

KAMD510010732023



Form No.9 (Civil) Title
sheet for Judgment in
suits (R.P. 91)

**IN THE COURT OF I ADDITIONAL CIVIL JUDGE AND JMFC,
NAGAMANGALA**

Dated this 9th day of April 2026

Present: SRI. K.P. SIDDAPPAJI. B.A., L.L.B.,

I Addl. Civil Judge and JMFC.,
Nagamangala.

O.S. No.302/2023

PLAINTIFF : Chikkaiah @ Chikkarasaiah S/o Lae Kengaiah,
Aged about 95 years,
R/o Vaderahalli village,
Bellur Hobli,
Nagamangala Taluk,
Mandya District.

(R/by Sri. N.C.S. Advocate)

- Vs -

DEFENDANT : Shivalingaiah S/o Kannappa gowda,
Aged about 55 years,
R/o.Kadumanchenahalli Village,
Bellur Hobali,
Nagamangala Taluk,
Mandya District.

(R/by Sri. S.L. Advocate)

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1	Date of Institution of the suit	26-08-2023
2	Nature of the suit	Permanent Injunction
3	Date of the commencement of recording of evidence	16-10-2024
4	Date on which the Judgment is pronounced	09-04-2026
5	Total duration	Year/s Month/s Day/s 02 07 14

(K.P.Siddappaji)
I Addl. Civil Judge and J.M.F.C.
Nagamangala.

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JUDGMENT

This is a suit filed by the Plaintiff against the Defendant seeking the relief of permanent injunction thereby restraining the defendant, his agent, servants or any body claiming under them from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property.

DESCRIPTION OF THE SUIT SCHEDULE PROPERTY

The land bearing its Sy.No.12, measuring 4.01.00.00 guntas, situated at Kadumanchenahalli village, Bellur Hobli, Nagamangala Taluk, Mandya District. bounded on

East by : Government gomala and Bande

West by : Land bearing Sy.No.16 and government Katte

North by : Land of Ravi

South by : Lands of Chncha, Giriya and Siddalingaiah

The averments of the plaint in brief are as follows:-

2. The plaintiff is absolute owner in possession and enjoyment of the suit schedule property. The khata of the suit schedule property is stands in the name of plaintiff. The defendants have no manner of right, interest, title muchless possession in or over the suit schedule property inspite of it, the defendant is illegally and unlawfully trying to interfere with the plaintiff's peaceful possession and enjoyment of the suit schedule property by way of construction of bunds in the suit schedule property. Hence, this suit. **With these averments Plaintiff has sought for decree the suit.**

3. **The averments of the written in brief are as follows:-**

After service of suit summons the Defendant has appeared before the court through her counsel and filed written statement wherein, he has denied the entire averments of plaint as false, frivolous and vexatious one. He has also specifically disputed the title and possession of the plaintiff over the suit schedule property. He also disputed extent and boundary mentioned to the suit schedule property. He has contended that the plaintiff has created the documents in respect of suit schedule property. He has further contended that the defendant is in possession and enjoyment of the land to an extent of 1 acre in Sy.No.12 bounded on east by rock, west by katta and land in Sy.No.16, north by land of Rajanna @ Ravi Vaderahalli and south by road. The defendant has filed application before Tahasildhar, Nagamangala vide

No.907/2018-19, dated 29-01-2019. The revenue officers have also prepared sketch of in respect of the aforesaid land. The suit schedule property is include the aforesaid land. **With these reasons Defendant has sought for dismissal the suit with cost.**

4. On the basis of the pleadings this court has framed the following issues are;

Issue No.1: Whether the plaintiff proves that, he is in actual possession and enjoyment of the suit schedule property as on the date of filing the suit?

Issue No.2: Whether the plaintiff further proves that, the defendant is interfering with his peaceful possession and enjoyment of the suit schedule property?

Issue No.3: Whether the plaintiff is entitled for the relief of permanent injunction as prayed for?

Issue No.4: What order or decree?

