



IN THE COURT OF PRL. CIVIL JUDGE & JMFC.,
KRISHNARAJANAGARA

PRESENT

Sri. Chandan S. B.Com., L.L.B,
Prl. Civil Judge & JMFC, Krishnarajanagara.

Dated 02nd day of June 2026

O.S./69/2026

PLAINTIFF : 1. Sri.Ramegowda,
S/o Late.Muddegowda,
Aged about 68 years,

2. Sri.Malleswamygowda,
S/o Late.Muddegowda,
Aged about 66 years,

Both are R/at Munduru Village,
Saligrama Hobli and Taluk,
Mysuru District.

[By: Sri. T.G.T., Advocate]

-V/s-

DEFENDANT : 1. Sri.Ningegowda
@ Thammaiah @ Dyavegowda,
S/o Late.Andanigowda,
Aged about 80 years,

2. Sri.Kumara S/o Ningegowda,
Aged about 52 years,

Both are R/at Munduru Village,
Saligrama Hobli and Taluk,
Mysuru District.

[Ex-parte]

Date of Institution of the suit	05.02.2026		
Nature of the suit	Declaration & Injunction		
Date of the commencement of recording of the evidence	21.04.2026		
Date on which the judgment was pronounced	02.06.2026		
Total Duration	Years	Months	Days
	00	03	28

(Chandan S)
Prl. Civil Judge & JMFC.,
K.R.Nagar.

JUDGMENT

This is a suit filed by the plaintiffs seeking the relief of declaration to declare that the plaintiffs are the absolute owners of the suit schedule properties and for permanent injunction restraining the defendants from interfering with the plaintiffs peaceful possession and enjoyment of the said property.

2. The epitomized pleadings of the plaintiff is as under:-

According to the plaintiffs, they are the absolute owners having peaceful possession and enjoyment in respect of the suit schedule properties. Further the said properties are self acquired properties of their mother. Originally the property bearing Sy.No.111/2 measuring 20 guntas of land is situated at Munduru Village, Saligrama Hobli, Mysuru District. The said property was the independent, separate and self acquired property of the defendant No.1.

3. Thereafter, the said defendant No.1 being the owner of the said property, he has disposed and conveyed the same in respect of 10 guntas of land in Sy.No.111/2 out of 20 guntas towards and in favour of the mother of the plaintiff herein, via and in the form of registered sale deed dated 18.03.1975. Thereafter, the possession of the said property is also conveyed and handed over to the mother of the plaintiffs. As per the said execution of the sale deed, the mother of the plaintiffs has become the owner and she was in absolute, exclusive, peaceful possession and enjoyment over the said property.

4. Further it is also disclosed, betoken and nuncupate that, originally the item No.2 of the schedule property was belongs and related to one Appegowda, he has succeeded and acquired the said property through inheritance and the said Appegowda in turn along with the children has sold and disposed of the property in favour of the mother of the plaintiff namely Ningamma for valuable sale consideration in the form of sale deed dated 01.03.1976 and they have placed the plaintiffs mother in physical possession and enjoyment of the said property.

5. Further it has also been clearly delineated, revealed, brawl and enunciated over the said plaint that, 1st defendant is a very knowledgeable and educated person in the family of the defendant No.1. The mother of the plaintiffs is an illiterate, unsound and uneducated women.

6. Further during the course of the execution of the sale deed, the mother of the plaintiffs Ningamma was a widow and she has no other family support. The defendant No.1 being the own brother of the said Ningamma, he had assured, promised the plaintiffs mother that, he will extend his conduce, assistance and help in transferring the khata pertaining to the schedule property. Taking note of the fact that, the plaintiffs mother Ningamma is an uneducated and illiterate lady using her meek, clement, blank and immaculacy nature of the plaintiffs mother, the defendant No.1 obtained the signature of the plaintiffs mother on some blank papers.

7. Thereafter by virtue of the fraudulent creation of the documents, the defendant No.1 succeeded to get transfer the khata and other revenue records pertaining to item No.2 of the suit schedule property in respect of 10 guntas of land curved out of Sy.No.111/2 into his name under MR No.23/1980-81. Therefore according to the plaintiffs, the defendant No.1 has played fraud, mischief and misrepresentation against the plaintiffs mother taking advantage of her illiteracy and innocence. Further it is also clearly denoted, stated and endorsed in the said plaint that, without the knowledge, consent of the plaintiffs mother, the defendants herein in alliance, collaborations and colluding with each other, they have got transferred the khata pertaining to the suit item No.2 of the schedule property in their name.

