

KAKP200016992026



**IN THE COURT OF THE PRL. CIVIL JUDGE AND
JMFC, KUSHTAGI**

PRESENT: SRI. MAYAPPA LAGAMAPPA PUJERI.,

B.A., L.L.B.

PRL. CIVIL JUDGE AND JMFC,
KUSHTAGI.

DATED THIS THE 01st DAY OF JULY, 2026

O.S.NO.213/2026

Plaintiff/s:

Smt. Malavva W/o Maruti
Gonnagar, Aged about 27
years, Occ: Housewife, R/o
Madikkeri village, Kushtagi
Taluk, Koppal District.

(R/by Sri. A.S.D., Adv.,)

V/S

Defendant/s:

Smt. Basamma W/o
Sharanappa Benakanal, Aged
about 42 years, Occ:
Housewife, R/o Madikkeri
village, Kushtagi Taluk, Koppal
District.

(R/by Sri. S.E.C.Adv.,)

Date of Institution of Suit : 24-04-2026
Nature of Suit : Permanent Injunction.
Date of commencement of
recording of evidence : 08.06.2026
Date on which Judgment
is pronounced : 01.07.2026
Total Duration : Years Months Days
00 02 07

(Mayappa Lagamappa Pujeri)
Prl. Civil Judge & JMFC.,
Kushtagi.

JUDGMENT

The plaintiff has filed this suit against the defendant for the relief of permanent injunction, to restrain the defendant from interfering in her possession over the suit property which is shown as follows;

SUIT PROPERTY

The property bearing No.313 and serial
No.275/A, measuring East- West 15 feet
and North-South 50 feet, situated at

Ward No.1 in Maddikeri village, which comes within the limits of the Benakanal Gram Panchyath of Kushtagi taluk and Koppal district, having boundaries;

East: Road;

West: Property of Hanamavva W/o
Sharanappa Kolli;

North: Road;

South: Road.

2. Brief facts of the plaintiff's case are as follows:

a) The plaintiff has submitted that, the suit property is standing in the name of the defendant. The defendant gave the suit property to the plaintiff about several years back. From then, the plaintiff is in possession and enjoyment of the suit property by erecting a shed therein.

b) It is further submitted that, by taking undue advantage of the Katha standing in the of defendant, she tried to

interfere with the possession of the plaintiff. That on 30-03-2026, the defendant caused interference with the possession of the plaintiff and tried to disposes her from the suit property. Though, the plaintiff requested to the defendant in the presence of elders to transfer the katha of suit schedule property in her name but the defendant without heading the words of the plaintiff, said that, katha of the suit property is standing in her name and tried to disposes her from the suit property. Hence, this suit.

3. After institution of this suit, this Court has issued process to the defendant. The defendant has appeared through her learned advocate and filed written statement.

4. Wherein the written statement, the defendant has denied the plaint averments in part and further contended as follows;

a) It is contended that, the suit property is standing in the name of defendant and she gave the possession of the suit

property to the plaintiff about several years back, although the suit property is standing in her name.

b) It is further contended that, the plaintiff never asked her in the presence of elders to transfer the katha of the suit property and she is not in possession of the suit property as such the question of interference does not arise and she never interfered with her possession over the suit property.

c) It is further contended that, there is no cause of action to the suit and the cause of the action is the imaginary one. Hence, she prayed to dismiss the suit with cost.

5. On basis of the above said pleadings and examination of the documents, the following issues have been framed;

ISSUES

1. Whether the plaintiff proves that, she is in lawful possession over the suit schedule property ?
2. Whether the plaintiff proves the interference by the defendant over the suit property?

3. Whether the plaintiff is entitled for the relief as claimed in the suit?

4. What order or decree?

6. In order to prove the facts of the case, the plaintiff has got examined as PW-1 and got marked 01 document as Ex.P1.

7. On the other hand, the defendant has got examined as DW.1, but she has not produced any documents and closed her side evidence. Then, the matter was set down for arguments.

8. This court has heard the learned counsels for the plaintiff and the defendant and also perused the material available on record.

9. Findings of this Court to the above issues are as under:

Issue No.1 : In the affirmative

Issue No.2 : In the affirmative

Issue No.3 : Partly in the affirmative

Issue No.4 : As per the final order for
the following:

REASONS

10. **Issue No.1** : As, this Court has already narrated entire facts of the plaintiff's case as well as defense of the defendant in previous paragraphs, this Court would like to go through the material available on record directly in order to avoid repetition of the facts and circumstances of the case.

11. Herein the case on hand, in order to prove the facts of the case, the plaintiff by name Malavva has got examined as PW-1 and reiterated entire plaint averments in her chief examination which is filed by way of affidavit. Further, in support of her case as well as oral testimony, she has also got marked one document as Ex.P-1 ie., House property extract.

12. On the other hand, the defendant by name Basamma has got examined as DW.1 and deposed the written

statement contentions in her chief-examination which is also filed by way of affidavit. However, she has not got marked any documents in support of her contentions.

13. Now, the very important moot question arises before this Court that, whether the plaintiff is in possession over the suit schedule property. No doubt that, the suit property is standing in the name of defendant as the Ex.P-1, which is Khatha extract of property bearing No.313, which is described as suit schedule property speaks that it is standing in the name of Basamma W/o Sharanappa Benakanal, who is the defendant in the case on hand.

