



**IN THE COURT OF THE HONOURABLE I ADDITIONAL CIVIL
JUDGE & JMFC, AT KRISHNARAJANAGAR.**

PRESENT: SMT.ASRINA.,B.A, LLB.
I ADDL. CIVIL JUDGE AND JMFC, KRISHNARAJANAGAR.

DATED THIS 2ND DAY OF APRIL, 2026

O.S.342/2019

BETWEEN

PLAINTIFF	Shri.Chandregowda S/o Sannappajigowda Aged 55 years R/at: Narachanahalli village Mirle Hobli, K.R.Nagar Taluk. (By:Shri.K.S.D. Advocate)
DEFENDANTS	1. Shri.Mallikarjuna S/o Sannappajigowda Aged 54 years. 2. Smt.Jayamma W/o Mallikarjuna Aged 45 years. 3. Shri.Suresh S/o Mallikarjuna Aged 25 years. 4. Shri.Ananda S/o Mallikarjuna Aged 23 years.

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	5. Shri.Malleshegowda S/o Sannappajigowda Aged 56 years. 6. Smt.Subbamma W/o Malleshegowda Aged 50 years. 7. Smt.Vasantha W/o Ashwath Aged 28 years. 8. Shri.Ashwath S/o Malleshegowda Aged 26 years. 9. Shri.Rajegowda S/o Late.Sannappajigowda Aged 56 years. 10. Smt.Revamma W/o Rajegowda Aged 42 years. All are R/at: Narachanahalli village Mirle Hobli, K.R.Nagar Taluk. (Defendants No.1 By: Shri.K.N.S Adv.,) (Defendants No.2 to 10 are placed Ex-parte)
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Date of Institution of suit	17/10/2019
Nature of suit	Suit for Perpetual Injunction.

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Date of recording of evidence	09/01/2023
Date of Judgment	02/04/2026.
Total duration	Years/s Month/s Day/s -06- -05- -15-

(SMT.ASRINA)
I ADDL. CIVIL JUDGE & JMFC.,
KRISHNARAJANAGAR.

J U D G M E N T

Plaintiff has filed the present suit for the relief of perpetual injunction to restrain the defendants or anybody claiming through or under them from interfering in the peaceful possession of the plaintiff over the suit property, for costs of the suit and for such other reliefs.

2. The Brief facts of plaintiff's case is as under:

It is the case of the plaintiff that the suit property originally belonged to his wife namely Smt.Javaramma, who had acquired the suit property by way of oral gift. It is the case of the plaintiff that ever since from the year 1997-98 until 02/11/2008 the suit property stood in the name of wife of the plaintiff Smt.Javaramma. It is the case of the plaintiff that on 02/11/2008 wife of the plaintiff Smt.Javaramma has died and after her death, the suit property was transferred to the joint names of the plaintiff and his

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daughter namely Smt.Latha. It is the case of the plaintiff that ever since the year 1997 until date, the plaintiff and his family members are in the peaceful possession and enjoyment of the suit property as its absolute owners. It is the case of the plaintiff that the defendants have no manner of rights over the suit property. It is the grievance of the plaintiff that without having any manner of right, title and interest over the suit property, the defendants are causing illegal interference to the peaceful possession and enjoyment of the plaintiff over the suit property. Therefore on 28/09/2018 and on 26/04/2019 the plaintiff has approached the jurisdictional police and submitted a complaint as against the illegal acts of the defendants. It is the case of the plaintiff that to the said complaint the police has summoned the defendants and advised them not to cause illegal interference to the peaceful possession of the plaintiff over the suit property. But, in-spite of it the defendants did not mend their ways. It is the case of the plaintiff that in that regard though he has held a Nyayapanchayithge in the presence of elders of the village, but the defendants did not pay any heed to the advise made by panchaythidars to them. Therefore once again the plaintiff has approached the jurisdictional police and submitted a complaint as against the illegal acts of the defendants. But the police did not take any action as against the defendants and the police has informed the plaintiff that since the dispute involved is a civil in nature, the police has advised the plaintiff to approach the court

