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IN THE COURT OF SENIOR CIVIL JUDGE
AT T. NARASIPURA.

PRESENT

SMT. PARVEEN A BANKAPUR

B.Com., L.L.B., (Spl)

SENIOR CIVIL JUDGE, T. NARASIPURA.

O.S. NO.41/2019.

DATED THIS 05th DAY OF AUGUST, 2026.

- PLAINTIFFS :**
1. Smt. Shivamma
W/o Late Mahadeva,
Age: 60 years.
 2. M. Sridhar
S/o Late Mahadeva,
Age: 42 years.
 3. Smt. M. Janakamma
D/o Late Mahadeva,
W/o C.R. Chikkaramaiah,
Age: 44 years.

All are R/at: # 1319, 3rd Cross,
Srirampura II Stage,
Opp., Ashokapuram Railway
Station, Near Naidu Store,
Mysuru.

(By Sri. R.K., Advocate)

Vs.

DEFENDANTS:

1. Sri. M. Puttegowda,
S/o Late Mayegowda,
Age: 78 years.
2. Sri. Nagaraju
S/o Erashetty,
Age: 50 years.

Both are R/at: Halekempaiahna
hundi village, Kasaba Hobali,
T. Narasipura tauk.

(D-1 by Sri. V.S., Advocate)
(D-2 by Sri. G.R.S., Advocate)

Date of institution of suit : 11.11.2019.

Nature of suit : Declaration, permanent and
mandatory injunction.

Date of commencement
of evidence : 21.12.2020.

Date of Judgment : 05.08.2026.

Total duration : YEARS MONTHS DAYS.
06 08 25

(PARVEEN A BANKAPUR)
SENIOR CIVIL JUDGE
T. NARASIPURA.

J U D G M E N T

The plaintiffs have filed the suit for the relief of
declaration, permanent and mandatory injunction.

2. The case of the plaintiffs is as under:-

One Mahadeva and Mayamma are husband and wife. They had son by name Mahadeva. The plaintiff No.1 is his wife and plaintiffs No.2 and 3 are his children. He died on 03.04.2022 leaving behind plaintiffs as his legal heirs. They are native of Old Kempaiahna Hundi village, Kasaba Hobali, T. Narasipura taluk.

The suit schedule property is the ancestral and joint family property of plaintiffs. The land bearing Sy.No.198/2 is total extent of 1 acre 10 guntas, situated at Hosakote village, Kasaba Hobali, T. Narasipura tauk.

The grand father of the plaintiffs No.2 and 3 had a sir name and called as Sanna @ Sannaiah @ Sannegowda. During the life time of Mahadeva and Sanna @ Sannaiah @ Sannegowda are sold 30 guntas in Sy.No.198/2 in favour of Erasetty i.e., father of 2nd defendant through registered sale deed dated 16.01.1980. The remaining property is in the same survey number retained by them and they are the owner and possession and enjoyment of the same.

The plaintiffs are residing faraway from the schedule property. Taking the advantage the 1st and 2nd defendants are not having any manner of right, title, interest over the suit schedule property they created and concocted the revenue records in their names to the extent of 1 gunta in

Sy.No.198/2 by the 1st defendant and 09 gunta in Sy.No.198/2 by the 2nd defendant. The both entries standing in the name of defendants and same is challenged by plaintiff No.1 by filing R.R.T. Appeal before the Assistant Commissioner, Mysuru in R.R.T. No.190/2015-2016 which is pending for adjudication.

After selling the above suit property remaining 20 gunta in Sy.No.198/2 is in possession and enjoyment of the plaintiffs. The plaintiffs are questioned the said illegal act of them and directed them to cancel the revenue entries standing in their names. But, they are not come forward to cancel the revenue entries. They are repeatedly enter the peaceful possession and enjoyment of the schedule property one or other reasons. On several request made by the plaintiffs they did not stopped their acts. On 01.08.2019 they trying to tress pass over the schedule property and started agricultural operation. The plaintiffs questioned the illegal act of them. In this regard plaintiffs lodge the complaint before the Jurisdictional police. But, police have advised the plaintiffs to approach civil court. Hence, plaintiffs have filed the present suit and prayed to decree the suit.

3. The defendants have appeared before the court through their respective counsel and the defendant No.2 filed written statement.

4. In the written statement, the defendant No.2 has denied the case of the plaintiffs. He has specifically contended that one Erashetty purchased the suit schedule property from one Madegowda and his son M. Mahadeva for Rs.3,000/- through registered sale deed on 16.01.1980. The katha of it is changed in his father and he is possession and enjoyment of the same. On 24.12.1995 the unregistered partition is made between him and his children. The each children having 0.06 guntas in the said property. One Basavashetty passed away and he was unmarried. His share was divided equally with his brother and sister. Accordingly the remaining children are having 0.7.08 guntas in the said property. The katha also changed in their names.