14. Notably, the plaintiff has categorically set up a case that, suit property is standing in the name of the defendant and she gave the suit property to her about several years back and she is residing there by erecting a shed. It is also admitted by the defendant in the written statement at para No.1 that, she gave the suit property to the plaintiff about

several years back. More particularly, the measurement of the property and boundaries of the suit property has been clearly stated by the plaintiff in her plaint and the defendant has also admitted the measurement of the suit property.

15. Further more though, the defendant has contended that, the plaintiff is not in possession over the suit property, but the defendant who got examined as DW.1 has categorically admitted in her cross-examination that, the plaintiff is in possession over the suit property by erecting the shed over the suit property from several years back.

16. Thus, this Court is of the considered opinion that, no more discussion is required to hold that, the plaintiff is only in the possession over the suit schedule property as the defendant has also consented the possession of the plaintiff over the suit schedule property. **Hence, this court holds that, the plaintiff is in possession over the suit property. Accordingly, this Court answers issue No.1 in the affirmative.**

17. Issue No.2: Now, another important moot question arises before this court that, whether the defendant has tried to interfere with the possession of the plaintiff over the suit property.

18. It is the specific case of the plaintiff that, by taking undue advantage of the Katha standing in the name of the defendant, she has tried to interfere with her possession and more particularly, on 30-03-2026, she has interfered with her possession and also tried to disposes her from the suit property. In this regard, the plaintiff who has got examined as PW-1 has categorically deposed the said version on oath. It is another important aspect to be considered here that, though the defendant has categorically disputed the allegation made against her with respect to interference, but she did not take care to cross-examine the PW-1 for the reasons best known to her.

19. On the contrary, during the cross-examination of the defendant, who got examined as DW-1, the plaintiff has

succeeded to put-forth the suggestion with respect to interference, in which the DW-1 has categorically admitted that, she raised objection while the plaintiff constructing house in the suit property on 30.03.2026.

20. No doubt that, the katha of the suit property is standing in the name of the defendant. However, on the guise of the katha, the defendant can't take law into her hands. Because, above said discussion clearly reveals that, the defendant herself gave possession of the suit property to the plaintiff and as such the plaintiff is permissive possessor of the suit property and the plaintiff is in possession over the suit property for long time. Therefore, the defendant shall take back the possession of the suit property by following due process of law. Notably, it is not the case of the defendant that she issued vacation notice to the plaintiff. Thus, it clearly indicates that, she never gave any vacation notice to the plaintiff, although she went to the suit property on 30-03-2026. Therefore, this Court is of the considered opinion that, though the katha is standing in the name of

defendant, but that itself is not a ground to disturb the possession of the plaintiff over the suit property without following due process of law, which is without authority of law, as the plaintiff has been enjoying the suit property for long time with the consent of the defendant. Hence, this Court holds that, act of the defendant is nothing but against to the law. **Hence, this court holds that, the defendant has interfered with the possession of the plaintiff over the suit property. Accordingly, this Court answers issue No.2 in the affirmative.**

21. Issue No.3 : Now, another important moot question arises before this Court that, whether the plaintiff is entitled to get the relief as claimed in the suit.

22. Herein the case on hand, the plaintiff has claimed the relief of perpetual injunction, to restrain the defendant from interfering with her possession over the suit property. However, the above said discussion clearly reveals that, the

katha of the suit property is standing in the name of defendant. As such, she is the lawful owner of the suit property and she has every right to take back the possession of the suit property from the plaintiff. Such being the case, a perpetual injunction, restraining the defendant from interfering with the plaintiff's possession is not reasonable. However, acting under order 7 Rule 7 of CPC, this court is of the considered opinion that, the relief can be mould and conditional injunction against the defendant can be granted to protect the possession of the plaintiff over the suit schedule property till vacation of the plaintiff from the suit schedule property in accordance with law. Therefore, this Court is of the considered opinion that, the plaintiff is entitled to get such relief. **Accordingly, this Court answers issue No. 3 partly in the affirmative.**

23. **Issue No.4:** In view of the above said discussion and reasons assigned supra, this Court proceeds to pass the following:

ORDER

The suit of the plaintiff for the relief of permanent injunction is hereby partly decreed, as follows;

The defendant is hereby restrained from taking possession of the suit schedule property from the plaintiff, without following due process of law.

In view of the above said discussion, the parties are hereby directed to bear their own costs.

Draw decree accordingly.

(Directly dictated to the stenographer, and typed by her, corrected by me and then pronounced in the Open Court on the 01st day of July, 2026)

(Mayappa Lagamappa Pujeri)
Prl. Civil Judge & JMFC.,
Kushtagi.

ANNEXURE

I. List of witnesses examined by the plaintiff/s:

PW.1 : Malavva.

II. List of documents exhibited by the plaintiff/s:

Ex.P1 : House property extract.

III. List of witnesses examined by the defendant/s:

DW-1 : Basamma.

IV. List of documents exhibited by the defendant/s:

-NIL-

(Mayappa Lagamappa Pujeri)

Prl. Civil Judge & JMFC.,
Kushtagi