KAMS310002552014

IN THE COURT OF PRL. CIVIL JUDGE & JMFC., AT: HUNSUR

DATED THIS THE 18th DAY OF JUNE, 2026

:PRESENT:

SMT.AYISHABI.P.MAJID., B.A.L.L.B.,
PRL. CIVIL JUDGE & JMFC.,
HUNSUR.

O.S.No.139/2014

Plaintiffs : Kanthamma Dead by LRs

1. Sri. Nataraju
S/o Sillenayaka
Aged about 32 years.

2. Sri. Manjunatha
S/o Sillenayaka
Aged about 30 years.

3. Sri. Shashikumar
S/o Sillenayaka
Aged about 28 years.

4. Smt. Sushmitha
D/o Sillenayaka
Aged about 23 years.

All are R/at :
Manchabayanahalli Village
Gavadagere Hobli, Hunsur Taluk.

(By Sri. M.R.H.,- Adv.,)

V/S

Defendants **:** Boralingayanaka
Dead by LRs
1(a). Smt. Sannamma
W/o Boralinganayaka
Aged about 70 years
R/at : Manchabayanahalli
Hunsur Taluk.

1(b). Smt. Gowramma
W/o Sureshanayaka
Aged about 45 years
R/at : Ichanahalli, K.R.Nagar Taluk.

1(c). Sri. Harisha
S/o Rameshanayaka
Aged about 23 years
R/at : Manchabayanahalli
Hunsur Taluk.

1(d). Sri. Jayaramanayaka
S/o Boralinganayaka
Aged about 37 years
R/at : Manchabayanahalli
Gavadagere Hobli Hunsur Taluk.

(By Sri. K.C.B.,- Adv.,)

Date of Institution of the Suit	28.04.2014
Nature of Suit	Suit for Declaration and Permanent Injunction
Date of Recording of Evidence	10.02.2015
Date of closing of Evidence	10.04.2026
Date of Judgment Pronounced	18.06.2026

	Year's	Month's	Day's
Total Duration	12	01	20

(AYISHABI.P.MAJID)
Prl. Civil Judge & JMFC.,
Hunsur.

: J U D G M E N T :

This is a suit filed by the Plaintiffs against the defendants for the relief of Declaration and Permanent Injunction in respect of suit schedule property and with costs.

2. The brief facts of the plaintiffs case is that, the suit schedule property has been acquired by one Motanayaka the father of plaintiff through G.D.R 29/58-59 dated 30.09.1959, Hangami Guttige Saguvali along with Ninganaika son of Muddanayaka total grant was 8.10 acres out of the said area the adjacent joint holder Ninganayaka and Motanayaka shared the land in to two parts i.e., Motanaika took 4.10 acres and Ninganaika retained possession of 4 acres. Further after the death of Motanayaka his wife Chennamma and the defendant in the year 15.05.1980, divided the said 4.10 acres into 2.05 acres as per Panchayath Palu Parikattu and enjoying the said share of

2.05 acres. After the death of Chennamma, the plaintiff is enjoying the property as absolute owner in peaceful possession and enjoyment of the same since more than 30 years.

3. It is further case of the plaintiffs that, during the life time of Chennamma, the defendant submitted false application before the revenue authority and colluding with revenue officials by furnishing false information to the authority misusing the innocence of Chennamma have got false grant by over ruling and avoiding the name of Chennamma the original grant in 1959 to Motaiah. Again for the second time Saguvali have been obtained by the defendant fraudulently in respect of the suit schedule property. The defendants to interfering into the suit schedule property and giving false complaint before jurisdictional police. Plaintiff any alternatives have approached this Court.

4. It is further case of the plaintiffs that, the plaintiff and other seven persons who are the Bhagar Hukkum Holders applied to sanction permanent saguvali who are all in possession of their respective area of land before the deputy commissioner however the Deputy Commissioner passed an order to approach

appropriate forum for the redressal of the grievances of plaintiff and other applicants. The plaintiff approached the assistant commissioner filed regular appeal in L.N.D 7/2010-11. In the said appeal the possession and enjoyment of plaintiff and defendant has been recorded but for the only ground for not following the procedure in confirming the permanent saguvali after 5 years of temporary saguvali from 30-09-1959 the appeal was dismissed. But the revenue authority is not an appropriate forum to Declare the ownership title on possession and thus plaintiff have approached this Court for the relief of declaration title of the suit schedule property. Hence, constrained to file this suit for the aforementioned reliefs.