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of law to work out his remedy. It is the case of the plaintiff that he is in actual possession and enjoyment of the suit property as its absolute owner by regularly paying necessary tax to the government in respect of the suit property. It is the case of the plaintiff that the defendants are not concerned with the suit property. It is the grievance of the plaintiff that without having any manner of rights over the suit property the defendants are causing illegal interference to his peaceful possession and enjoyment over the suit property. Therefore the plaintiff has contended that the acts of the defendants is highly illegal and high handed and the same is against the law. Therefore, the illegal acts of the defendants has to be checked by this court by granting the reliefs as sought for in the suit. If not the plaintiff will suffer irreparable loss which cannot be compensated in terms of money. Therefore, having no other efficacious remedy the plaintiff has approached this court by filing the above suit. According to the plaintiff the cause of action to file the above suit arose on 28/09/2018 and on 26/04/2019, the dates on when the defendants have caused illegal interference to the peaceful possession of the plaintiff over the suit property. Hence, with the above plea the plaintiff has prayed to decree the suit.

3. In pursuance to the summons issued by this court, the defendant No.1 has entered his appearance before this court through his counsel and the defendant No.1 has contested the

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above suit by filing his detailed written statement. In spite of service of summons on them, the defendants No.2 to 10 did not appear before this court. Hence, the defendants No.2 to 10 were placed ex-parte.

4. The defendant No.1 has filed the written statement wherein he has denied the title and possession of the plaintiff over the suit property. The defendant No.1 has specifically denied the allegation of alleged interference alleged to have caused by him to the peaceful possession of the plaintiff over the suit property. By denying rest of the plaint averments, the defendant No.1 has categorically contended that he is an absolute owner of the suit property and that the suit property is his ancestral property. It is the contention of the defendant No.1 that the suit property being his ancestral property he is an absolute owner of the suit property. It is the contention of the defendant No.1 that with an intention to grab the suit property which is his ancestral property, the plaintiff has filed this false suit. Therefore the defendant No.1 has contended that by suppressing all the true and material facts the plaintiff has filed the present false suit. The defendant No.1 has contended that there is no cause of action to file the above suit and the alleged cause of action shown by the plaintiff is false and fictitious. The plaintiff has not approached this court with clean hands. The above suit being the false suit the defendant No.1 has prayed to dismiss the suit by awarding the compensatory costs.

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Hence, with the above contentions, the defendant No.1 has prayed to dismiss the suit with costs.

5. On the basis above pleadings and rival contentions, following issues were framed:

1. Whether the plaintiff proves his possession over the suit property?
2. Whether the plaintiff proves the alleged interference made by the defendants?
3. Whether the plaintiff is entitled to the reliefs as sought for?
4. What order or decree?

6. In order to establish the case of the plaintiff, plaintiff has stepped into the witness box and examined himself as Pw.1 and got marked Exhibit P-1 to Ex.P-28 documents. On the other hand, in order to nullify the claim of the plaintiff and to prove his defense, the defendant No.1 has stepped into the witness box and examined himself as DW1. Thereafter the trial was concluded and the case was posted for arguments on merits.

7. Heard arguments from both side.

8. On perusal of the pleadings, oral and documentary evidence placed before the court, my findings to the above issues are as hereunder:

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Issue No.1: In the Negative.

Issue No.2: In the Negative.

Issue No.3: In the Negative.

Issue No.4: As per the final orders for the following:

REASONS

9. ISSUES NO.1 AND 2: Since the discussion on these two issues are inter connected, in order to avoid repetition, the above issues are taken up together for a common discussion.

10. Plaintiff has filed the present suit for the relief of perpetual injunction. It is the case of the plaintiff that he is a owner and possessor of the suit property. The defendants who are not at all concerned with the suit property, without having any right, title and interest over the suit property, the defendants have illegally tried to interfere in the peaceful possession and enjoyment of the plaintiff over the suit property. Therefore, being aggrieved by the said illegal acts of the defendants, the plaintiff has filed this suit as against the defendants to restrain the defendants from interfering in the peaceful possession and enjoyment of the plaintiff over the suit property.

11. In order to discharge the burden casted on him, the plaintiff has examined himself as Pw.1 and got marked Exhibit P-1 to Ex.P-28 documents.