8. Therefore, it is the very purport and contention of the plaintiffs that, the said khata which is standing in the name of the defendants

is illegal, void and it is preterition. Further it has also notified and enunciated in the said plaint that, the transfer of the said khata has brought to the notice of the plaintiffs very recently, when they have obtained the revenue documents. The defendants are not having any exclusive right, title, interest, much less possession over the suit schedule properties. The said illegal change of khata is void under law. Therefore the plaintiffs have got absolute share, right, title and interest in respect of the schedule properties. The mother of the plaintiffs being died on 22.01.2024 after the demise and untimely death of the mother of the plaintiffs, they have inherited, succeeded and acquired the properties through succession and they are in peaceful possession and enjoyment over the said property as absolute owners thereof.

9. The plaintiffs approached the revenue authorities recently and noticed the created false, fabricated and invented documents that were prepared by the defendants. Thereafter they preferred an appeal before the Assistant Commissioner, Hunsuru for cancellation of the said alleged MR and the said appeal is pending for further adjudication. The plaintiffs approached the jurisdictional police with a complaint and they have not taken any action against the defendants. Rather they advised the plaintiffs to approach the competent civil court. Further the defendants are making efforts and also they are enduring and also trying severity, frantic, contemptuous and portentous attempts to cause interruption in respect of the settled possession and enjoyment of the plaintiffs over

the suit schedule properties. Therefore the plaintiffs were constrained to approach this court for the relief to announce, hearken, declare, notify and to proclaim the plaintiffs herein as owners of the schedule properties and also to prevent the defendants in the form of injunctory order permanently and for such other justifiable orders.

10. It is after the institution of the suit, this court has ordered for issuance of the process and summons against the defendants. Thereafter the summons which were ordered by this court were reported to be duly enforced, executed and being served on the defendants. Further no representation being made, finally the defendants were accordingly ordered and placed ex-parte leaving the plaintiffs to adduce evidence.

11. Further in order to support, amplify, bolster, propagate and substantiate the pleadings of the plaint, the plaintiff No.1 himself appeared before this court examined himself as PW-1 and other 3 witnesses examined as PW-2 to 4 and filed their affidavit in lieu of their examination in chief and they have produced in all 28 documents which are thereby exhibited marked and indicated as Ex.P1 to P28 respectively.

12. Heard arguments of the learned counsel for plaintiffs. Defendants have not appeared before this court, no defendants side arguments.

13. In view of the pleadings and materials available on record the following points arise for consideration of this court:

- 1. Whether plaintiffs prove that they are the absolute owners in possession of the suit schedule properties as alleged by them in their plaint?**
- 2. Whether the plaintiffs prove that, defendants are interrupting the suit schedule properties?**
- 3. Whether the plaintiffs are entitled for the relief of declaration and injunction as prayed for?**
- 4. What order or decree?**

14. This court's findings for the above points are as follows:

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 :

15. POINT NO.1 TO 3:

For the facts and circumstance of the suit are concern these points are interlinked and to avoid the repetition of facts these points are taken together for common discussion.

16. The plaintiffs herein in order to grapple, vouch, embellish, fortify, augment and support their pleadings which were advanced and described in the plaint, the plaintiff No.1 Ramegowda himself he has entered witness box by examining himself as PW-1 and he has

adduced and submitted his statement of affidavit in place and substitution of the oral examination in chief. Further he reiterated, canvassing and also replicating all the averments, credentials and information as adverted and contemplated in the plaint. Further the plaintiff in order to augment, buttress and authenticate the said pleadings, he has also examined other 3 witnesses namely Ramakrishnegowda.M.K., Ramegowda and Krishnegowda who are all present and appeared before this court stepping witness box as PW-2 to 4 respectively and all of them, they placed and advanced their separate independent sworn affidavit in support of the claim and contention of the plaintiffs.

17. Thereafter, the plaintiff in order to validate, bolster, evince, denote and also heighten their contentions, they have relied, backed and leaned in respect of 28 documentary evidence which are thereafter entered, shown, depicted, indicated, described and marked as Ex.P1 to P28 respectively.

18. Ex.P1 is the registered sale deed dated 18.03.1975, Ex.P2 is the registered sale deed dated 01.03.1976, Ex.P3 to 6 are the 4 hand written RTC extracts, Ex.P7 and 8 are the 2 computerized RTC extracts, Ex.P9 to 12 are the 4 hand written RTC extracts, Ex.P13 to 16 are the 4 computerized RTC extracts, Ex.P17 and 18 are the mutation register extracts, Ex.P19 is the Patta book, Ex.P20 to 22 are the tax paid receipts, Ex.P23 is the death certificate of Muddegowda, Ex.P24 is the genealogical tree, Ex.P25 is the death

certificate of Ningamma, Ex.P26 is the genealogical tree, Ex.P27 is the endorsement and Ex.P28 is the relinquishment deed.

19. The entire case of the plaintiffs rests upon the registered sale deeds standing in the name of their mother Ningamma. Ex.P1 is the registered sale deed dated 18.03.1975 and Ex.P2 is another registered sale deed dated 01.03.1976. Both the documents clearly disclose that the vendors conveyed the respective suit properties in favour of Ningamma for valuable consideration and possession was delivered to her.