5. In response to the suit summons, the defendants have appeared through their counsel filed written statement inter alia contending that, the defendants are the absolute owners and in possession of land in Sy.No.130/p20 measuring 3 acres 20 guntas of Manchabayanahalli village. The said property has been granted in favour of Boralinganayaka S/o Muddanna as per grant dated 26.10.1994. It is further contended that, as per grant, katha of the property has been got changed in the name

of Boralinganayaka S/o Muddanna. Further as per the order dated 09.05.1994 temporary grant certificate has been issued in favour of Boralinganayaka S/o Muddanna and he has paid the premium and obtained the permanent grant certificate in respect of land in Sy.No.130/p20. It is further contended that, the plaintiffs have challenged the grant in favour of Boralinganayaka S/o Muddanna before the learned Assistant Commissioner, the said appeal came to be dismissed, as such in order to knock out the suit schedule property the plaintiffs have filed the false suit against them. Hence prays for dismissal of the suit with cost.

6. On the basis of pleadings of the parties, my Predecessor in office has framed the following Issues for determination.

ISSUES

1. Whether the plaintiff proves that she is absolute owner in possession of the suit schedule property ?
2. Whether the plaintiff proves that, the defendant has illegally obtained the grant certificate on the suit schedule property

and trying to interference with her peaceful possession ?

3. Whether the plaintiff is entitled to the relief sought ?

4. What order or decree?

7. It is to be noted that, during the pendency of the suit the original plaintiff Kanthamma and defendant No.1 reported to be dead and their legal heirs brought on record.

8. After settlement of Issues, in order to prove their case, the original plaintiff Kanthamma entered into the witness box deposed as P.W.1 and got marked the documents at Ex.P.1 to Ex.P.8 and after demise of plaintiff, the plaintiff No.1 examined as PW.2 and got marked documents at Ex.P.9 to Ex.P.17 and closed their side evidence. On the contrary, the original defendant Boralinganayaka entered into witness box deposed as D.W.1 and got marked documents as per Ex.D.1 to Ex.D.20 and the defendant No.1(d) examined as DW.1 and got marked documents at Ex.D.21 to Ex.P.49 and closed their side evidence.

9. Heard the argument advanced by the learned counsel for the plaintiffs and defendants. Perused the oral and documentary evidence placed on record.

10. My findings to 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:

: R E A S O N S :

11. **Issue No.1 and 2:-** Since these issues are interconnected, with each other, these issues are taken up together for common discussion in order to avoid repetition of facts and evidence.

12. It is the case of the plaintiffs that, the suit schedule property has been jointly granted in the name of Motanayaka and Ninganayaka S/o Muddanayaka as per grant certificate dated 30.09.1959. The land in Sy.No.130 was totally measuring 8 acres 10 guntas. After the grant, the father of original plaintiff and Ninganayaka got divided the total measurement of 8 acres 10 guntas and 4 acres 10 guntas fallen to the share of

Motanayaka and 4 acres fallen to the share of Ninganayaka. After the death of father, his wife Chennamma and the defendants on 15.05.1980 got divided 4 acres 10 guntas and as per Panchayath Paluparikath 2.05 acres each fallen to the share of Chennamma and Boralinganayaka. It is further case of the plaintiffs that, after the death of Chennamma plaintiff i.e., Kanthamma was enjoying the suit schedule property as absolute owner.

13. Further during the lifetime of Chennamma mother of the plaintiffs filed an application before the revenue authority got the false grant by avoiding the name of Chennamma. Again for the second time issued Saguvali Cheeti fraudulently and defendants are put in possession of the suit schedule property to an extent of 2.05 acres out of 4 acres 10 guntas.

14. It is further case of the plaintiffs that, the plaintiffs and other 7 persons applied to sanction permanent grant to the Deputy Commissioner. The plaintiffs approached before the Assistant Commissioner filed appeal, however the said appeal was dismissed. The plaintiffs are in possession and enjoyment of the suit schedule property.

