

KAMS210001702020



**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE AND  
JMFC., AT H.D.KOTE**

**:PRESENT:**

**SRI.SANTHOSHA KOTARI, B.A.L.LLB.,**  
Prl.Civil Judge and JMFC.,  
H.D.Kote.

**Dated this the 02<sup>nd</sup> day of April 2026**

**ORIGINAL SUIT NO.47/2020**

<b>PLAINTIFF</b>		Sri.Jayannaa S/o. Late. Channappa @ Erappa, Aged about 48 years, R/at Annuru Village, Kasaba Hobli H.D.Kote Taluk
		<b>(By Sri.K.Puttaswamy, Advocate)</b>
		<b>V/S</b>
<b>DEFENDANTS</b>	1	Sri.Somanna S/o. Late. Patel Nanjappa Aged about 58 years,
	2	Smt.Meenakshi W/o. Somanna Aged about 52 years,
	3	Nandhini @ Chinthu D/o. Somanna Aged about 30 years
	4	Rashmi D/o. Somanna Aged about 28 years

	R/at Annuru Village, Kasaba Hobli, H.D.Kote Taluk
	<b>(By Sri. Mahadevappa, Advocate,)</b>

Date of Institution	10.02.2020
Nature of the Suit	Permanent Injunction
Date of Commencement of recording of Evidence	28.02.2023
Date of Pronouncement of Judgment	02.04.2026
<b>Total Duration</b>	Year/s    Month/s    Day/s
	<b>06            01            22</b>

**(SANTHOSHA KOTARI)**

Prl.Civil Judge & J.M.F.C.,  
H.D.Kote.

### **J U D G M E N T**

The plaintiff has filed this suit against the defendants for the relief of permanent injunction restraining the defendants, their men or agents from interfering with plaintiff's peaceful possession and enjoyment of the suit schedule property and other allied reliefs.

2. The description of the suit schedule property involved in the suit is as follows:

#### **SUIT SCHEDULE PROPERTY**

All that piece and parcel of land bearing Sy.No.6/1 measuring 05 acres, situated at Annuru Village, Kasaba Hobli, H.D.Kote Taluk, Mysuru District and bounded on.

East by : Land belonged to Somanna

West by : Land belonged to Rudrappa and  
Chinnanna  
North by : Lake  
South by : Land belonged to Rudrappa

**3. The plaint averments in brief are as under:**

According to plaintiff, the plaintiff is the absolute owner in peaceful possession and enjoyment of the suit schedule property as he acquired same through partition. After he acquiring the suit schedule property, Katha of the suit schedule property got changed in his name on 24.02.2007 and since then, he has been in possession and enjoyment of the suit schedule property. However, though the defendants have no manner of right, title or interest over the suit schedule property, they are interfering with his peaceful possession and enjoyment of the suit schedule property. It is further averred that on 10.01.2020 when the plaintiff was carrying agricultural activities in the suit schedule property, the defendants have illegally trespassed into the suit schedule property and obstructed him in carrying agricultural activities and interfered with his peaceful possession and enjoyment of the suit schedule property. The plaintiff has resisted their illegal acts of interference and advised them not to interfere with his peaceful possession and enjoyment of the suit schedule property, despite of which, defendants have continued their illegal acts of interference. Hence, he constrained to file this suit.

4. After registering the suit, the suit summons was issued to the defendants and they appeared through their

counsel. However, despite of giving sufficient opportunities, they have not filed any written statement denying the claim of the plaintiff.

5. The plaintiff in support of his case, has examined himself as PW-1 and produced as many as 03 documents and they got marked as Ex.P1 to Ex.P3.

6. Heard the arguments from counsel for plaintiff and perused the entire records. Further, despite of giving sufficient opportunities, the defendants remained absent and not canvassed their argument on merits.

7. The points that arise for my consideration are:

1. *Whether the plaintiff proves that he is in peaceful possession and enjoyment of the suit schedule property as on the date of the suit?*
2. *Whether the plaintiff proves the alleged interference from the defendants?*
3. *Whether the plaintiff is entitled for the reliefs as sought for in the plaint?*
4. *To what order or decree?*

8. My findings to 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 the final order**

**For the following;**

### **REASONS**

9. **Points No.1 to 3 :-** All these three points are interrelated to each other and hence they are taken up

together for consideration in order to avoid repetition of facts and reasonings.

10. The plaintiff in order to establish that he is in peaceful possession and enjoyment of the suit schedule property and that the defendants are interfering with his peaceful possession and enjoyment, the plaintiff examined himself as PW-1 and filed an affidavit in lieu of his examination in chief by reiterating the plaint averments and stated he is in peaceful possession and enjoyment of the suit schedule property as an absolute owner thereof. In support of his oral evidence, the plaintiff/PW-1 has produced as many as 03 documents and they are marked as Ex.P1 to Ex.P3. Ex.P1 is RTC extract in respect of the suit schedule property which stands in the name of the plaintiff, Ex.P2 is Mutation Register extract and Ex.P3 is tax paid receipt.

