences and obstructions in the peaceful possession of the plaintiff over the suit land. Hence this suit.

4. On service of suit summons the defendants appeared through their counsel but not filed written statement and not contested the matter.

5. In order to prove the case of plaintiff, himself examined as PW1 and got marked 9 documents at Ex.P.1 to 9.

6. Heard the counsel for plaintiff, perused the records.

7. The points that arise for my consideration are:-

1. Whether the plaintiff proves that he is in possession and enjoyment of the suit schedule property?
2. Whether the plaintiff proves that the alleged interference by the defendants?
3. Whether the plaintiff is entitled for the relief sought for?
4. What order or decree?

8. I answer the above points as follows:

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

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

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

**Point No.4 : As per final order, for the following.**

### **REASONS**

**9. POINT NO.1:** It is the case of the plaintiff that, he is in possession and enjoyment of the suit property since more than 45 years. The said land has been granted under the land grant rules in the year 1993. But the name of the plaintiff is not entered in the ROR. Therefore, representations are made to the Tahasildar to mutate his name by issuing Saguvali Chiti. But the revenue department did not mutate the name of plaintiff in the ROR. Hence the plaintiff approached the Hon'ble High Court of Karnataka by way of Writ Petition to give direction to the Tahasildar. Accordingly Hon'ble High Court of Karnataka issued direction to the Tahasildar to issue Saguvali Chiti. As per the said direction, the Tahasildar Jewargi has issued Saguvali Chiti in favour plaintiff, and he also issued directions the computer section to mutate the name of the plaintiff in the ROR. But they have not mentioned the name of plaintiff in ROR. The defendants are no way concerned to the suit property with an intention to make a quarrel with plaintiff trying to interfere over the suit property.

**10.** On service of suit summons the defendants appeared through their counsel but not filed written statement.

**11.** In order to prove the case of the plaintiff, himself examined as PW1 by way of affidavit and reiterated all the averments made in the plaint and got marked 9 documents at Ex.P.1 to 9.

**12.** I have carefully gone through the documents furnished by the plaintiff. The Ex.P.1 is the certified copy of the proceedings of Land Tribunal. But in the said proceedings name of the plaintiff is not found. The Ex.P.2 is the certified copy of the orders passed by the Hon'ble High Court of Karnataka, Kalaburagi Bench in Writ Petition No.201740/2015 (KLR-RR/SUR), wherein the Hon'ble court has issued direction to the Tahasildar Jewargi to consider representation given by the plaintiff. Ex.P.3 is the Saguvali Chiti dated 11-03-2016 shows that the Tahasildar Jewargi has granted the suit property to the plaintiff. But the said Saguvali Chiti does not contain schedule of the property. The Ex.P.4 and 5 are the RTCs for the year 2021-22 and 2013-14 in respect of land bearing Sy.No.139 total measuring 30 acres 23 guntas of Halagada village. The said RTCs are not showing the name of the plaintiff. Infact it is the case of plaintiff that his name has not been mutated in the revenue records though the Saguvali Chiti is issued. Ex.P.6 is the orders passed by the Hon'ble High Court of Karnataka, Kalaburagi Bench in Writ Petition Nos.203800/2016 & 200304/2017 (KLR-LG), wherein the plaintiff had challenged the report and panchanama of the revenue inspector dated 10-06-2016 and letter dated 23-07-2016 by the Tahasildar to the Assistant Commissioner. Wherein Hon'ble High Court observed that the plaintiff herein has already sold the property in Sy.No.139 to one Gundappa S/o Sangappa. Hence the Tahasildar Jewargi has addressed a letter dated 23-07-2016 to the Assistant Commissioner to take action under Rule 108-K of the Karnataka Land Revenue Rules, 1966. Further it is observed that no

intervention by the Hon'ble court was required as the Assistant Commissioner could initiate steps to cancel the grant made in favour of the plaintiff herein. Though the Hon'ble High Court of Karnataka made an observation that the plaintiff herein had sold the land Sy.No.139 to one Gundappa S/o Sangappa based on the report of revenue inspector, but the plaintiff has not furnished said document before the court. Moreover he did not plead the such contents. And he also not made party of Gundappa S/o Sangappa. However the Ex.P.3 Saguvali Chiti discloses that the plaintiff is the owner of the suit property. Up course the RTC is not generated in the name of plaintiff. But the Saguvali Chiti gives his legal rights to the party. Therefore based on the Ex.P.3 Saguvali Chiti, I came to conclusion that the plaintiff is in possession and enjoyment of suit property. As discussed above though the defendants appeared through their counsel did not file written statement and did not contest the matter. Hence the oral and documentary evidence produced by the plaintiff are unchallenged. There is no reasons to disbelieve the case of plaintiff. Accordingly, I answer the Point No.1 in the Affirmative.

**13. POINT NO.2:** The plaintiff pleaded that though the defendants are no way concerned to the suit property trying to interfere over the suit property. Hence he lodged the complaint to the police station and Tahsildar on 11-06-2020. In order to prove the same he has furnished and get marked the copy of the police complaint which is marked at Ex.P.9. It discloses that the plaintiff has given a representation to the PSI Jewargi stating that the defendants herein are obstructing the plaintiff's possession over

suit property. Therefore the Ex.P.9 makes it clear that the defendants are interfering over the suit property. Accordingly I answered the Point No.2 in the Affirmative.

**14. Point No.3:-** As above discussed in the point No.1 and 2, the plaintiff proved his possession over the suit schedule property, and interference by the defendant as alleged in the plaint. Main object of the issuance of injunction is to protect the lawful possession of party and avoid damage to property. In this case, plaintiff has proved his possession and interference by the defendants. It is fit case for issuance of injunction in order to protect possession of the plaintiff over the suit schedule property. Hence, I am of the opinion that, the plaintiff is entitle the relief sought for. Accordingly I answer the point No.3 in the Affirmative.

**15. Point No.4:-** In view of my findings on the above points, I proceed to pass the following;

### **ORDER**

**The suit of the plaintiff is hereby decreed with costs.**

**The defendants or any person claiming through them are hereby restrained from interfering into peaceful possession and enjoyment of the plaintiff over the suit schedule property by way of permanent injunction.**

**Draw decree accordingly.**

(Dictated to the Stenographer directly on Computer corrected and then pronounced by me in the open court on the 24<sup>th</sup> day of August-2022.)

**(D.RAMESH)**  
**Civil Judge & J.M.F.C,**  
**Jewargi.**

**ANNEXURES**

**Witnesses examined for the plaintiff:**

PW1 - Hulgeppa S/o Hayyalappa.

**Documents exhibited by the plaintiff:**

- Ex.P.1 - Certified copy of orders passed by the Tribunal.
- Ex.P.2 - Certified copy of orders in W.P.No.201740/2015.
- Ex.P.3 - Certified copy of Sagavali Chiti.
- Ex.P.4 & 5 - RTC extracts.
- Ex.P.6 - Certified copy of orders in W.P.Nos.203800/2016 and 200304/2017 (KLR-LG).
- Ex.P.7 - Certified copy of judgment in C.C.No.182/2018.
- Ex.P.8 - Endorsement issued by the Thasildar
- Ex.P.9 - Copy of the complaint given by the plaintiff to the PSI Jewargi.

**Witnesses examined for the defendants:**

- NIL -

**Documents exhibited by the defendants:**

- NIL -

**(D.RAMESH)**  
**Civil Judge & J.M.F.C,**  
**Jewargi.**