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12. It is the case of the plaintiff that the suit property originally belonged to his wife namely Smt.Javaramma and the same was acquired by her by way of oral gift. It is the case of the plaintiff that his wife Smt.Javaramma has died on 02/11/2008 and after her death, the suit property was inherited by the plaintiff along with his daughter namely Smt.Latha. As such, the plaintiff has claimed to be in peaceful possession of the suit property as its owner along with his daughter.

13. On the other hand, the defendant No.1 has contested the suit by contending that the suit property is his ancestral property and even he also has share in the suit property. Ex.P-7/Ex.P-9 are one and the same documents and they are the certified copies of plaint in O.S.No.309/2018. Ex.P-7/Ex.P-9 being the documents which are relied on by the plaintiff, the same proves and establishes that the defendant No.1 herein as a plaintiff, he had filed a suit for partition in O.S.No.309/2018 before the Hon'ble Principal Civil Judge Court, K.R. Nagar as against the plaintiff, defendants No.5 and 9 herein in respect of the present suit property. The Ex.P-7/Ex.P-9 documents proves and establishes that the plaintiff herein was arrayed as a defendant No.3 in the said suit. The factum of filing of a suit in O.S. No.309/2018 by the defendant No.1 was categorically admitted by the Plaintiff/PW-1 at para No.3 and 4 of his cross-examination. The same are extracted below:

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3. ನಾನು ಈ ದಾವೆಯನ್ನು ಹೂಡುವ ಪೂರ್ವದಲ್ಲಿ ಇದೇ ದಾವೆಯ 1 ನೇ ಪ್ರತಿವಾದಿಯಾದ ಮಲ್ಲಿಕಾರ್ಜುನರವರು ಇದೇ ದಾವೆಯ ಆಸ್ತಿಯಲ್ಲಿ ಪಾಲು ಕೇಳಿ ಕೆ ಆರ್ ನಗರ ಮಾನ್ಯ ಪ್ರಧಾನ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಅಸಲು ದಾವೆ ಸಂಖ್ಯೆ 309/2018 ರಂತೆ ಪಾಲು ದಾವೆಯನ್ನು ಹೂಡಿದ್ದರು ಎಂದರೆ ಸರಿ.

4. ಅಸಲು ದಾವೆ ಸಂಖ್ಯೆ 309/2018 ರ ದಾವೆಯಲ್ಲಿ ನಾನು ಇದೇ ದಾವೆಯ ವಕೀಲರಾದ ಕೆ.ಎಸ್ ದಿಲೀಪ್ ವಕೀಲರ ಮೂಲಕ ಹಾಜರಾಗಿ ನನ್ನ ಪ್ರತಿವಾದ ಪತ್ರವನ್ನು ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿರುತ್ತೇನೆ ಎಂದರೆ ಸರಿ.

14. In his cross-examination referred above, the plaintiff/Pw.1 has admitted about filing of partition suit by the defendant No.1 in O.S. No. 309/2018 and so also the plaintiff/Pw.1 has admitted that he has contested the said suit by filing his written statement.

15. Ex.P-10 is a certified copy of the written statement filed by the present plaintiff in O.S. No.309/2018. On conjoint reading of the Ex.P-7/Ex.P-9 and Ex.P-10 documents, the same proves and establishes that admittedly the plaintiff, the defendants No.1, 5 and 9 herein are the real brothers in relation and all of them are the children of Late.Sannapaji Gowda. Though the plaintiff has not disclosed his relationship with the defendants in this suit, but, in his written statement filed in O.S. No.309/2018 at Ex.P-10, the plaintiff has admitted his relationship with the present defendants No. 1, 5 and 9.

16. The Ex.P-7/Ex.P-9 and Ex.P-10 documents also proves and establishes that the defendant No.1 herein by claiming himself as

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a co-owner of the suit property along with the present plaintiff and defendants No. 5 and 9, he had filed the said suit for partition in O.S. No.309/2018. At para No.6 of his cross-examination, the plaintiff/Pw.1 has deposed as under:

6. ದಾವಾ ಆಸ್ತಿಯು ನನ್ನ ತಂದೆಯ ತಂದೆ ಅಂದರೆ ನನ್ನ ತಾತನಾದ ಮಲ್ಲೇಗೌಡರಿಂದ ಬಂದ ಆಸ್ತಿ ಎಂದರೆ ಸರಿ.

