

KAMD210003072023



Presented on : 20-02-2023
Registered on : 02-03-2023
Decided on : 29-04-2026
Duration : 3 years, 2 months, 9 days

**IN THE COURT OF THE PRL.CIVIL JUDGE AND
JMFC AT KRISHNARAJAPET**

: Present :

Smt.Parvathi.V, B.A.L., L.L.B.
Prl.Civil Judge & JMFC,
Krishnarajapet.

Dated : This the 29th day of April 2026

OS. No.178/2023

Plaintiff : Sri.B.Somashekar,
S/o Late L.B.Basavegowda,
Aged about 75 years,
R/at Bomenahalli Village,
Kasaba Hobli,
Krishnarajapet Taluk,
Mandya District.

(By Sri. K.R.M., Advocate)

-V/s-

Defendants : 1. Sri.Ramakrishna,
S/o late Eraiah,
Aged about 55 years,

2. Sri.Guruprasad,
S/o Ramakrishna,
Aged about 35 years,

3. Sri.Raviraghu,
S/o Ramakrishna,
Aged about 36 years,

All are R/at:Bomenahalli Village,
Kasaba Hobli,
Krishnarajapet Taluk,
Mandya District.

(Defendants No.1 to 3 Ex-parte)

Date of institution	20.02.2023		
Nature of the Suit	Permanent Injunction		
Date of commencement of recording evidence	22.11.2023		
Date of close of evidence	06.08.2025		
Judgment pronounced	29.04.2026		
Total duration	Years	Months	Days
	3	2	9

Sd/-
Prl.Civil Judge & JMFC,
Krishnarajapet

JUDGMENT

The suit filed by the plaintiff against the defendants for the relief of Permanent Injunction in respect of suit schedule property.

2. **The brief facts of case of the plaintiff are as under ;**

It is the case of the plaintiff that, he is the owner of the suit property by virtue of registered exchange deed. On the basis of said document, the revenue records have been mutated in his name. He is in possession of the suit property and RTC is standing in his name. The defendants have no right, title, interest or possession over the property and have interfered with the plaintiff's peaceful possession and enjoyment of the suit property. Hence, he has filed the present suit.

3. The pursuant to the suit summons issued to the defendants, but defendants have not appeared before this Court, hence the defendants were placed ex-parte and matter was posted for the plaintiff evidence.

4. In order to substantiate his case, the plaintiff got examined himself as PW1 and got marked documents as Ex.P1 to Ex.P3 and closed his side. Since, the defendants

placed ex-parte, the cross-examination of PW1 and the defendants evidence was taken as nil.

5. Heard arguments on plaintiff counsel and perused the materials on records.

6. The points that arise for consideration of this court are as under ;

POINTS

1. Whether the plaintiff proves that he is in peaceful possession and enjoyment of the suit schedule property as on the date of filing of the suit ?
2. Whether the plaintiff further proves the alleged interference caused by the defendants ?
3. Whether the plaintiff is entitled for the relief as sought in the plaint ?
4. What order or decree?
7. On considering the materials on records this

Court answered the above points are as under;

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

8. **Point Nos.1 and 2:-** Both these points are inter-connected, in order to avoid the repetition of facts, hence these issues are taken up together for common discussion.

9. It is the case of the plaintiff that he is in actual possession and enjoyment over the suit schedule property as on the date of filing of the suit. As per Sec.101 and 103 of Indian Evidence Act, the burden is on the plaintiff to prove the said facts. The plaintiff in order to establish his case has examined himself as PW1 by way of filing an affidavit in lieu of his chief examination wherein he has deposed in consonance with plaint averments. PW1 in support of his oral evidence has got marked Ex.P1 to P3. Ex.P1 is the record of rights of the suit schedule property standing in his name. Ex.P2 is the certified copy of the mutation extract which is standing in his name, Ex.P3 is the certified copy of exchange deed.

10. In order to ascertain the actual possession and enjoyment of the plaintiff over the suit schedule property

as on the date of filing of the suit, this Court has perused the oral and documentary evidence adduced by PW1. After perusal of Ex.P1 it is crystal clear that an extent of 0-03.08 guntas of land in Sy.No.149/3 is standing in the name of the plaintiff for the year 2025-26. Ex.P2 reveals that the khatha of the suit schedule property has changed in the name of the plaintiff and Ex.P5 is the certified copy of exchange deed, it reveals that on the basis of the said documents, he is in possession of the suit property. All these documents crystal clearly reveal that the plaintiff is in actual possession and enjoyment over the suit schedule property as on the date of filing of the suit.

11. In order to ascertain the Plaintiff's actual possession and enjoyment over the suit schedule property, this Court has carefully perused the materials on record. On perusal of Ex.P1 and Ex.P2 which are the land revenue records of the suit schedule properties, it appears to this Court that to an extent of 0-03.08 guntas in Sy.No.149/3 is standing in his name. The said revenue

documents crystal clearly establish that the suit schedule property belongs to the Plaintiff. After considering the said documents, it appears to this Court that the Plaintiff is in actual possession and enjoyment over the suit schedule property as on the date of filing of the suit.

12. In so far as alleged interference of the defendants are concerned, as aforesaid, according to the plaintiff, the defendants without having any manner of right, title and interest, have caused interference to his possession over the suit schedule property. Since the plaintiff has proved his possession over the suit schedule property, being a possessor, he is having all rights to secure her property from any kind of interference. It is settled principle of law that in order to get an injunctive relief from the hands of the court, actual interference is not necessary, mere threat or apprehension is sufficient to seek the relief of injunction. Hence, it is sufficient to infer that the defendants have caused interference to the plaintiff's possession over the suit schedule property.

Therefore, this court is of opinion that the plaintiff has proved that he is in possession and enjoyment of the suit schedule property as on the date of suit and the defendants have caused interference to his possession. With these observations, this Court has answered Point No.1 and Point No.2 in the Affirmative.

13. **Point No.3:** When the Plaintiff has established his actual possession and enjoyment over the suit schedule property and also the interference of the Defendants, then the Plaintiff is entitled for the equitable relief of permanent injunction as sought for. With these observations, this Court has answered Point No.3 in the Affirmative.

14. **Point No.4:** For the aforesaid discussion on Point No.1 to 3, this Court proceeds to pass the following:

ORDER

The suit of the plaintiff is hereby decreed with costs.

The Defendants, their agents, servants or anybody claiming through or under them are permanently restrained from interfering with the Plaintiff's peaceful possession and enjoyment of the suit schedule property.

(Dictated to the Stenographer directly on computer, corrected by me and then pronounced by me in the open court on this 29th day of April 2026.)

Sd/-
(Smt.Parvathi.V)
 Prl.Civil Judge & JMFC,
 Krishnarajapet.

ANNEXURE

List of witnesses examined by the Plaintiff:-

PW.1 : B.Somashekar

List of documents exhibited by the Plaintiff:-

Ex.P1 : RTC.,

Ex.P2 : Demand register extract

Ex.P3 : Certified copy Exchange Deed dated

List of witnesses examined by the Defendant :

- Nil -

List of documents exhibited by the Defendant :

- Nil -

Sd/-
 Prl.Civil Judge & JMFC,
 Krishnarajapet.