15. To substantiate their case, the deceased plaintiff entered into the witness box examined as PW-1 in her examination-in-chief the deceased plaintiff has reiterated the averments made in the plaint, the plaintiff has produced the documents and got marked as Ex.P.1 to Ex.P.8. Ex.P.1 to Ex.P.4 are the RTC extracts, Ex.P.5 is the Tax paid receipt, Ex.P.6 is the copy of the order passed by Assistant Commissioner, Hunsur Sub-Division, Hunsur, Ex.P.7 and 8 are the certified copy of the Order passed by Deputy Commissioner, Mysuru District. Ex.P.9 is the Receipt letter, Ex.P.10 is the Receipt, Ex.P11 is the Receipt and endorsement, Ex.P.12 is the receipt, Ex.P.13 is the Letter dated 15.05.2010, Ex.P.14 is the Letter dated 28.02.2014, Ex.15 is the Letter dated 21.09.2010, Ex.P.16 is the Tender Saguvali Chit, Ex.P.17 is the Sketch. The plaintiff No.1 original plaintiff examined as PW.1 and got marked documents at Ex.P.9 to Ex.P.17 and closed their side evidence. Ex.P9 is the receipt letter, Ex.P10 to 12 are the acknowledgment, Ex.P13 is the application submitted to Deputy Commissioner, Mysuru. Ex.P14 is the letter, Ex.P15 is the acknowledgment, Ex.P16 is the certified copy of the Saguvali Cheeti. Ex.P17 is the sketh.

16. The learned counsel for plaintiffs vehemently argued that, as per grant certificate the plaintiffs have become absolute owners and in possession of the suit schedule property, however the defendants in collusion with the revenue authorities have fabricated the documents got entered their name in the revenue records. He would further argue that, after demise of Chennamma as per partition taken-place in the year 1980 the plaintiffs are enjoying the suit schedule property, however the defendants without any right, title and interest are interfering with the peaceful possession of the plaintiffs over the suit schedule property. Hence, prays to decree the suit.

17. On the other hand the learned counsel for the defendants vehemently argued that, the plaintiffs are not in possession of the suit schedule property as per grant in favour of defendant No.1, the defendants are in possession of 3 acres 20 guntas in Sy.No.130/p20 as such in order to knock out the suit schedule property filed the false suit against them. The learned counsel for defendants would further argued that, no documents are produced by the plaintiffs to prove their title

over the suit schedule property. In support of his submission has relied on the following decision;

> ***Hon'ble High Court of Karnataka in 2025(2) Kar.L.R.SN 53, Hasimsab S/o Goususab Kirawadi and others V/s Abdulkhadarsab S/o Madarsab Mattekhanavar and others.*** *W*herein it was held that, *Since the suit is filed by the plaintiffs seeking declaratory relief, it is the duty of the plaintiffs to produce all the relevant documents to establish their right over the suit schedule property---Held, taking into consideration the fact that the plaintiffs have not produced any title documents except few tax paid receipts to establish their right in respect of the suit schedule property- Since the revenue record is not a document of title, I am of the considered opinion that, the First Appellate Court has rightly interfered with the finding recorded by the Trial Court---Appeal dismissed.*
>
> ***Suit for declaration****---Plaintiffs have not produced any title documents except few tax paid receipts to establish their right in respect of the suit schedule property---Since the revenue record is not a document of title-Appeal dismissed.*

18. As the plaintiffs are claiming title over the suit schedule property on the ground that the suit schedule property fallen to the share of Motanayaka and as per the Paluparikath the suit schedule property got divided by Chennamma and

defendant, the burden is upon the plaintiffs to prove the said fact. It is for the plaintiffs to prove before the court that, the land in Sy.No.130 was totally measuring 8 acres 10 guntas was jointly granted in the name of father of plaintiff Motanayaka and Ninganayaka and they have got divided the properties and in the said partition 4 acres 10 guntas fallen to the share of Motanayaka. Further as per Paluparikath dated 15.05.1980 the suit schedule property fallen to the share of mother Chennamma.

