

KAMD210013082016



Presented on : 17-08-2016
Registered on : 18-08-2016
Decided on : 15-04-2026
Duration : 9 years, 7 months, 29 days

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

: Present :

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

Dated : This the 15th day of April 2026

O.S. No.403/2016

Plaintiff : Sri.Mahadevaiah
S/o Late Puttaswamaiah, @
Gaddaiah,
Aged about 38 years,
R/at Alenahalli Village,
Akkihebbalu Hobli, K.R.Pete
Taluk, Mandya District.

(By Sri. MRN., Advocate)

-V/s-

Defendants : 1. Sri.Ningegowda
S/o. Late Swamigowda,
Aged about 50 years,

2. Smt. Jayamma,

W/o.late Lashmegowda,
Aged about 45 years,

3. Ramegowda
S/o late Annegowda
Aged about 40 years,

4. Sri. Sheenegowda
S/o late Ramegowda,
Aged about 40 years,

All are R/at Alenahalli Village,
Akkihebal Hobli, K.R.Pete
Taluk, Mandya District.

(By Sri. K.K.L., Adv.)

Date of institution	17.08.2016		
Nature of the Suit	Permanent Injunction		
Date of commencement of recording evidence	18.01.2023		
Date of close of evidence	23.08.2023		
Judgment pronounced	15.04.2026		
Total duration	Years	Months	Days
	9	7	29

sd/-
Prl. Civil Judge & JMFC,
K.R.Pete.

JUDGMENT

The instant suit has been filed by the plaintiff against the defendants for the relief of permanent injunction, restraining the defendants from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property.

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

The suit schedule property originally belonged to Puttaswamayya @ Gaddayya, S/o Chinnachelavayya, was acquired the same under a grant dated 24.07.1981. pursuant to the said grant, the revenue records were mutated in his name. And he was in lawful possession and enjoyment of the property during his life. After his death, the plaintiff, being his son, succeeded to the property and the revenue records have been mutated in his name. Since then, he has been in possession and enjoyment of the property. The defendants are strangers to the suit property and are powerful and influential persons having financial strength and manpower. They

have no right, title or interest over the suit schedule property and they have interfered with the plaintiff's peaceful possession of the suit property. The plaintiff requested the defendants on several occasions to refrain from such unlawful acts. However, despite repeated requests, they have not stopped their illegal interference. Hence the plaintiff has filed this suit.

3. In response to the suit summons, the defendants have appeared through their counsel, but in spite of sufficient time, they did not choose to file any written statement. Hence written statement taken as not filed and the matter was posted for plaintiffs' evidence.

4. In order to substantiate his case, the plaintiff got examined himself as PW-1 and got produced the documents at Ex.P-1 to P-22 and closed his side. The cross-examination of PW-1 taken as nil and matter was posted for arguments.

5. Heard arguments on plaintiff's 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 No.1 and 2** :- These Points are interlinked with each other, they are taken up together for common discussion to avoid the repetition of facts.

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/Sec.104 to 106 BNS, 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 P22. On careful perusal of the Ex.P-22 copy of grant certificate issued by the government to father of the plaintiff. In pursuance to the same, the katha of suit schedule property got changed into the name of father the plaintiff as per Ex.P-2 to 4. Further, after death of father the plaintiff, the katha of suit property got changed into the name of plaintiff under M.R No.17/2008-2009 as per Ex.P.1. Ex.P.6 is the death certificate of father of the plaintiff. Ex.P.7 is the certified copy of akarband. Ex.P.8 to 20 are the tax paid receipts, it indicate that during the life time of father the plaintiff and after death the plaintiff is

paying the tax to the government. On careful perusal of the Ex.P.5 M.R. extract, the katha of suit schedule property bearing Sy.No.14 measuring acre 39 guntas got changed into the name of plaintiff from his father by name Puttaswamaih S/o Chaluvaiah under MR.17/2008-09. Accordingly, the plaintiff name finds a place in column No.9 of RTC extract at Ex.P.1. Ex.P1 is the record of rights of the suit schedule property standing in his name. Ex.P21 is the patta and receipt book.

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 1 acre 39 guntas of land in Sy.No.14, is standing in the name of the plaintiff for the year 2023-24. Ex.P5 reveals that the khatha of the suit schedule property has changed in the name of the plaintiff. 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. The defendants have not contest the suit by way of filing the written statement. Hence, the evidence lead by the plaintiff is remained unchallenged and unrebutted. Therefore, by considering the materials placed on record, this court is of opinion that the plaintiff is in possession and enjoyment of the suit schedule as on the date of suit.

11. In so far as alleged interference of the defendants is 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 his 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. Hence this court has answered point No.1 and 2 in the Affirmative.

12. **Point No.3** :- In view of the findings on point No.1 & 2, this court is of opinion that since the plaintiff has proved that he is in possession and enjoyment of the suit schedule property as on the date of suit and alleged interference of the defendants over the suit schedule property, he is entitled for the relief sought in the plaint. Hence this court has answered point No.3 in the Affirmative.

13. **Point No. 4** :- In view of foregoing discussion on the above point No.1 to 3, this court proceeds to pass the following:

ORDER

The suit of the plaintiff for the relief of permanent injunction is hereby decreed with costs.

The Defendants, their agents, 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.

Draw Decree accordingly.

(Dictated to the Stenographer directly on computer, corrected by me and then pronounced by me in the open court on this 15th day of April 2026.)

sd/-
(Smt.PARVATHI.V)
Prl.Civil Judge & JMFC,
K.R.Pete.

ANNEXURE**List of witnesses examined by the Plaintiff:-**

PW.1 : Sri. Mahadevaiah

List of documents exhibited by the Plaintiff:-

Ex.P1 to 4 : RTCs extract
Ex.P5 : Mutation register extract
Ex.P6 : Death certificate
Ex.P7 : Akarband
Ex.P8 : Notice
Ex.P9to20 : Tax paid Receipts

Ex.P21 : Patta and receipt book.
Ex.P22 : Copy of Grant certificate

List of witnesses examined by the Defendants :

- Nil -

List of documents exhibited by the Defendants :

- Nil -

sd/-
**Prl.Civil Judge & JMFC,
K.R.Pete.**