11. The Ex.P1 is the RTC extract in respect of the suit schedule property for the period 2019-20. As per the said document, the suit schedule property is standing in the name of the plaintiff. As per the entries in possessory and cultivation columns at 9 and 12 of the said document, the plaintiff is shown as the Kathedar and cultivator of the suit schedule property. On careful perusal of the said document, it further reveals that the plaintiff had acquired the suit schedule property through partition. On careful perusal of RTC at Ex.P1 and mutation register extract Ex.P2, it further makes clear that after he acquiring the suit schedule property through partition, the Katha of the suit schedule property got changed in his name vide M.R.No.20/2006-07. Further, he also

produced tax paid receipt at Ex.P3. On perusal of it makes clear that after he acquiring the suit schedule property through partition, the Katha of the suit schedule property got changed in his name and he has been in peaceful possession and enjoyment of the suit schedule property by paying necessary tax to the government.

12. Thus, on perusal of the oral evidence and documentary evidence on record, it is clear that the plaintiff has obtained the suit schedule property under a partition and by virtue of the said partition, Katha of the suit schedule property got changed in his name vide M.R.No.20/2006-07 and has been in peaceful possession and enjoyment of the suit schedule property by cultivating the same and paying necessary tax to the government. It is pertinent to note that it is also a well established principle of law that the revenue entries have presumptive value as per Section 133 of the Karnataka Land Revenue Act. In the absence of any materials on record to rebut the said presumption, as the defendants failed to contest the suit, there are no materials on record to disbelieve the case of the plaintiff. Further, from the documents produced by the plaintiff there is nothing on record to infer that the defendants have any right whatsoever over the suit schedule property. Under the circumstances, this Court is of the opinion that the plaintiff has proved that he was in peaceful possession and enjoyment of the suit schedule property as on the date of the suit.

13. A perusal of the pleading and oral evidence of the plaintiff it would also disclose that in his oral evidence he

stated that on 10.0.1.2020, when he was carrying agricultural activities in the suit schedule property, the defendants have illegally trespassed into the suit schedule property and obstructed him in carrying agricultural activities and interfered with his peaceful possession and enjoyment of the suit schedule property. Since the defendants have not filed any written statement denying the claim of the plaintiff and contradict the plaintiff on the said aspect, this Court is of the opinion that the plaintiff has proved that the defendants have interfered with his peaceful possession and enjoyment of the suit schedule property.

14. At this stage it is also apt to refer to the decision rendered by the Hon'ble Supreme Court of India in the matter of **Vidhyadhar V/s. Mankikrao and another, reported in AIR 1999 SC 1441**, wherein, the Hon'ble Apex Court has observed in para no.16 that:

*“ Where a party to the suit does not appear into the witness box and states his own case on oath and does not offer himself to be cross-examined by the other side, a presumption would arise that the case set up by him is not correct.”*

15. The said decision is aptly applicable to the case on hand. In the case on hand also, the defendants have not chosen to controvert the evidence of the plaintiff nor have the defendants chosen to cross-examine the PW-1. Thus the oral evidence of the plaintiff corroborated with documentary evidence remain uncontroverted. Under such circumstances, an adverse inference has to be drawn and it has to be

presumed that the plaintiff has proved his case. Accordingly, in view of the discussion held supra, considering that the plaintiff is in peaceful possession and enjoyment of the suit schedule property and the defendants have interfered with his peaceful possession and enjoyment of the suit schedule property, this Court is of the considered opinion that the plaintiff has proved the necessary ingredients to entitle himself for the relief of Permanent Injunction. **Accordingly, points No.1 to 3 are answered in the 'Affirmative'.**

16. **Point No.4:-** In view of the discussions made under Points No. 1 to 3 and the reasons stated therein, I proceed to pass the following:

**ORDER**

The suit of the plaintiff is hereby decreed with cost.

The defendants or their representatives are hereby restrained by an order of Permanent Injunction from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property.

Draw decree accordingly.

(Dictated to the stenographer, computerized by her, same is corrected and then pronounced by me on this the **02<sup>nd</sup> Day of April 2026**)

**(SANTHOSHA KOTARI)**  
Prl.Civil Judge & J.M.F.C.,  
H.D.Kote.

**A N N E X U R E****List of witnesses examined for plaintiff/s:**

PW-1 - Sri.Jayanna

**List of witnesses examined for defendants:**

**-Nil-**

**List of documents exhibited for plaintiff/s:**

Ex.P1 - RTC extract

Ex.P2 : Mutation Register Extract

Ex.P3 - Tax paid receipt

**List of documents exhibited for the defendants:**

**-Nil-**

**(SANTHOSHA KOTARI)**  
Prl.Civil Judge & J.M.F.C.,  
H.D.Kote.