

KAMS510014092019



**IN THE COURT OF II ADDL. CIVIL JUDGE AND
JMFC., NANJANGUD, MYSURU**

Present: Kruttika.P.Pawar

B.E.,LL.B.,LL.M (IP&Tech Law).

II Addl. Civil Judge & JMFC, Nanjangud

Dated on this 24th day of June 2026.

O.S./164/2019

Plaintiff/s :

Mahesh S/o late Nanjundaswamappa,
Aged about 42 years,
R/at Malkundi village,
Hura Post, Hullahalli Hobli,
Nanjangud Taluk, Mysuru District.

(By Sri.H.M.C ., Adv.,)

-Vs-

Defendant/s:

1. Nagesh,
S/o Shivarudrappa,
Aged about 41 years,
2. Chikkennamma,
W/o Mahadevaswamy,
Aged about 50 years,
3. Puttaswamy,
S/o late Appaswamappa,
Aged about 40 years,
4. Srikanta S/o late Appaswamappa,

Aged about 25 years,

5. Mahadevaswamy,
S/o late Guruswamappa,
Aged about 25 years,

6. Linganna,
S/o late Kariyappa,
Aged about 50 years,

All are R/at Malkundi village,
Hura post, Hullahalli Hobli,
Nanjangud Taluk, Mysuru District.

(Def's by Sri. K.R. - Adv.,)

Date of Institution of the suit	:	25.04.2019		
Nature of the suit	:	Permanent Injunction		
Date of the commencement of recording of the evidence.	:	19.12.2019		
Date of the closing of recording of the evidence.	:	17.11.2023		
Date on which the judgment pronounced.	:	24.06.2026		
Total duration	:	Years/s	Month/s	Day/s
		07	01	29

**II Addl. Civil Judge & JMFC.,
Nanjangud**

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

The plaintiff has filed this suit against the defendants for the relief of Permanent Injunction to restrain the defendants from interfering with the plaintiff's possession over the suit schedule property, in any manner whatsoever permanently and for court costs.

2. Brief facts as narrated in the plaint are that:-

The description of the suit property is shown as under;

Land bearing Sy.no.8 measuring 3 acres of dry land situated at Malkundi village, Hullahalli Hobli, Nanjangud Taluk, Mysuru District bounded on ;

East by : late Sangappa's children land

West by : Property of Appaswamappa,

North by : Property of Hotte Erappa,

South by : Property of Shivarudrappa

3. The Plaintiff submits that the suit schedule property is a revenue land bearing Survey No. 8, measuring an extent of 3 acres, classified as Kushki land, situated at Malkundi Village, Kallur Hobli, Nanjangud Taluk. The Plaintiff is in lawful

possession and enjoyment of the said property. The suit schedule property is situated adjacent to the village limits.

The Plaintiff further submits that the Defendants have been repeatedly interfering with the Plaintiff's peaceful possession and enjoyment of the suit schedule property. Despite the intervention of the villagers and the Panchayat on three occasions, the Defendants have continued their acts of interference and obstruction. Therefore, the Plaintiff was constrained to lodge a complaint before the jurisdictional police authorities against the Defendants.

The Plaintiff further submits that the suit schedule property stands recorded in the name of the Plaintiff in the revenue records, including RTC, EC, and MR extracts and is in his possession. The total extent of the property is 3 acres. The Plaintiff has regularly paid the land revenue and other taxes payable in respect of the suit schedule property up to date. The suit schedule property is the ancestral and inherited property of the Plaintiff.

4. The Plaintiff submits that he is a peace-loving and law-abiding citizen belonging to a poor family. The Plaintiff and his

family members have no relationship or business dealings whatsoever with the Defendants. However, owing to the value of the suit schedule property, the Defendants have been threatening the Plaintiff and attempting to create unlawful claims over the property. The Defendants have been continuously disturbing the Plaintiff's peaceful possession and enjoyment of the suit schedule property by issuing threats and causing unnecessary obstruction.

