

KAMS510011442015



**IN THE COURT OF THE I ADDL., CIVIL JUDGE &
J.M.F.C., AT NANJANGUD.**

: PRESENT :

SMT. SARITHA KUMARI A.M.

B.A., L.L.B.,

I ADDL., CIVIL JUDGE & JMFC.,

AT NANJANGUD

DATED THIS THE 22nd DAY OF JUNE, 2026

O.S./156/2015

Plaintiffs:-

B.Doddaiah,

S/o.Beeregowda,

Aged about 62 years,

R/at. Kempisiddanahundi village,

Chhthra Hobli,

Nanjangud Taluk.

(By Sri.K S K ., Adv.,)

-V/s-

Defendants:-

1. K S Manjunath,

S/o.Shivanna(Talayyappana Shivanna),

Aged about 36 years,

R/at. Kempisiddanahundi village,

Chhthra Hobli,

Nanjangud Taluk.

2. Karnataka Industrial

Area Development Board (KIADB)

Zonal office,K R S Road, Metagalli,

Mysore

By its Secretary

(Defendant No.1 by Sri.M.M and defendant No.2 by Sri.K S N.,-Adv)

Date of institution of the suit	24.03.2015
Nature of the suit (suit on pronote, suit for declaration and possession suit for injunction, etc.,)	Declaration and Possession
Date of the commencement of recording of the evidence	06.09.2017
Date on which judgment was pronounced	22.06.2026
Total Duration	<u>Years/Months/Date</u> 11 02 29

(SARITHA KUMARI A.M)
I ADDL, CIVIL JUDGE & JMFC.,
Nanjangud.

-:: J U D G M E N T ::-

The plaintiff has filed this suit against the defendant for the relief of Declaration and Possession of the suit schedule property.

2.The Brief facts of the plaintiff case are as follows;

The plaintiff submits that, the plaintiff is the absolute owner of the schedule property. The suit schedule property was purchased by plaintiff one Sri.Chikkadoddaiah @ Kadaiah S/o.late.Doddegowda through a Registered Sale Deed dt: 20-3-1975, the plaintiff is in peaceful possession and enjoyment of the suit schedule property right from the date as its purchase. In the Registered Sale Deed executed by Chikkadoddiah @Kadaiah S/o.late. Doddegowda in favour of plaintiff the Sy.No.of the suit schedule property has been

mentioned as 416 instead of 516. The boundaries furnished in the above sale Deed dt: 20-3-1975 is correct and it is the boundary of land bearing Sy.No.516 situated at Immavu village, Chathra Hobli Nanjangud Taluk to an extent of 0.20 guntas. The plaintiff after coming to know of this mistake in Sale Deed dt: 20-3-1975 filed a suit against one Chikkadoddaiah @ Kadaiah, before the Prl.Civil Judge at Nanjangud, in O.S.No.37/2007 the suit is decreed and whereas the said Chikka Doddiah @ Kadaiah failed to execute a rectification of Sale Deed as agreed upon even inspite of several demands, made by plaintiff filed Ex.No.33/2010, represented by the shiresthdar of the Court by Civil Judge and JMFC at Nanjangud Do hereby execute this rectification of Sale Deed in favour of the plaintiff.

3. The plaintiff further pleaded that, the second defendant has issued notice to the plaintiff stating and expressing its intention to acquire the suit schedule property for converting it into industrial area, as there is very likely hood the 2nd defendant may make wrong payment to defendant No.1 with respect to acquisition of suit schedule property, the KIADB has been made as 2nd defendant in this suit to bring the facts of this case to its knowledge and to protect itself from any legal action and also to prevent it from making any wrong payment to defendant No.1 in lieu of acquisition of suit schedule property.

4. The plaintiff further pleaded that, the 1st defendant colluding clandestly with revenue officials tried to pertaining to the suit schedule property not at all followed the Rules and regulations, the suit schedule property khatha stands in the

name of the 1st defendant. The 1st defendant is having no right title or interest of the suit schedule property. The 1st defendant is influential person and having of bad elements the plaintiff is aged and senior citizen he is residing at cause title address. The plaintiff to resist the above illegal interference of the 1st defendant, the 1st defendant continued his activities, the plaintiff did not resist the above said illegal activities to encroach the suit schedule property to 1st defendant. The plaintiff so many application filed before Revenue Authority for change of khatha the said revenue officials not considered the said application. Hence, he has filed this suit.

5. After the service of suit summons, the defendant no. 2 though appeared through his counsel not filed the written statement. The 1st defendant appeared before the court through their counsel and filed his written statement by denying the plaint averments and contended that, the total extent of the suit schedule property is to the extent of 4 acres, in that property except 20 guntas 3 acre 20 guntas is the ancestral property of the 1st defendant and his brothers. Further the 2nd defendant has acquired 2 acre 20 guntas and remaining 1 acre of land was the property of the father of the 1st defendant and the said property was transferred by the 1st defendant in his name.

6. Further the plaintiff on 05.11.2007 by reeving consideration amount sold the suit schedule property by including 10 guntas of 1st defendant's property to one Sri. B. Sudakar Pai through G.P.A. By suppressing the said facts the plaintiff and his family members have file this suit. Thus

the 1st defendant has developed remaining 1 acre land with intention to establish a factory, the plaintiff intentionally filed this suit to give harassment to the 1st defendant. Hence prays dismiss the suit.