17. Further, at para No.1 and 2 of his cross-examination, the plaintiff/Pw.1 has deposed as under:

1. ನನ್ನ ಹೆಂಡತಿಯಾದ ಜವರಮ್ಮ ರವರಿಗೆ ದಾವಾ ಆಸ್ತಿಯು ನನ್ನ ತಂದೆಯಾದ ಸಣ್ಣಪ್ಪಾಜಿಗೌಡರವರಿಂದ ಬಂದಿರುತ್ತದೆ. ದಾವಾ ಆಸ್ತಿಯು ನನ್ನ ತಂದೆಯಾದ ಸಣ್ಣಪ್ಪಾಜಿಗೌಡರವರಿಗೆ ತಮ್ಮ ತಂದೆಯಿಂದ ಬಂದಿದ್ದ ಪಿತ್ತಾಜಿತ ಆಸ್ತಿಯಾಗಿತ್ತು ಎಂದರೆ ಸರಿ.

2. ದಾವಾ ಆಸ್ತಿಯನ್ನು ನನ್ನ ಹೆಂಡತಿಯಾದ ಜವರಮ್ಮರವರಿಗೆ ಕೊಟ್ಟಿದ್ದ ಕಾರಣ ದಾವಾ ಆಸ್ತಿಯ ಸಂಬಂಧ ಸಣ್ಣಪ್ಪಾಜಿಗೌಡರ ಮಕ್ಕಳ ಮಧ್ಯ ಯಾವುದೇ ಪಾಲು ವಿಭಜನೆ ಆಗಿರುವುದಿಲ್ಲ.

18. In his cross-examination referred above, the plaintiff/Pw.1 has categorically admitted that the suit property originally belonged to the grandfather of himself and of the defendants No.1, 5 and 9 namely Mr.Mallegowda. Further, in his cross-examination referred above, the plaintiff/Pw.1 has categorically admitted that the suit property is a property inherited by his father Mr.Sannappaji Gowda from his father Mr.Mallegowda. Further, in his cross-examination referred above, the plaintiff/Pw.1 has

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also categorically admitted that the suit property was acquired by his wife Smt.Jawaramma from his father namely Mr.Sannapaji Gowda. Thereby, in his cross-examination referred above, the plaintiff has admitted that the suit property is his ancestral property. Further, in his cross-examination referred above, the plaintiff/PW1 has also admitted that no partition is taken place in respect of the suit property.

19. Ex.P-11 is a certified copy of the judgment passed in O.S. No.309/2018. Ex.P-11 document proves and establishes that after the full contest, the suit filed by the defendant No.1 in O.S. No.308/2018 was decreed by holding that the defendant No.1 herein is also a co-owner of the present suit property. Ex.P-12 is a certified copy of the order sheet and Ex.P-13 is a certified copy of the appeal memorandum in R.A. No.17/2025. The same proves and establishes that as against the judgment passed in O.S. No.309/2018, the plaintiff herein has preferred an appeal before the Hon'ble Senior Civil Judge Court, K.R. Nagar in R.A. No.17/2025.

20.Hence, on combined reading of the pleadings of the parties and the evidence placed on record by the plaintiff coupled with his admissions made in his cross-examination proves and establishes that though the plaintiff has claimed his possession over the suit

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property based on title which he claims to have acquired from his wife Smt.Jawaramma, but as admitted by the plaintiff himself, the suit property is his ancestral property, which was inherited by his father Mr.Sannappaji Gowda from his grandfather Mr.Malle Gowda. As admitted by the plaintiff himself, his wife Smt.Jawaramma has acquired the suit property from his father Mr.Sannappaji Gowda, on the basis of alleged oral gift. On the other hand, in a comprehensive suit for partition in O.S. No. 309/2018, the court of competent jurisdiction has held that the suit property being the joint family property of the present plaintiff, defendants No.1, 5 and 9, all of them are the co-owners of the suit property.