19. In support of their contention, the defendant No.1(d) entered into witness box deposed as D.W.1 and got marked Ex.D1 to Ex.D49 closed their side evidence. Ex.D1 is the Hangami Saguvali Chit, Ex.D2 is the Form No. 7, Ex.D3 to Ex.D9 are the Record of Rights, Ex.D10 is the Application, Ex.D11 is the Mutation Register, Ex.D12 is the Endorsement Issued by Tahshildar, Hunsur Taluk, Ex.D13 is the Encumbrance Certificate, Ex.D14 is the Receipt, Ex.D.15 to Ex.D.20 are the Tax paid receipts, Ex.D21 is the Certified copy of Order, Ex.D22 and Ex.D23 are the Objections, Ex.D24 is the petition, Ex.D25 is the Hangami Saguvali Chit, Ex.D26 is the Form No.7, Ex.D27 is

the tax paid receipts, Ex.D28 to Ex.D46 are the RTC Extracts, Ex.D47 to Ex.D49 are the Tax paid receipts.

20. In order to prove their case the plaintiffs have produced the RTC extract at Ex.P1 in respect of land in Sy.No.130/8 measuring 8 acres 10 guntas standing in the name of Motanayaka. Further the RTC extract produced at Ex.P2 for the year 1981-82 in respect of Sy.No.130/8 was standing in the name of Motanayaka S/o Boralinganayaka and as per column No.10 it goes to show that, as per temporary grant name of the Motanayaka got entered in the RTC extract. The RTC extract produced at Ex.P3 for the year 1981-82 in respect of Sy.No.130/8 was standing in the name of Motanayaka S/o Boralinganayaka and as per column No.10 it goes to show that as per temporary grant name of the Motanayaka got entered in the RTC extract. The RTC extract produced at Ex.P4 for the year 1995-96 in respect of Sy.No.130/8 was standing in the name of Motanayaka S/o Boralinganayaka and as per column No.10 it goes to show that, as per temporary grant name of the Motanayaka got entered in the RTC extract. The tax paid receipt produced at Ex.P5 goes to show that Motanayaka was paying tax in respect of land in Sy.No.131/8. The certified copy of the

order passed by the Assistant Commissioner produced at Ex.P6 goes to show that, Late.Kanthamma preferred an appeal against the order passed by the Thasildar before the Assistant Commissioner, Hunsur by challenging the katha in the name of defendants, however the appeal was dismissed. As per Ex.P8 the Deputy Commissioner has issued an endorsement stating that, the LND appeal was disposed on 02.11.2010. The certified copy of the order passed by the Deputy Commissioner produced at Ex.P7 goes to show that, the Deputy Commissioner has dismissed the appeal of plaintiffs to approach before the proper forum. The receipt produced at Ex.P9 to 12 goes to show that, plaintiff has applied for grant of land and paid charges towards filing application. The legal notice produced at Ex.P13 goes to show that plaintiffs have filed application to the Deputy Commissioner for grant of land. Further the endorsement produced at Ex.P14 goes to show that, the Assistant Commissioner direct the Thahasildar, Hunsur to take necessary action in respect of application for grant of land in Sy.No.130/20 measuring 3 acres 20 guntas. The application produced at Ex.P15 goes to show that, plaintiffs have filed an application before the Deputy Commissioner for grant of land. The temporary grant Certificate produced at Ex.P16 goes to show that, temporary grant certificate issued in respect of in the name of Motanayaka in respect of land in Sy.No.130 measuring 8 acres. Ex.P17 is the sketch in respect of land in Sy.No.130.

21. It is to be noted that, as per documents produced by the plaintiffs it goes to show that, the land in Sy.No.130/8 measuring 8 acres 10 guntas was initially standing in the name of Motanayaka as per temporary grant in the year 1958-59. However as per order passed by the Assistant Commissioner at Ex.P6 it goes to show that appeal preferred by the plaintiffs was dismissed on the ground that, grant in favour of Motanayaka S/o Muddana Boranayaka was temporary grant and it was valid for a period of 5 years. The name of Motanayaka was appearing in the RTC extract in the cultivator column, however the temporary grant certificate in respect of said land was for only 5 years since the land was granted in the year 1959 the limitation expires on 30.09.1964 whereas the plaintiffs specifically claims that, as per grant dated 15.05.1980 the mother of the plaintiffs Chennamma and the defendants through the Paluparikathu got divided the property and in the said division the suit schedule

property measuring 2.05 acres fallen to the share of Chennamma and after demise of mother, the plaintiffs are in possession of the suit schedule property as absolute owners. The grant certificate produced at Ex.P16 clearly goes to show that, the grant was made in favour of Motanayaka was temporary grant only for 5 years.

