

KAMD410019802025



Presented on : 03-07-2025

Registered on : 04-07-2025

IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC AT MALAVALLI

**PRESENT: Smt. Nazia Kouser,
B.E., LL.B.,
Prl. Civil Judge & JMFC,
Malavalli**

Dated this the 03rd day of August 2026

O.S.No.313/2025

Plaintiffs:

1. Smt. Jayamma
D/o Late Lingegowda @ Marigowda
W/o Late Madegowda
Aged about 76 years,
2. Smt. Sunandamma
D/o Late Lingegowda @ Marigowda
W/o Late Swamy
Aged about 74 years,
R/o Eliyuru Village,
Virupakshipura Hobli,
Channapattna Taluk,
Ramanagar Distrcti.
3. Smt. Mahadevamma
D/o Late Lingegowda @ Marigowda
W/o Late Ningegowda
Aged about 63 years
R/o Maganahalli Village,
Kirugavalu Hobli,
Malavalli Taluk, Mandya District.

4. Smt. Rajamma
D/o Late Lingegowda @ Marigowda
W/o Shivalingegowda
Aged about 62 years,
R/o Moledoddi Village,
Kasaba Hobli,
Malavalli Taluk, Mandya District.
5. Smt. Lakshmi
D/o Late Devaraju D.L.
Aged about 59 years,
6. Sri. Umesh S/o Late Devaraju D.L.
Aged about 38 years
7. Smt. Prema
D/o Late Lingegowda @ Marigowda
W/o Late Ningappa
Aged about 55 years,
R/o Moledoddi Village, Kasaba Hobli,
Malavalli Taluk, Mandya District.
8. Smt. Puttamma
D/o Late Lingegowda @ Marigowda
W/o Late Madegowda
Aged about 50 years,

D1,5,6 and 8 are R/o Dabbahalli Village
B.G.Pura Hobli, Malavalli Taluk,
Mandya District.

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

V/s.

Defendants:

1. Tahsildar, Malavalli Taluk
2. Sri. N.S. Nagaraju
S/o Late Siddegowda
Aged about 80 years,
R/at No.753, 13th Cross,
Jayanagar West,

7th Block, J.S.S. Circle Bidarahalli,
Banashankari 2nd Stage, Bangalore-560070

(D1 By Sri.A.G.P., Advocate)

(D2 -Exparte)

Date of institution of the suit	03-07-2025		
Nature of Suit	Declaration & Injunction Suit		
Date of the commencement of recording of the evidence	14-01-2025		
Date on which judgment pronounced	03-08-2026		
Total Duration	Years	Months	Days
	01	01	00

**Prl. Civil Judge & JMFC,
Malavalli**

:: J U D G M E N T ::

The suit is for the relief of declaration and Permanent injunction along with such other reliefs.

The suit schedule property is:

The land bearing Sy.No.83/B, measuring 1.38.00 guntas, Assessment 2.34 Paise, situated at Dabbahalli village, B.G.Pura Hobli, Malavalli Taluk, bounded on :-

East :- Land of 2nd Defendant (Sy.No.76)

West :- Land of Netkal Madegowda

North :- Land of Sannegowda

South :- Land of Ninganna

2. The case of the plaintiffs is as follows:-

The suit schedule property originally belonged to late Lingegowda @ Marigowda, S/o late Lingegowda, who was the father of plaintiff Nos.1 to 4, 7 and 8, the father-in-law of plaintiff No.5, and the grandfather of plaintiff No.6, who had acquired the same in a partition with his father, late Lingegowda. During his lifetime, late Lingegowda @ Marigowda did not create any encumbrance over the suit schedule property. After his demise, the plaintiffs succeeded to the suit schedule property and have been in peaceful possession and enjoyment thereof. They have also been regularly paying kadayam in respect of the suit property.

3. The plaintiffs further contend that defendant No.1, illegally transferred the khata pertaining to the suit schedule property in favour of defendant No.2. The defendant No.2 has no manner of right, title, interest or possession over the suit schedule property. The plaintiffs have challenged the said illegal mutation by filing an appeal before the Assistant Commissioner in R.MIS No.147/2025, which is pending consideration. Despite

having no lawful right over the suit property, defendant No.2 has got the khata entered in his name and is attempting to alienate the suit schedule property with an intention to derive unlawful gain.

4. The plaintiffs further submit that they are in lawful possession and enjoyment of the suit schedule property. Despite having no right, title or interest over the property, the defendants have been continuously interfering with the plaintiffs' peaceful possession and enjoyment and are making attempts to alienate the suit schedule property. As the interference could not be prevented otherwise, the plaintiffs have been constrained to institute the present suit seeking appropriate declaratory and injunctive reliefs. Hence, this suit.

5. Despite service of summons, defendant No.2 remained absent and was placed ex parte. The defendant No.1 entered appearance through the learned APP. However, no written statement was filed on behalf of defendant No.1 inspite of giving sufficient time.

6 .The following points arise for consideration by this court:

POINTS

1. Whether the plaintiffs are entitled for the reliefs sought for?

2. What order or decree?

7. In support of the plaintiffs' case, Plaintiff No.7 was examined as PW.1 and got marked documents Ex.P1 to Ex.P7.

Witness by name Dasaiah was examined as PW.2.