7. Based upon the pleadings following Issues are framed:

1. Whether the plaintiff proves that he is the absolute owner of the suit schedule property ?

2. Whether the plaintiff proves that he is entitled for possession of suit schedule property ?

3. Whether the plaintiff is entitled for permanent injunction as sought for ?

4. What order or decree?

8. In order to prove the case of the plaintiff, plaintiff examined himself as P.W.1 and produced 6 documents as per Ex.P1 to Ex.P6. On the other hand the 1st defendant examined as D.W1 and produced 10 documents as per Ex. D1 to 10 One witness examined as D.W2 and produced 4 documents as per Ex.D11 to 14.

9. Heard and perused the documents available on record.

10. The answers of the above Issue are as under ;

<i>Issue No.1</i>	<i>:</i>	<i>In the Negative</i>
<i>Issue No.2</i>	<i>:</i>	<i>In the Negative</i>
<i>Issue No.3</i>	<i>:</i>	<i>In the Negative</i>
<i>Issue No.4</i>	<i>:</i>	<i>As per the final order for the following:-</i>

-:: REASONS ::-

11. **Issue No. 1 to 3:** Since these Issues are inter connected to each other taken together for common discussion to avoid repetition of facts.

12. It is the case of the plaintiff that, the plaintiff is absolute owner of the suit schedule property. The suit schedule property was purchased by the plaintiff through registered sale deed dated 20.03.1975. In the sale deed Sy. No. of the property was mentioned as 416 instead of 516. Hence the plaintiff has filed as suit in O.S No. 37/2007 to rectify the sale deed. The suit came to be decree. Even though the original owner of the suit schedule property has not come forward to rectify the sale deed, the plaintiff has filed EX. 33/2010. C.M.O of the Civil Judge and JMFC, Nanjanagudu has executed the rectification deed in favour of the plaintiff. When the things stood like this the 1st defendant colluding with the revenue officials changed the katha of the suit schedule property in his name. The 1st defendant relative is cultivating the suit schedule property. Though the plaintiff filed many applications to the revenue

officials they have not changed the Khatha of the suit schedule property in his name. To establish the plaintiff's case, plaintiff got examined himself as P.W1 and Ex.P-1 to 6 are marked. Ex.P-1 is RTC in Sy.No.516/1, Ex.P-2 is Corrected Registered Sale deed dated:14.10.2011, Ex.P-3 is Certified copy of ordersheet in Ex.No.33/2010, Ex.P-4 is Certified copy of IA in Ex.No.33/2010 & Ex.P-5 & 6 are certified copy of Judgment & Decree in O.S.No.37/2007.

13. Further it is the specific case of the plaintiff that he is absolute owner of the suit schedule property. To prove that the plaintiff has produced Ex. P2 rectification deed executed through court. No doubt that the plaintiff has purchased the suit schedule property to the extent of 20 guntas. As per Ex.P2. But it is the case of the defendant that, the plaintiff has sold the suit schedule property along with 10 guntas of defendant property to one Sudhakar pai. In the cross examination of P.W1, he admitted that by receiving amount with respect to the suit schedule property he and his family members have executed the G.P.A in favour of the Sudakar Pai. The said G.P.A is marked as Ex.D1. It is clear that the Plaintiff has sold the suit schedule property to One Sudakar Pai. Further he also admitted that, in Sy. No. 516 except 20 guntas he does not have any property. When such being the case when he already sold the 20 guntas of land in Sy. No. 516 question of seeking declaration for suit schedule property does not arise at all. Further, the plaintiff in his plaint nowhere stated that, the defendant when he encroached/ took possession of the suit schedule property. Hence the plaintiff is not entitled for the relief as sought for.

Accordingly Issue No. 1 to 3 answered in the Negative.

14.Issue No.4:- In view of the discussion and findings at above issues this Court proceeds to pass the following:-

ORDER

***The suit of the plaintiff is
hereby dismissed with costs.***

Draw decree accordingly.

(Dictated to the Steno, transcribed by her, transcript revised, corrected by me and then pronounced in the open court on this **22nd day of JUNE-2026**)

(Saritha Kumari A.M.)

I Addl., Civil Judge & JMFC.,
Nanjangud

ANNEXURE

List of witnesses examined on behalf of Plaintiff :-

PW-1 : B Doddaiiah

List of documents marked on behalf of the Plaintiff:

Ex.P-1 : RTC in Sy.No.516/1
Ex.P-2 : Corrected Registered Sale deed dated:14.10.2021
Ex.P-3 : Certified copy of ordersheet in Ex.No.33/2010
Ex.P-4 : Certified copy of IA in Ex.No.33/2010
Ex.P-5 & 6 : Certified copy of Judgment & Decree in
O.S.No.37/2007

List of witnesses examined on behalf of Defendants:

DW-1 : K S Manjunatha

DW-2 : Prabhuraj

List of documents marked on behalf of the Defendants:

Ex.D-1	: Certified copy of GPA
Ex.D-2	:Original GPA cancellation letter
Ex.D-3	:Letter of KIADB
Ex.D-4	:MR extract
Ex.D-5 & 6	: 2 RTC extracts
Ex.D-7 to 10	:Certified copies of plaint, written statement, Judgment & decree in O.S.No.79/2015
Ex.D-11	:Official notification dated:24.07.2025
Ex.D-12	:Notarized copy of endorsement dated:12.08.2014
Ex.D-13	:Notarized copy of GPA dated:05.11.2007
Ex.D-14	:Notarized copy of GPA dated:21.05.2007

(Saritha Kumari A.M.)
I Addl., Civil Judge & JMFC.,
Nanjangud.