

KAKL600000552018



IN THE COURT OF PCJ AND JMFC, SRINIVASPUR

PRESIDED BY – KARN SINGH R U

DATED – 1ST DAY OF AUGUST, 2026

ORIGINAL SUIT No.21 OF 2018

PLAINTIFF(S)

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Madivala Chanamma,
W/o Madivala Krishnappa,
Aged about 75 years,
R/at: Koolagurki Village,
Ronur Hobli,
Srinivaspur Taluk.

Presently at:
Adavichumbakuru Village,
Ronur Hobli,
Srinivaspur Taluk.

(Represented by V Arjun, Advocate)

v/s

DEFENDANT(S)

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1.

Venkatappa,
Since dead substituted by Lrs

a. Papakka,
W/o Late Venkataqppa,
Aged about 70 years,

- b. Venkataswamy,
S/o Late Venkatappa,
Aged about 50 years,
- c. Ramappa,
S/o Late Venkatappa,
Aged about 48 years,
- d. Venkataramanna,
S/o Late Venkatappa,
Aged about 46 years,
- e. Bettappa,
S/o Late Venkatappa,
Aged about 44 years,
- f. Narayanaswamy
S/o Late Venkatappa,
Aged about 42 years,
- g. Gangulappa,
S/o Late Venkatappa,
Aged about 32 years,
R/at Muddepalli Village,
Nelavanki Hobli, Srinivaspur Taluk.
- h. Reddamma,
D/o Late Venkatappa,
Aged about 40 years,

Plaintiffs (a) to (f) and (i) are r/at:
Byadara Hali Village,
Byrakuru Hobli, Mulbagal
Taluk, Kolar District.

- 2. Gangulappa,
S/o Venkatappa,
Aged about 32 years,
R/at: Muddepalli Village,
Nelavanki Hobli, Srinivaspur Taluk.

(Represented by K Vinay Kumar, Advocate)

Date of Institution of Suit	08.01.2018		
Nature of Suit	Declaration and Permanent Injunction		
Court fee paid	125/-		
Date of commencement of recording of the evidence	25.01.2023		
Date on which judgment is pronounced	01.08.2026		
Total Duration	Year(s)	Month(s)	Day(s)
	8	6	24

JUDGMENT

1. Present suit is for declaration of title and for permanent injunction against defendants in respect of suit property i.e., property bearing **Survey No.38 measuring 2 Acres, situated at Kanampalli Village, Nelavanki Hobli, Srinivaspur Taluk.**

Plaintiffs' case

2. Plaintiff states that she is the owner in possession of suit property having acquired it from Smt.Banubiyamma under a registered sale deed Dated:15.07.1983. Banubiyamma in turn had purchased suit property from Venkatappa (Defendant No.1) under a sale deed Dated: 18.05.1972. She states that Defendant No.1 had acquired suit property under a Darkhast Grant RR48 DR.420/1967-68. She states that since the date of purchase, she is in

possession of suit property. She states that she had lost the original sale deed and also previous sale deed of Banubiyamma and despite efforts the documents couldn't be traced. She states that by inadvertence, Khata was mutated into her name and also of vendor's name. She states that in between plaintiff's vendor had mortgaged suit property but later the mortgage was redeemed. She states that she has even preferred an appeal before AC, Kolar for change of Khata. She states that taking advantage of the fact that Khata of suit property remained in name of Defendant No.1, the latter has executed a gift deed in favour of Defendant No.2 on 08.12.2017, without any right, title or interest. She states that based on this gift deed, defendants are trying to dispossess the plaintiff and attempted so on 01.01.2018. She states that she is in possession of suit property and therefore she has filed this suit.

Contentions of Defendants

3. Defendants deny the case of plaintiff and state that suit property was granted to Defendant No.1 by the Government based on his long standing possession. They state that till today, they are in possession of suit property. They state that sale deed executed in favour of Banubiyamma was a sham document and it was never intended to be acted upon. Defendants state that possession was not parted upon them. They state that plaintiff did not acquire any possession as her vendor was never put in possession. They state that sale deed upon which plaintiff is claiming are sham documents and therefore they do not convey any title. They state that the fact that Khata was never changed into names of plaintiff and her vendor, confirms the fact that sale deeds were sham documents. They pray to dismiss the suit.