22. It is the contention of the defendants that, land in Sy.No.130/p20 totally measuring 3 acres 20 guntas granted in the name of deceased defendant No.1 as per grant dated 26.10.1994. From the date of grant the defendants are in possession of 3 acres 20 guntas as absolute owner. The plaintiffs have no right, title and interest over the 3 acres 20 guntas.

23. In order to prove their case the defendants have produced the document, temporary grant certificate produced at Ex.D1 goes to show that, Hangami Saguvali Chit in respect of the land in Sy.No.130 measuring 3 acres 20 guntas granted in favour of Late.Boralinganayaka. Further grant certificate at Ex.D2 goes to show that, the temporary grant was cancelled and permanent grant certificate issued in favour of Boralinganayaka

on 21.01.1995. The RTC extract produced at Ex.D3 for the year 2001-02 in respect of Sy.No.130/p20 stands in the name of deceased defendant No.1. The RTC extract produced at Ex.D4 for the year 2008-09 in respect of Sy.No.130/p20 stands in the name of deceased defendant No.1. The RTC extract produced at Ex.D5 for the year 2005-06 in respect of Sy.No.130/p20 stands in the name of deceased defendant No.1. The RTC extract produced at Ex.D6 for the year 1994-95 in respect of Sy.No.130/p20 stands in the name of deceased defendant No.1. The RTC extract produced at Ex.D7 for the year 1995-96 in respect of Sy.No.130 stands in the name of deceased defendant No.1. The RTC extract produced at Ex.D8 for the year 2000-01 in respect of Sy.No.130 stands in the name of deceased defendant No.1.

24. Further the RTC extract produced at Ex.D9 for the year 1996-97 in respect of Sy.No.130/p20 stands in the name of deceased defendant No.1. Hence from the RTC extracts produced at Ex.D3 to 9 goes to show that, land in Sy.No.130/p8 measuring 3 acres 20 guntas stands in the name of deceased defendant No.1 as per grant certificate. The proposal form to insure the land under National Agricultural scheme produced

Ex.D10 goes to show that, defendant No.1 has filed application to get insure the land in respect of 3 acres 20 guntas. The Mutation Register Extract produced Ex.D11 goes to show that, land in Sy.No.130 measuring 3 acres 20 guntas got mutated in the name of defendant No.1 as per grant certificate. Further the Endorsement produced at Ex.D12 goes to show that, the defendant No.1 has filed an application before the Thasildar for R.R.5 and 6 in respect of Sy.No.130/p20 measuring 3 acres 20 guntas and Thasildar has issued an endorsement stating that, the documents are not available in the office. The Nil Encumbrance Certificate produced at Ex.D13 goes to show that, no encumbrance created in respect of Sy.No.130/p20 measuring 3 acres 20 guntas stands in the name of defendant No.1. Further the receipt at Ex.D14 goes to show that, the Late.Boralinganayaka paid premium in respect of grant dated 25.04.1996. The tax paid receipts produced at Ex.D15 to 20 goes to show that, the defendant No.1 has paid tax in respect of Sy.No.130/p20.

25. Further the certified copy of the order passed by the Assistant Commissioner produced at Ex.D21 goes to show that,

Late.Kanthamma original plaintiff has preferred an appeal before the learned Assistant Commissioner for cancellation of order passed by the Thasildar, wherein the Assistant Commissioner has dismissed the appeal filed by the original plaintiff Kanthamma. Ex.D22 is certified copy of the objection filed by the defendants in LND No.7/2010-11. Ex.D23 is the objection filed by the defendant No.2 and Ex.D24 is the copy of appeal filed by the plaintiff Kanthamma before the Assistant Commissioner. The grant certificate produced at Ex.D26 goes to show that, the land in Sy.No.130 measuring 3 acres 20 guntas granted in favour of Late.Boralinganayaka and as per Ex.D25 initially temporary grant was made in favour of Boralinganayaka in respect of land in Sy.No.130 measuring 3 acres 20 guntas thereafter as per Ex.D26 the said land was granted in favour of Boralinganayaka S/o Muddana Boranayaka.