5. The GPA holder of the Plaintiff has examined as PW1 and got marked Ex.P1 to Ex.P18. Though, this court has given sufficient time, the defendant has failed to cross examine the PW1 and failed to lead evidence. Hence, the cross examination of PW1 and defendant's side evidence have been taken as nil.

6. Heard the Learned Counsel appearing for the plaintiff and perused the materials on record. In spite of giving sufficient time the defendant has failed to canvass argument. Hence, defendant's side argument has been taken as nil.

7. The findings of this Court on the above said issues are as under:

Issue No.1 : In the Negative

Issue No.2 : In the Negative

Issue No.3 : In the Negative

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

REASONS

8. **ISSUES No.1 to 3** : Those all issues are inter-connected; hence in order to avoid the repetition of discussion, those all issues are taken together for common discussion.

9. The specific case of the plaintiff is that, he is the absolute owner in possession and enjoyment of the suit schedule property. Though, the defendant has no manner of right, interest, title or much less possession in or over the suit schedule property, illegally and unlawfully interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property. In this case the defendant has disputed the title, possession, extent and boundary of the suit schedule property. As has stated above in order to establish the case of the plaintiff, the GPA holder of the plaintiff has examined before the court as PW1. In support of the oral evidence the PW1 has

produced the notarized general power of attorney executed by the plaintiff as Ex.P1, notarized genealogical tree as Ex.P2, computerized RTC as Ex.P3, copy of the Computerized mutation register as Ex.P4, tax paid receipts as Ex.P5 to 12, acknowledgment and endorsement issued by the PSI of Bellur Police Station as Ex.P13 and 14 respectively, photos as Ex.P15 to 17 and C.D as Ex.P18. On perusal of the material on record, in this case the plaintiff has not produced any title documents in respect of suit schedule property. The plaintiff has contended that he is the absolute owner in possession of the suit schedule property. But, The PW1 has not produced any documents to show that how the plaintiff has acquired the suit schedule property. As per well settled principle of law that, if title to a property is under a cloud a suit for bare injunction is not maintainable without sought relief of declaration of title.

10. Admittedly, even though the defendant has appeared before the court through their counsel and filed written statement, he has not cross examined the PW1 and not lead any evidence. ***As per Section 101 to 103 of the Indian Evidence Act, the burden of proof lies*** on the Plaintiff to establish his case and as per well settled principle of law that a Plaintiff has to stand on his own legs, not in the weakness of the Defendant.

11. After gone through the material on record, this court is of opinion that Plaintiff has failed to prove his case, hence he is not entitle equitable relief of

permanent injunction as sought for. **Therefore, this court has answered issues No.1 to 3 in the Negative.**

12 **ISSUE No.4:** For the aforesaid discussion on Issue No.1 to 3, this Court proceeds to pass the following:

ORDER

The suit of the Plaintiff is hereby dismissed with cost.

Draw decree accordingly.

(Dictated to the Stenographer directly on the computer and typed by him, corrected and signed, then pronounced by me in the Open Court on this the 9th day of April, 2026).

(K.P. Siddappaji)
I Addl. Civil Judge and JMFC.,
Nagamangala.

ANNEXURE

LIST OF WITNESS EXAMINED ON BEHALF OF THE PLAINTIFF :-

PW.1 : Basavaraj C.

LIST OF WITNESS EXAMINED ON BEHALF OF THE DEFENDANT :-

- NIL -

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF THE PLAINTIFF:-

Ex. P1 : Notarized general power of attorney
Ex. P2 : Notarized genealogical tree
Ex.P3 : Computerized RTC
Ex. P4 : Copy of the Computerized mutation register
Ex. P5 to 12 : Tax paid receipts
Ex. P13 : Acknowledgment issued by PSI of Bellur Police Station

Ex. P14 : Endorsement issued by PSI of Bellur Police Station

Ex. P15 to 17 : Photos

Ex.P18 : C.D.

**LIST OF DOCUMENTS EXHIBITED ON BEHALF OF THE
DEFENDANT:-**

- NIL -

**I Addl. Civil Judge and J.M.F.C.,
Nagamangala**