Trial

4. The following issues were framed:

ISSUES

(reproduced verbatim as framed on 24.09.2020)

1. Whether the plaintiff proves that she is the absolute owner in possession of the suit schedule property?
 2. Whether the plaintiff proves that gift deed executed by the 1st defendant in favour of the 2nd defendant on 08.12.2017 is not binding on her?
 3. Whether the plaintiff proves that interference of the defendants as alleged?
 4. Whether the plaintiff is entitled for relief sought for?
 5. What order or decree?
5. SPA Holder of Plaintiff, Smt.Radha led the evidence and was examined as PW1. Sixteen (16) documents were marked for plaintiff. Despite opportunities, defendants did not lead evidence.
6. After hearing arguments for plaintiff and defendant, matter was reserved for judgment.
7. My finding to the above said issues are as follows:

Issues No.1 to 4 : In affirmative,

Issue No.5 : As per final order

REASONING

On Issue No.1

8. Plaintiff is claiming title under a sale deed (Ex.P2) executed by Smt.Banubiyamma who in turn purchased suit property under a sale deed (Ex.P16) from Defendant No.1. Therefore, nonetheless title to plaintiff flowed from Defendant No.1.
9. Defendant No.1 vaguely claims that these sale deeds are sham documents and were never acted upon. However, there is no credible evidence to prove this fact. No amount of oral evidence could disprove the documentary evidence placed by plaintiff. Defendants even claimed that no consideration moved in these sale deeds and possession was never parted. In sale deed (Ex.P16) there is clear mention of handing over of possession and obtaining sale consideration. The recital speaks for itself.
10. Just because Khata was not mutated, doesn't mean that Plaintiff has no title. Once defendant No.1 has conveyed his title, he cannot be allowed to state otherwise. These sale deeds have remained unchallenged by Defendant No.1 until now. True that RTC is being issued in name of Defendant No.1 and later in name of Defendant No.2. But, these RTC entries are always submissive to title. Revenue records by themselves do not confer title. Hence, this court finds that it is plaintiff who is the owner in possession of suit property. **Issue No.1 is answered in affirmative.**

On Issue No.2

11. When Defendant No.1 had himself alienated the suit property under a sale deed, he did not retain any right in suit property to executed Gift deed in favor of Defendant No.2. Therefore, the gift deed Dated: 08.12.2017 executed by Defendant No.1 in respect of suit property is non-est in law. And therefore it cannot bind the true owner of the suit property i.e., plaintiff. **Issue No.2 is also answered in affirmative.**

On Issue No.3

12. Defendants have denied the title of plaintiff under the W/s. Also, they claim to be in possession of suit property. This by itself is proof of interference. **Issue No.3 is also answered in affirmative.**

On Issue No.4

13. Plaintiff is seeking declaration of title and so consequent prayer of injunction. Plaintiff is obviously entitled to the reliefs sought. **Issue No.4 is also answered in affirmative.**

14. Concluding the findings, this court proceeds to pass the following order.

ORDER

Suit is decreed in following terms:

- a. Plaintiff is declared as the owner of the suit property.**
- b. By way of order of injunction, defendants are permanently restrained disturbing the possession of plaintiff over suit property.**
- c. Defendants are also liable to pay costs of the suit to the plaintiff.**
- d. Office is directed to draw decree according to this judgment.**

(Pronounced in the open court on 1st day of August 2026)

**KARN SINGH R U
PCJ & JMFC, SRINIVASPUR**

LIST OF WITNESSES EXAMINED

A. Plaintiff's:

Rank	Name
PW1	Radha

B. Defendant's: Nil

C. Court Witnesses: Nil

LIST OF DOCUMENTS EXHIBITED

A. Plaintiff's:

Sl. No.	Exhibit Number	Description
1	P1	SPA
2	P2	C/c of sale deed Dated:05.07.1983
3	P3	Mutation Register Extract
4	P4 to P12	RTCs of suit property
5	P13	Survey Sketch
6	P14	Akarband
7	P15	Copy of Gift Deed
8	P16	Copy of sale deed Dated:18.05.1972

B. Defendants: Nil

C. Court Exhibits: Nil

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