8. Heard arguments and perused the records.

9. My findings on the points are as under:

Point No.1: In the negative

Point No.2: As per the final order
for the following:

REASONS

10. Point No.1:- The The suit schedule property originally belonged to late Lingegowda @ Marigowda, S/o late Lingegowda, the father of plaintiff Nos.1 to 4, 7 and 8, the father-in-law of plaintiff No.5, and the grandfather of plaintiff No.6 who had acquired the same in a partition with his father, late Lingegowda. After his demise, the plaintiffs, being his legal heirs, succeeded to the property and have been in peaceful

possession and enjoyment thereof while regularly paying the kadayam. The defendant No.1, without any authority, illegally transferred the khata of the suit schedule property in favour of defendant No.2, who has no right, title or interest therein. The plaintiffs have challenged the said mutation before the Assistant Commissioner in R.MIS No.147/2025, which is pending. The defendants are interfering with the possession of plaintiffs and attempting to alienate the suit schedule property.

11. In order to substantiate the case, plaintiff No.7 examined herself as PW-1 and got marked Ex.P1 to Ex.P7. In her evidence, she has reiterated the averments made in the plaint.

12. Ex.P1 is the notarized copy of the genealogical tree. Ex.P2 to Ex.P5 are the handwritten RTC extracts, Ex.P6 is the Encumbrance Certificate and Ex.P7 is the certified copy of the appeal memorandum in R.Misc. No.147/2025.

13. One Dasaiah was examined as PW-2 by filing his chief examination affidavit, wherein he has deposed that the suit schedule property originally belonged to late Lingegowda @ Marigowda, who had acquired the same in a partition with his

father, late Lingegowda. After the death of late Lingegowda @ Marigowda, the plaintiffs, being his legal heirs, succeeded to the suit schedule property and have been in possession thereof while paying the kadayam. The defendant No.2 has no right, title or interest over the suit schedule property and is not related to the plaintiffs' family. The defendant No.1 illegally transferred the khata of the suit schedule property in favour of defendant No.2, and the plaintiffs have challenged the said mutation before the Assistant Commissioner in R.Misc. No.147/2025.

14. On a careful appreciation of the oral and documentary evidence, it is seen that Ex.P2 and Ex.P5 are the handwritten RTC extracts pertaining to Survey No.83/B for the years 1969–70 to 1972–73 and 1974–75 to 1978–79. In the said RTCs, the name of **Lingegowda @ Marigowda** is reflected in Columns Nos.9 and 12. Ex.P3 comprises the handwritten RTC extracts relating to Survey No.83/B for the years 1979–80 to 1986–87. The name of **Lingegowda @ Marigowda** continues to appear in Columns Nos.9 and 12 up to the year 1980–81. Thereafter, the name of **N.S. Nagaraju** is entered in the said columns.

Ex.P4 consists of the handwritten RTC extracts for the years 1987–88 to 1991–92, wherein the name of **N.S. Nagaraju** is shown in Columns Nos.9 and 12. Ex.P3 and Ex.P4 further disclose that the mutation in favour of N.S. Nagaraju was effected pursuant to **M.R. No.17/1980-81**, stated to be based on a partition.

15. The burden is lies upon the plaintiffs to establish not only that the suit property originally belonged to Lingegowda but also the manner in which he acquired title to the suit property and how the title devolved upon the plaintiffs. Mere production of revenue records does not by itself confer or establish title.

16. In the present case, except asserting that the suit schedule property belonged to late Lingegowda @ Marigowda, the plaintiffs have not pleaded or proved the source of his title. No other material has been produced to show how Lingegowda acquired ownership over the suit schedule property. Likewise, though the plaintiffs claim to be his legal heirs, they have not produced any document evidencing the devolution of title in their favour, except the

genealogical tree at Ex.P1, which by itself does not establish title to the property.

17. Further, the revenue records relied upon by the plaintiffs themselves disclose that the name of **N.S. Nagaraju** came to be entered in the RTCs from the year 1981 onwards pursuant to **M.R. No.17/1980-81**, though Ex.P7 discloses that proceedings in R.Misc. No.147/2025 are pending before the Assistant Commissioner challenging the mutation, the pendency of such proceedings does not establish the plaintiffs' title.

18. In the absence of cogent evidence establishing the origin and flow of title, this Court is unable to hold that the plaintiffs have proved their ownership over the suit schedule property. Consequently, the consequential reliefs of mandatory injunction and permanent injunction also cannot be granted. Accordingly, Point No.1 is answered **in the Negative**.

19. Point No.2:- In the light of the above discussions on point No.1 , I proceed to pass the following:

ORDER

The suit of the plaintiffs is hereby dismissed.

Under the circumstances of the case no order as to costs.

Draw decree accordingly.

(Dictated to the Stenographer, transcribed by her, corrected and then pronounced by me in open Court on this the 03rd day of August 2026)

(NAZIA KOUSER)
Prl. Civil Judge & JMFC.,
Malavalli

ANNEXURE**List of witnesses examined in favour of plaintiffs**

PW1 : Prema
PW2 : Dasaiah

List of witnesses examined in favour of defendants

Nil

Documents exhibited on behalf of plaintiff

Ex.P.1 : Notarized copy of the genealogical tree
Ex.P.2 to 5 : Handwritten RTC extracts
Ex.P.6 : Encumbrance Certificate
Ex.P.7 : Certified copy of the appeal memorandum in
R.Misc. No.147/2025

Documents exhibited on behalf of defendants

Nil

Prl. Civil Judge & JMFC.,
Malavalli