20. A registered sale deed carries presumption regarding valid execution unless disproved in accordance with law. In the present case, the defendants have remained ex-parte and have not challenged the genuineness or validity of Ex.P.1 and Ex.P.2. Therefore, the oral testimony of PW.1 coupled with the registered documents remains unchallenged and unrebutted.

21. Further, the RTC extracts produced at Exs.P.3 to P.16 disclose the entries relating to the suit schedule properties. Though mutation and RTC entries by themselves do not confer title, they are relevant pieces of evidence for the purpose of possession and enjoyment. The mutation extracts at Exs.P.17 and P.18 and the patta register extract at Ex.P.19 disclose subsequent changes in the revenue records.

22. The plaintiffs have specifically contended that, Defendant No.1 by taking advantage of the illiteracy and widowhood of Ningamma, manipulated the revenue entries and got the mutation effected in favour of the defendants. The evidence of P.W.1 clearly states that Ningamma had no intention whatsoever to transfer the properties in favour of the defendants and the alleged mutation was brought about by fraud and misrepresentation.

23. It is a settled principle of law that, fraud vitiates every solemn transaction. Revenue entries do not create or extinguish title. When title flows from registered conveyance deeds, mere mutation entries contrary to such title documents cannot defeat lawful ownership. The tax paid receipts at Ex.P20 to P22 probabalize the possession and enjoyment of the plaintiffs and their predecessor-in-title. Ex.P.25, the death certificate of Ningamma, establishes that she died on 22.01.2024. Exs.P.24 and P.26, the genealogical tree certificates, establish that the plaintiffs are the legal heirs of deceased Ningamma. Hence, after the demise of Ningamma, the plaintiffs succeeded to the properties by inheritance.

24. The oral evidence of PWs.1 to 4 is consistent, natural and trustworthy. Nothing is available on record to disbelieve their testimony. Since the defendants remained absent, the entire evidence adduced by the plaintiffs has remained uncontroverted. The plaintiffs have also produced relinquishment deeds at Exs.P.27 and P.28 which further strengthen the claim of exclusive entitlement over the suit properties. From the oral and documentary evidence

available on record, this Court is of the considered opinion that the plaintiffs have successfully established lawful acquisition of title by Ningamma under Ex.P1 and P2 succession of the plaintiffs after her death continuous possession and enjoyment of the suit properties and illegal interference by the defendants based upon unauthorized mutation entries. Accordingly, this Court holds that the plaintiffs are the lawful owners in possession of the suit schedule properties and the defendants have no right, title or interest over the same. Hence this court inclined to answer the **point No.1 to 3 in the affirmative.**

25. POINT NO.4:

In view of the above discussion and the reasons stated therein this court proceeds to pass the following:

ORDER

The suit of the plaintiffs is hereby decreed with costs.

It is declared that, the plaintiffs are the absolute owners in lawful possession and enjoyment of the suit schedule properties.

The defendants, their agents, servants, supporters, henchmen or anybody claiming through them are hereby permanently restrained from interfering with the peaceful possession and enjoyment of the suit schedule properties by the plaintiffs.

The mutation entries standing in the names of the defendants in respect of the suit schedule properties are declared not binding upon the rights of the plaintiffs.

Office to draw decree accordingly.

[Dictated to the Steno, transcribed by her and corrected by me and pronounced in the Open Court this the 02nd day of June 2026]

(Chandan.S)
Prl. Civil Judge & JMFC.,
K.R.Nagar.

A N N E X U R E

1. List of witnesses examined for plaintiff:-

PW-1	:	Ramegowda
PW-2	:	Ramakrishnegowda
PW-3	:	Ramegowda
PW-4	:	Krishnegowda

2. List of documents marked for plaintiff :-

Ex.P-1	:	Registered sale deed dated 18.03.1975
Ex.P-2	:	Registered sale deed dated 01.03.1976
Ex.P-3 to 6	:	4 hand written RTC extracts
Ex.P-7 and 8	:	2 computerized RTC extracts
Ex.P-9 to 12	:	4 hand written RTC extracts
Ex.P-13 to 16	:	4 computerized RTC extracts
Ex.P-17 and 18	:	Mutation register extracts
Ex.P-19	:	Patta book
Ex.P-20 to 22	:	Tax paid receipts
Ex.P-23	:	Death certificate of Muddegowda
Ex.P-24	:	Genealogical tree
Ex.P-25	:	Death certificate of Ningamma
Ex.P-26	:	Genealogical tree
Ex.P-27	:	Endorsement
Ex.P-28	:	Relinquishment deed

3. List of witnesses examined for Defendant:- NIL

4. List of documents marked for Defendant:- NIL

**(Chandan S)
Prl. Civil Judge & JMFC.,
K.R.Nagar.**