26. Further the Mutation Register produced Ex.D27 goes to show that as per grant certificate the land measuring 3 acres 20 guntas got mutated in the name of Boralinganayaka. The RTC extract produced at Ex.D28 in respect of Sy.No.130 pertaining to the year 1996-97 standing in the name of Boralinganayaka. The RTC extract produced at Ex.D29 in respect of Sy.No.130

pertaining to the year 2017-18 standing in the name of Boralinganayaka. The RTC extract produced at Ex.D30 in respect of Sy.No.130 pertaining to the year 2017-18 standing in the name of Boralinganayaka. The RTC extract produced at Ex.D31 in respect of Sy.No.130 pertaining to the year 2019-20 standing in the name of Boralinganayaka. The RTC extract produced at Ex.D32 in respect of Sy.No.130 pertaining to the year 2019-20 standing in the name of Boralinganayaka. The RTC extract produced at Ex.D33 in respect of Sy.No.130/p20 measuring 3 acres 20 guntas pertaining to the year 2001-2002 standing in the name of Boralinganayaka.

27. Further the RTC extract produced at Ex.D34 pertaining to the year 2002-2003 standing in the name of Boralinganayaka. The RTC extract produced at Ex.D35 in respect of Sy.No.130 pertaining to the year 2003-2004 standing in the name of Boralinganayaka. The RTC extract produced at Ex.D36 in respect of Sy.No.130 pertaining to the year 2004-05 standing in the name of Boralinganayaka. The RTC extract produced at Ex.D37 in respect of Sy.No.130 pertaining to the year 2005-06 standing in the name of Boralinganayaka. The RTC extract produced at Ex.D38 in respect of Sy.No.130 pertaining to the

year 2006-07 standing in the name of Boralinganayaka. The RTC extract produced at Ex.D39 in respect of Sy.No.130 pertaining to the year 2007-08 standing in the name of Boralinganayaka. The RTC extract produced at Ex.D40 in respect of Sy.No.130 pertaining to the year 2008-09 standing in the name of Boralinganayaka. The RTC extract produced at Ex.D41 in respect of Sy.No.130 pertaining to the year 2009-10 standing in the name of Boralinganayaka. The RTC extract produced at Ex.D42 in respect of Sy.No.130 pertaining to the year 2010-11 standing in the name of Boralinganayaka. The RTC extract produced at Ex.D43 in respect of Sy.No.130 pertaining to the year 2011-12 standing in the name of Boralinganayaka.

28. Further the RTC extract produced at Ex.D44 in respect of Sy.No.130 pertaining to the year 2012-13 standing in the name of Boralinganayaka. The RTC extract produced at Ex.D45 in respect of Sy.No.130 pertaining to the year 2013-14 standing in the name of Boralinganayaka. The RTC extract produced at Ex.D46 in respect of Sy.No.130 pertaining to the year 2014-15 standing in the name of Boralinganayaka. Further tax paid receipt produced at Ex.D47 to Ex.D49 goes to show that,, the

deceased defendant No.1 has paid tax in respect of land in Sy.No.130/p20 measuring 3 acres 20 guntas.

29. It is to be noted that, as per documents produced by the defendants it goes to show that, land in Sy.No.130/p20 totally 3 acres 20 guntas was standing in the name of Boralinganayaka and it was granted in his favour as per temporary grant certificate produced at Ex.D1. Thereafter, as per Ex.D2 permanent grant was made in favour of defendant No.1. Furthermore, as per revenue documents i.e., RTC extracts and Mutation Register Extracts the name of Boralinganayaka was got entered the revenue records as per grant and he was put in possession of the same. It pertinent to note that, the plaintiffs have knocked the door of this court claiming that as per grant certificate and partition they have become absolute owners and in possession of the suit schedule property. Hence, the initial burden is upon the plaintiffs to prove before the Court that, grant in favour of Motanayaka was permanent grant and on the strength of grant certificate mother of Late.Kanthamma i.e., Chennamma and the defendant No.1 had right to got divide the entire 8 acres 10 guntas and in the said partition the suit schedule property fallen to the share of Chennamma.