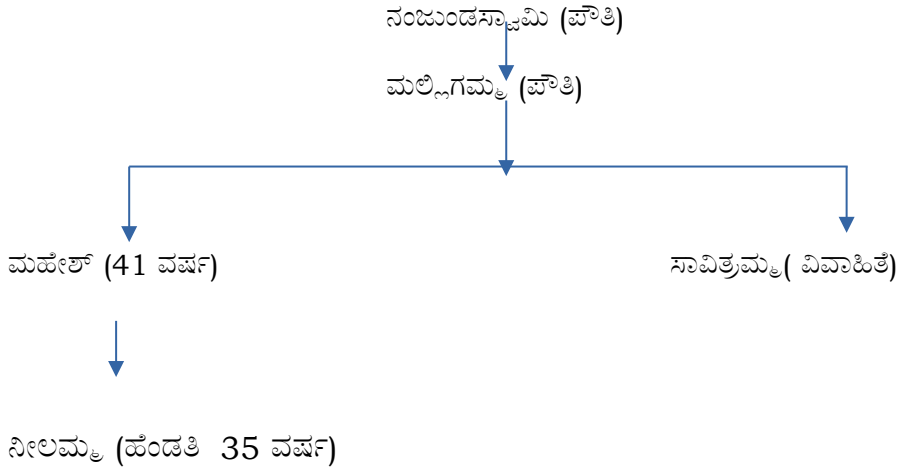
In this regard, the Plaintiff lodged a complaint before the jurisdictional police at Hullahalli Police Station. Upon receipt of the complaint, the concerned Sub-Inspector summoned the Defendants and conducted an enquiry. However, the Defendants failed to provide any satisfactory explanation and behaved arrogantly. Thereafter, the police advised the Plaintiff that the dispute is civil in nature and that appropriate relief should be sought before the competent Civil Court. Hence, the present suit.

5. The Plaintiff submits that, in support of his lawful possession and title over the suit schedule property, he has produced the RTC extracts, Mutation Register Extracts (MR), revenue receipts evidencing payment of land revenue up to

date, and other relevant revenue records. The Plaintiff has also produced the genealogical tree (family tree) showing his succession and inheritance rights over the suit schedule property.

6. The Plaintiff submits that the suit schedule property is the ancestral and inherited property of the Plaintiff. Except the Plaintiff and his lawful family members, no other person has any right, title, interest, or possession over the suit schedule property. The genealogical tree of the Plaintiff's family is produced hereunder for the kind perusal of this Court.

Genealogical tree



7. After filing of this suit, this Court issued suit summons to the defendants. All the defendants entered appearance before

this Court through their counsel. However, Defendant Nos. 1,3 and 4 filed their written statement.

The Defendants submit that the averments made in Paragraphs 1 to 8 of the plaint are false, incorrect, and hereby specifically denied. The Plaintiff is put to strict proof of the same.

8. It is submitted that if the Plaintiff has not properly valued the suit and has failed to pay the appropriate court fee in accordance with law, the Plaintiff is not entitled to any relief as sought in the suit. The Plaintiff has not approached this Court with clean hands and has suppressed material facts.

9. The Defendants submit that the Plaintiff, his father Nanjundaswamy, and other family members had, on various dates, sold portions of the suit schedule property to the Defendants after receiving due consideration. The Defendants are in lawful possession of the portions so purchased.

It is further submitted that after the demise of the Plaintiff's father, the Plaintiff, with dishonest and malafide intention, has suppressed the earlier transactions and has illegally mu-

tated and entered the suit schedule property in his name, including the portions already sold to the Defendants.

The Plaintiff has, with an intention to defraud the Defendants, got revenue entries (RTC and mutation records) illegally changed in his name in respect of the land already alienated to the Defendants. The said acts of the Plaintiff are illegal, void, and not binding on the Defendants.

10. Hence, the suit filed by the Plaintiff is false, vexatious, and liable to be dismissed with costs. Hence, amongst other grounds, the defendants pray for dismissal of the suit with costs.

11. On the basis of the above pleadings, the following issues have been framed by my learned predecessor-in-office, which are as follows:

ISSUES

1. Whether the plaintiff proves that, he is in peaceful possession and enjoyment of suit property, as on the date of filing the suit?
2. Whether the plaintiff proves alleged interference by the defendants?
3. Whether the plaintiff is entitled for permanent injunction relief as sought for ?

4. What order or decree?

12. In order to prove the case of the plaintiff examined before this court as PW.1 and got marked 6 documents as Ex. P1 to Ex.P6 and closed his side of evidence. Per contra, despite affording sufficient opportunities, the defendants have failed to cross-examine PW.1 and lead their side of evidence.

13. Despite sufficient opportunities, both the parties failed to advance their arguments. Hence, the arguments of both the parties are taken as not addressed. This Court has gone through the pleadings of the respective parties to the suit and the oral and documentary evidence of the plaintiff.

14. My answers to the above issues are as follows:

Issue No. 1	:	In the Affirmative
Issue No. 2	:	In the Affirmative
Issue No. 3	:	In the Affirmative
Issue No. 4	:	As per the final order for the following;

-REASONS-

15. Issue No 1 to 3:- Since these issues are interconnected and arise out of the same set of facts, they are taken up together for common consideration.