21. The present suit is one for injunction simplicitor. There is a serious dispute between the parties to this suit about their status of co-ownership over the suit property. The plaintiff herein is claiming to be in absolute possession of the suit property. On the other hand the defendant No.1 is also claiming to be in joint possession of the suit property as a co-owner. By claiming himself to be the co-owner of the suit property, the present defendant No.1 had filed a comprehensive suit for partition in O.S.No.309/2018, which came to be decreed in his favour. As against the judgment and decree passed in O.S. No.309/2018, the plaintiff has preferred an appeal in R.A. No.17/2025. The parties are already agitating their rights over the present suit

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property in R.A. No.17/2025 pending on the file of the Hon'ble Senior Civil Judge Court, K.R.Nagar in which the issue in respect of the co-ownership of the parties to this suit in respect of the present suit property is pending for consideration. The present suit one being for bare injunction, the scope of the present suit is very limited and this court cannot go into to the question of relationship between the parties and their status of co-ownership over the suit property. Therefore, the only remedy of the plaintiff and the defendants herein is to agitate their rights over the suit property in a comprehensive suit for partition which is pending for consideration before the Hon'ble Senior Civil Judge Court, K.R.Nagar in R.A.No.17/2025. No doubt on 24/03/2025 the Hon'ble Senior Civil Judge Court has stayed the operation of judgment passed in O.S. No.309/2018, but that is not a final verdict. The result of R.A. No.17/2025 is not known. Assuming that tomorrow if the Hon'ble Senior Civil Judge Court confirms the judgment passed in O.S. No.309/2018 by upholding that even the defendants No.1, 5, and 9 are also the co-owners of the suit property, then the decree for permanent injunction so obtained by the plaintiff in this case will be a nullity as no decree for permanent injunction can be passed or enforced as against the co-owners. Hence, above being the case, this court is of the considered view that it is highly unsafe to consider the prayer of the plaintiff for the relief of permanent injunction as against the defendants. Accordingly, in view of my

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foregoing discussions **I answer Issues No.1 and 2 in the Negative.**

22. ISSUE NO.3: In view of my foregoing discussions and findings on Issues No.1 and 2, the claim of the plaintiff for the relief of perpetual injunction cannot be considered. Accordingly, **I answer Issue No.3 in the Negative.**

23. ISSUE NO.4: In view of my above discussions and findings on Issues No.1 to 3, I proceed to pass the following:

ORDER

The suit of the plaintiff is hereby dismissed.

Pending interim applications if any, the same are disposed off accordingly.

Considering the relationship between the parties, there is no order as to costs.

Draw decree accordingly.

(Dictated to the Stenographer, typed by him, and the transcript revised and corrected by me and then pronounced in the open court on this **2nd day of April, 2026**).

(SMT.ASRINA)
I ADDL. CIVIL JUDGE & JMFC
KRISHNARAJANAGAR.

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ANNEXTURE

List of Witnesses examined on behalf of the plaintiff

PW-1: Shri.Chandregowda S/o Sannappajigowda

List of Documents marked on behalf of the plaintiff

Ex.P-1 & 2: RTC's.
 Ex.P-3: Boundary Certificate.
 Ex.P-4 & 5: Acknowledgments issued by the Police.
 Ex.P-6: Tax paid receipt.
 Ex.P-7: Certified copy of plaint in O.S.No.309/2018.
 Ex.P-8: RTC.
 Ex.P-9: Certified copy of plaint in O.S.No.309/2018.
 Ex.P-10: Certified copy of the written statement in O.S.No.309/2018.
 Ex.P-11: Certified copy of Judgment in O.S.No.309/2018.
 Ex.P-12: Certified copy of order sheet in R.A.No.17/2025.
 Ex.P-13: Certified copy of appeal memorandum in R.A.No.17/2025.
 Ex.P-14: Certified copy of I.A in R.A.No.17/2025.
 Ex.P-15: Certified copy of genealogical tree.
 Ex.P-16 to P-21: Certified copies of RTCs'.
 Ex.P-22 to P-24: Certified copies of demand register extracts.
 Ex.P-25 to P-27: Certified copies of tax paid receipts.
 Ex.P-28: Death certificate.

List of Witnesses examined on behalf of the defendants

DW-1: Shri.Mallikarjuna S/o Sannapaji Gowda

List of Documents marked on behalf of the defendants

-NIL-

(SMT.ASRINA)
 I ADDL. CIVIL JUDGE & JMFC
 KRISHNARAJANAGAR.