

KAKD400006312025



Government of Karnataka

[C.R.P.67

Form No.9 (Civil)
Title Sheet for Judgment
in Suits (R.P.91)

Title sheet for judgment in suits

**IN THE COURT OF CIVIL JUDGE AND JMFC, SOMWARPET, AT
SOMWARPET**

Dated this the **15th** day of July 2026

PRESENT : SRI. SRINATHA.J.N *B.A.L. LL.B*
Civil Judge & JMFC,
SOMWARPET

O.S.No.65/2025

PLAINTIFF :

Sri.Kiran.A.G,
S/o Late A.M.Gopala,
aged about 39 years,
Resident of Appashettalli village,
Shanivarsanthe hobli,
Somwarpet Taluk,
Kodagu District.

(By Sri B.J.Deepak Advocate)

VERSUS

DEFENDANTS :

Sri.Praveen S/o Late Raju
aged about 30 years,
R/at Kenkere, Gopalpura village,
Shanivarsanthe Hobli,
Somwarpet Taluk,
Kodagu District.

(Exparte)

* * *

Date of institution of the suit	:	17.07.2025		
Nature of the suit	:	Permanent injunction		
Date of commencement of recording of evidence	:	16.12.2025		
Date on which the judgment was pronounced	:	15.07.2026		
Total duration	:	Year/s 00	Month/s 11	Day/s 29

Sd/-
(**SRINATHA.J.N**)
Civil Judge & JMFC,
Somwarpet

J U D G E M E N T

This suit is filed by the plaintiff seeking for permanent injunction restraining the defendant, their agents, servants or anybody claiming under them from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property and for costs.

2. The brief facts of the case of the plaintiff is as under :

That the plaintiff is the absolute owner in possession and enjoyment of the suit schedule property, The property bearing Sy.No.18/1 measuring 1.00 acre situated at Shettiganahalli village, Shanivarsanthe Hobli, Somwarpet Taluk, Kodagu District, is agriculture property consisting of coffee, pepper

and other fruit growing plants, which is in possession and cultivation of the plaintiff, the said property was in joint possession and cultivation of the Plaintiff family. During the year 2022 the family of the plaintiff partitioned their joint family properties under a registered partition deed Dated.25-01-2022, Reg. as Doc.No.SMP-1-01271/2021-22, in SMPD.817 of Book 1 of the Sub-Registrar office, Somwarpet and in the said partition the schedule property measuring an extent of 1.00 Acres in. Sy.No.18/1 has been allotted to the share of this plaintiff.

3. Further stated that since from the date of said partition the plaintiff is in possession of the property and cultivating the same. Further, based on the said partition mutation was effected bearing MR.No.H2/2021 and Khatha transferred to the name of this plaintiff and presently the RTC stands in the name of this plaintiff for an extent of 1.00 Acres having right and title over the said Schedule property. The said schedule property has been fenced by barbed wire all around by the plaintiff and he is cultivating the said property with coffee and Pepper plantation and other fruit growing plants in the said property towards east is the property bearing Sy.No.18/2 and RTC stands in the name of Sri.Kenchha Son of Kenchaiah. The defendant claiming as the family member of said Kencha and he is trying to cut the barbed wire of the

schedule property and trying to illegally trespass into the schedule property in order to encroach the schedule property for his illegal gain.

4. Further stated that the plaintiff is in possession and cultivation of the suit schedule property and the defendant do not have any right and title over the schedule property and he highhandedly trying to interfere upon the schedule property and he is making hectic efforts to trespass upon the suit schedule property illegally by cutting the barbed wire. The defendant on 12.07.2025 when the plaintiff happened to visit the schedule property, the defendant high handedly trying to cut the barbed wire of the schedule property, again the plaintiff with the help of villagers chased the defendant and complained the same to the Shanivarsanthe police and the police refused to intervene as the defendants is influential person, and local resident having men and money at his disposal and the valuable rights of the plaintiff at any moment is under imminent threat of dispossession. The cause of action to the suit accrued to the plaintiff on 25.01.2022, 25.09.2024 and on 12.07.2025 and all other subsequent dates at Shettiganahalli village, Shanivarsanthe hobli, Somwarpet Taluk, withing the jurisdiction of this Court. On all these grounds, plaintiff prayed to decree the suit.

5. After issuance of summons, the suit summons was served to the defendant, but defendant not present before the court. Hence, he placed exparte.

6. Since there is no rival claim, no issues are framed. To prove his case, the plaintiff got examined himself as PW-1 and got marked Seven documents at Ex.P-1 to 7 and closed his side evidence. He has not cross-examined by the defendants and defendants have not lead any evidence on their behalf.

7. Heard plaintiff's side, defendant placed exparte, hence, defendant evidence and arguments of defendants is taken as Nil. Perused the records.