16. The Plaintiff states that the suit property is a 3-acre revenue land (Survey No. 8, Kushki land) situated at Malkundi Village, Nanjangud Taluk, and is his ancestral property. He claims lawful possession and enjoyment, supported by RTCs, Mutation Register, and tax records. He alleges that the Defendants have been repeatedly interfering with his peaceful possession and issuing threats, despite intervention by villagers, Panchayat, and police. The police ultimately advised him to approach the Civil Court. The Plaintiff further contends that he has inherited the property, no third party has any right over it, and he is in exclusive possession along with his family.

17. The Defendants deny all the Plaintiff's allegations as false. They contend that the suit is not properly valued and court fee is not correctly paid. They further assert that the Plaintiff's father and family had already sold portions of the suit property to the Defendants for consideration, and that the Defendants are in lawful possession of those portions. They allege that the Plaintiff has fraudulently mutated revenue records in his name after suppressing earlier sale transactions, making the suit false, vexatious, and liable to be dismissed with costs.

18. The Plaintiff has produced certain documents in support of his claim. It is submitted that Ex.P1 pertains to Survey No. 8/4, wherein the name of the Plaintiff is shown in Column No. 9. Column No. 10 reflects Mutation Register (MR) No. H20/2017-18 dated 30.04.2018. Further, in Column No. 12, the name of the Plaintiff is shown and the property is described as self-acquired. The RTC pertains to the year 2019–20.

19. The Plaintiff has also produced RTC for the year 2018–19, wherein the entries are stated to be similar to those found in Ex.P1. It is further submitted that in Ex.P3, the name of the Plaintiff is reflected pursuant to mutation entries. Similarly, Ex.P4 also contains the name of the Plaintiff in the revenue records. Ex.P5 and Ex.P6, which are stated to be tax receipts, are also issued in the name of the Plaintiff.

20. The oral evidence of PW-1, along with the supporting documentary evidence, remains unchallenged and undisputed, as the Defendants failed to cross-examine PW-1 despite sufficient opportunities and also did not adduce any evidence to rebut the Plaintiff's case. The documents produced by the

Plaintiff clearly establish his name in the revenue and mutation records, thereby confirming his possession over the suit schedule property. PW-1 has also categorically stated in his chief affidavit regarding the interference by the Defendants and the complaint lodged with the jurisdictional police station.

21. In these circumstances, this Court is of the considered opinion that the Plaintiff has successfully established his lawful possession over the suit schedule property and the interference by the Defendants as on the date of filing of the suit. Hence, the oral and documentary evidence of PW.1 remained unchallenged and undisputed.

22. In this suit, as I said earlier, the oral and documentary evidence of plaintiff remained unchallenged and undisputed. Hence, there is no reason to disbelieve the version of the plaintiff. The defendants did not state the facts pleaded in the written statement on oath by entering into the witness box. In **Vidhyadhar v. Manikrao, (1999) 3 SCC 573** the **Honb'le Apex Court** in para No. 17 held that:-

17. Where a party to the suit does not appear in 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 as has been held in a series of decisions passed by various High Courts and the Privy Council drew a presumption under Section 114 of the Evidence Act, 1872 against a party who did not enter the witness-box.

23. In view of the above ratio, where a party to the suit does not appear in 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. Hence, without much discussion, this court is of the opinion that, the plaintiff proves the interference of the defendants with his possession and enjoyment over the suit property. Accordingly, this Court answers Issue No.1 to 3 in the **‘Affirmative’**.

24. Issue No.4:- In view of my findings, on the Issue No.1 to 3, the suit is deserved to be decreed against the defendants. Hence, I proceed to pass the following:-

ORDER

The suit of the plaintiff is decreed with costs.

The Defendants are hereby restrained permanently from interfering with the plaintiff's peaceful possession and enjoyment over the suit schedule property.

Office to draw decree accordingly

(Dictated to the Stenographer directly on the Computer, typed by her, corrected and then pronounced by me in the open court on this the **24th day of June -2026**)

(**Kruttika P Pawar**)
II Addl. Civil Judge and JMFC.,
Nanjangud

A N N E X U R E

List of witnesses examined on behalf of plaintiff:

PW-1 : Mahesh

List of documents marked on behalf of plaintiff.

Ex.P.1&2 : RTCs of Survey No. 8/4,

Ex.P.3&4 : Mutation register extracts

Ex.P.5&6 : Tax paid receipts

List of witnesses examined on behalf of defendants:

-None-

List of documents marked on behalf of defendant/s.

-Nil-

(**Kruttika P Pawar**)
II Addl. Civil Judge and JMFC.,
Nanjangud