30. As stated supra, the grant certificate produced by the plaintiffs goes to show that, Motanayaka was granted the land on temporary basis and no absolute grant was made in his favour and grant was for the period of 5 years however nothing has been placed on record by the plaintiffs to show that, during such period either plaintiffs or their ancestors have applied for permanent grant in their name. As per the case of the plaintiffs, though there was a partition in the year 1980, however by that time temporary grant certificate was expired in the year 1964 itself as such the Paluparikath between Chennamma and defendants had no legal sanctity. No documents are produced by the plaintiffs to show that the grant was made absolute as per grant certificate Motanayaka and Ninganayaka were in joint possession of the suit schedule property. The old RTC extracts produced by the plaintiffs to show that the name of Motanayaka was got entered in the revenue records i.e., from 1976 to 1990-91 however the documents produced by the defendants goes to show that, as per grant certificate at Ex.D2 3 acres 20 guntas granted in favour of defendant No.1. Further as per RTC extract produced at Ex.D3 to 9 katha of 3 acres 20 guntas got mutated in the name of defendant No.1 on the basis of grant certificate.

31. Apart from documentary evidence let us now discuss with regard to oral evidence of the parties. Tough the learned counsel for plaintiffs cross-examined the DW.1, however nothing has been elicited from the mouth of DW.1 in the cross-examination. In the cross-examination of PW.1 she has admitted that, there is no grant certificate in respect of the suit schedule property and she has admitted that, on the basis of temporary grant certificate they are cultivating the land, however no documents are produced to show that, grant was made absolute. Further PW.2 who is the legal heir of deceased plaintiff No.1 deposed that, they have challenged the katha in favour of defendants, however not produced documents before the court. Further PW.2 has admitted that Ex.P16 is temporary grant certificate granted in favour of Motanayaka and no permanent grant certificate is issued in favour of Motanayaka and admitted that Ex.D6 is the permanent grant certificate issued in favour of defendants. Hence from the cross-examination of PW.2 it clearly goes to show that, the land in Sy.No.130/p20 totally measuring 8 acres 10 guntas was temporarily granted in favour of Motanayaka and there is no absolute grant in favour of

Motanayaka. Therefore, when the original grantee had no right over the suit schedule property, then subsequent the plaintiffs had no right in respect of the suit schedule property, no title was passed in favour of Motanayaka, as such the plaintiffs are also not having any title and possession over the suit schedule property. I have gone through the decision submitted by the defendants aptly applicable to the case on hand.

32. It is for the plaintiffs to prove that they are in possession of the suit schedule property as absolute owners. However no piece of paper is produced on record to show that the plaintiffs are in possession of the suit schedule property. The revenue documents produced by the defendants goes to show that, they are in possession of the suit schedule property. No doubt, revenue documents are not title deeds but it is a rebuttable presumption the plaintiffs should prove how the khata of the suit schedule property got changed in the name of defendant No.1.

> *As per section 133 of the Karnataka Land Revenue Act, 1964, there is presumption with regard to revenue entries that an entry in the Record of Rights and a certified entry in the register of mutations (or in the patta-book) shall be presumed to be true until the*

> *contrary is proved or a new entry is lawfully substituted thereof.*

33. The plaintiffs are claiming ownership over the suit schedule property on the ground that, initially granted the land to Motanayaka and the defendant and Chennamma got divided 8.10 guntas however utterly failed to prove the said fact. As above said, the defendants are able to establish before the Court that, during the lifetime of Boralinganayaka in the year 1994 the land in Sy.no.130/p20 measuring 3 acres 20 guntas has been a granted in his favour and the khata of the properties have been got changed in the name of defendant No.1. To prove their case the plaintiffs have failed to produce the documents in respect of suit schedule property. Mere pleading is not sufficient the plaintiffs have to prove their case with cogent evidence. At this juncture it is relevant to rely upon the decision reported in;