8. On perusal of records following points are arise for my consideration :

- i. Whether the Plaintiff proves that he is the lawful possession over the suit schedule property as on the date of filing the suit ?
- ii. Whether the Plaintiff proves that the defendant are interfering with his peaceful possession and enjoyment of the Suit Schedule Property?
- iii. Whether the Plaintiff is entitled for the relief sought?
- iv. What Order or Decree?

9. My answers to the above points are as under;

Point No. i. : In the Affirmative,

Point No. ii. : In the Affirmative,

Point No. iii. : In the Affirmative,
Point No. iv. : As per final orders,
for the following ;

-: R E A S O N S :-

10. POINT No. i : It is the case of the plaintiff that he is the absolute owner in possession of the plaint schedule property. In his affidavit filed in lieu of his examination-in-chief, the plaintiff has virtually reiterated the plaint averments that he is the absolute owner in possession of the suit property and also regarding the interference by the defendants. Further, the defendants are causing interference with his peaceful possession without having any right or interest in the suit property. In support of his case the plaintiff examined himself as PW-1 and got marked 7 documents as per Ex.P-1 to 7.

11. The plaintiff is the absolute owner of the suit schedule property and also regarding interference by the defendants in support of his case, he produced Ex.P-1 is the RTC extract for the year 2024-25, the suit schedule property standing in the name of plaintiff and in column no.10 mode of possession shown as MRH2/2021-22 dated 04.03.2022(ವಿಭಾಗ). Ex.P-2 is the vide M.R.H2/2021-22 extract the khatha of the suit schedule property, mutated in the name of plaintiff. Ex.P-3 is the Tax paid receipt, Ex.P-4 is the

endorsement, issued by the Shanivarsanthe police station. Ex.P-5 is the survey utaru sketch in respect of suit schedule property. Ex.P-6 is the Akarband. Ex.P-7 is the partition deed dated 25.01.2022 where in the plaintiff and his family partition the all joint family properties and asper partition deed the suit schedule property has been allotted to the plaintiff. Hence, all these aspects the documentary evidence as well as oral evidence the plaintiff is the lawful possession of the suit schedule property.

12. On the other hand, even after due service of summons, the defendant called absent and placed exparte, hence, cross of PW-1 and defense evidence taken has nil. Thus the entire plaint averments and plaintiff evidence remained un-controverted and undisputed. In view of the above discussion, the evidence adduced by the plaintiff supports his case that he is in possession of the suit schedule property. In the circumstances, there is no reason to disbelieve the case of the plaintiff. Hence, for these reasons, point No.i is answered in the **Affirmative**.

13. POINT No.ii : The PW-1 has stated on oath in his affidavit that defendants are causing interference to his peaceful possession and enjoyment of the suit property. The defendants have not filed written statement and the plaint averments have remained undisputed. There is no

reason to disbelieve the case of the plaintiff regarding the issue at hand. Hence, for these reasons, point No.ii is answered in the **Affirmative**.

14. POINT No.iii : In view of my answer to point No.i and ii and the reasons stated therein, I am of the considered opinion that the plaintiff is entitled for the relief of permanent injunction. Accordingly, point No.iii is answered in the **affirmative**.

15. POINT No.iv : In view of my answers to the above points, I proceed to pass the following:

ORDER

The Suit of the Plaintiff is hereby **decreed**.

The Defendant or anybody acting on their behalf are hereby restrained from interfering with the Plaintiff's peaceful possession and enjoyment of the Suit Schedule Property, by way of Permanent Injunction.

Draw decree accordingly.

(Dictated to the stenographer, transcribed by her, revised, corrected and pronounced by me in the open court on this the 15th day of July 2026)

Sd/-
(SRINATHA.J.N)
Civil Judge & JMFC,
Somwarpet

ANNEXURE**List of witnesses examined on behalf of the plaintiff :**

PW.1 - Kiran.A.G

List of documents marked on behalf of the plaintiff :

Ex.P-1 - RTC

Ex.P-2 - Mutation register

Ex.P-3 - Tax paid receipt

Ex.P-4 - Endorsement

Ex.P-5 - Utaru sketch

Ex.P-6 - C/c of the Akarband

Ex.P-7 - C/c of the Partition deed dt.25.01.2022

List of witnesses examined on behalf of the defendants :

- N I L -

List of documents marked on behalf of the defendants :

- N I L -

Sd/-
(SRINATHA.J.N)
Civil Judge & JMFC,
Somwarpet

(Vide separate judgment is pronounced in the open court. Operative portion reads as under)

ORDER

The Suit of the Plaintiff is hereby decreed.

The Defendant or anybody acting on their behalf are hereby restrained from interfering with the Plaintiff's peaceful possession and enjoyment of the Suit Schedule Property, by way of Permanent Injunction.

Draw decree accordingly.

Civil Judge & JMFC,
Somwarpet