> ***Hon'ble High Court of Karnataka in 2018(4) KCCR 3655, Mahadeva V/s State of Karnataka by Ramapura Police, Chamarajanagara District*** **wherein it was held that,** ***Evidence Act, 1872 – Section 101 – Facts – Burden to prove lies on person who desires Court to give Judgment as to any legal right or liability dependent on existence of those facts.***

34. As per the own case of the plaintiffs even if they are in possession of the suit schedule property then what impediment was caused to plaintiffs to get permanent grant certificate within 5 years in their name and they have not challenged the grant certificate at Ex.D-2 which was taken place in the year 1994. The plaintiffs have slept over their right all these years. Hence, on the basis of oral and documentary evidence the plaintiffs have not established that, they are the absolute owners of the suit schedule property. when the plaintiffs are not established their title over the suit schedule property they are not entitled for relief of Declaration and permanent injunction against the defendants. From the above discussions this court is of the opinion that, the plaintiffs have miserably failed to prove that they are the absolute owners and in possession of the suit schedule property. Thus, in view of the above discussions this court ***answered Issue No.1 and 2 in the Negative.***

35. **<u>Issue No.3</u>**:- While answering issue No.1 and 2 this court has come to the conclusion that, the plaintiffs have miserably failed to prove that, they are the absolute owners and in possession of the suit schedule property. Hence, looking from any angle plaintiffs are not entitled for the Declaration of title over the suit

schedule property and Permanent Injunction against the defendants. As such ***Issue No.3 is answered in the Negative***.

36. **Issue No.4:**- For the reasons discussed above, this court proceed to pass the following :-

: O R D E R:

The suit of the plaintiffs is hereby Dismissed.

No order as to costs.

Draw decree accordingly.

*(Dictated to the Stenographer, online computer, corrected by me and pronounced in open court on this the **18th day of June, 2026**)*

(Ayishabi.P.Majid.,)
Prl. Civil Judge & JMFC,
Hunsur.

A N N E X U R E

List of witnesses examined for the plaintiffs:

P.W.1	:	Kanthamma W/o Shillanaika @ Boranayaka
P.W.2	:	Nataraju S/o Shillanaika @ Boranayaka

List of witnesses examined for the defendants:

D.W.1	:	Boralinganaika S/o Late. Muddanna Boranaika

List of documents marked for the plaintiffs:

Ex.P.1 to 4	:	RTC Extracts
Ex.P.5	:	Tax paid receipt

Ex.P.6	:	Copy of the order of Assistant Commissioner, Hunsur Sub-Division,
Ex.P.7	:	Copy of the order of Deputy Commissioner, Mysuru District.
Ex.P.8	:	Endorsement
Ex.P.9	:	Receipt letter
Ex.P.10	:	Receipt
Ex.P.11	:	Receipt endorsement
Ex.P.12	:	Endorsement
Ex.P.13	:	Application for grant of land
Ex.P.14	:	Letter dated 28.02.2014
Ex.P.15	:	Letter dated 21.09.2010
Ex.P.16	:	Temporary Saguvali Chit
Ex.P.17	:	Sketch.

List of documents marked for the defendants:

Ex.D.1	:	Hangami Saguvali Chit
Ex.D.2	:	Grant Certificate
Ex.D.3 to 9	:	RTC Extracts
Ex.D.10	:	Application
Ex.D.11	:	Mutation Register
Ex.D.12	:	Endorsement Issued by Tahshildar Hunsur Taluk
Ex.D.13	:	Encumbrance Certificate
Ex.D.14	:	Receipt
Ex.D.15 to 20	:	Tax paid receipts
Ex.D.21	:	Certified copy of Order of passed by A.C,
Ex.D.22 & 23	:	Objections
Ex.D.24	:	Petition copy

Ex.D.25	:	Hangami Saguvali Chit
Ex.D.26	:	Form No.7
Ex.D.27	:	Mutation register
Ex.D.28 to 46	:	RTC Extracts
Ex.D.47 to 49	:	Tax paid receipts.

Prl. Civil Judge & JMFC,
Hunsur.

AYISHABI P MAJID

Digitally signed by AYISHABI P MAJID
Date: 2026.06.25 12:19:36 +0530