The Sy.No.198/2 is re-podded during the partition of them and his brother and sister, then RRT No.04/1999-2000 proceeding conducted by the Taluk Tahasildar and ordered was passed. As per order 29 guntas land was shifted to Sy.No.198/1C gunta 0.01 in Sy.No.198/2. The defendants having 0.06 gunta in Sy.No.198/1C and 0.1 gunta in Sy.No.198/2, rest of two brother and one sister are having 0.7.08 gunta each in Sy.No.198/1C. Then the defendants, his brother and sister are cultivating and peaceful possession in their respective shares without any interruption. But, the plaintiffs or their ancestors are not having any land in Hosakote village. The suit filed by the plaintiffs are barred by

limitation and court fee paid by the plaintiffs are insufficient. Thus, the suit is not maintainable. Accordingly, the defendants have prayed to dismiss the suit with exemplary costs.

5. On the basis of above pleadings, the following issues are framed.

1. Whether the plaintiffs prove that they are the absolute owners of suit schedule properties?
2. Whether the plaintiffs further prove that they are in possession and enjoyment of suit schedule properties?
3. Whether the plaintiffs further prove that defendants have created revenue records with respect to the suit property behind the back as such the same are required to be set aside?
4. Whether the suit filed well within period of limitation?
5. Whether the plaintiffs entitled to the reliefs claimed?

6. What order or decree?

6. The plaintiff No.2 examined himself as P.W.1 and got examined witness as P.W.2 and got 18 documents marked as Exs.P.1 to 18 to prove the case of the plaintiffs.

7. The defendant No.2 examined himself as D.W.1 to prove the defence of the defendants.

8. I have heard the arguments of both the sides and perused the materials on record.

9. The answers to the above issues are as under:

Issue No.1	:	Negative.
Issue No.2	:	Negative.
Issue No.3	:	Negative.
Issue No.4	:	Affirmative.
Issue No.5	:	Negative.
Issue No.6	:	As per final order for the following.

REASONS

10. ISSUES NO.1 TO 3:- They are taken together for common discussion since they relate to ownership and possession of the suit schedule property to avoid the repetition of the facts.

11. It is the case of the plaintiffs that they are absolute owner in possession of the suit schedule "A" property Sy.No.198/2 measuring 20 guntas, situated at Hosakote village, Kasaba Hobli, T.N.Pura taluka, which is bounded on towards East by property belongs to Hoteemadsetty, towards West by Property belongs to Rachaiah and others, towards North by Mysuru - Tarasipura main road and towards South by Property belongs to Private persons. And land Sy.No.198/2 measuring 10 guntas situated at Hosakote village Kasaba Hobli, T. Narasipura taluk is part of "A" schedule property. It is further specific case of the plaintiffs that suit property is the ancestral and joint family property of the plaintiffs. That Sy.No.198/2 the total extent was 1 acre 10 guntas. Out of total land the husband of plaintiff No.1 and father in law of plaintiff No.1 have sold 30 gutans in favour of Erasetty who is one other than the father of defendant No.2 on 16.01.1980 and for remaining land the plaintiffs are owner in possession and enjoyment of the same. It is allegations of the plaintiffs that without any right, title and interest defendants are created concocted revenue records and mutated their names in suit lands.

12. On the other hand the defendants taken contention that, they were purchased the suit land to the extent of 30 gunta from the husband of the plaintiff No.1 and father in law of plaintiff No.1 on 16.01.1980 for sale consideration of

Rs.3,000/- and after that in family partition between five children of Erasetty they got 6 gunta each.

13. To prove the case of plaintiffs, the plaintiff No.2 has examined himself as PW-1 and filed his affidavit in the form of affidavit and reiterated the contents of the plaint. Ex.P-1 is the certified copy of Registered Sale deed executed by the husband of the plaintiff No.1 in favour of Erasetty who is none other than father of defendant No.2. Ex.P.2 is the certified copy of sale deed executed on 13.11.1975. Exs.P.3 to 7 are the RTCs. Ex.P.8 is the sketch map. Ex.P.9 is the RTC for the year 1998-1999 to 2000-2001 where in Sy.No.198/2 is totally measuring 1 acre 20 gutas which is standing in the name of Subbegowda and Puttegowda. Ex.P.10 is the RTC pertaining to Sy.No.198/2 which is standing in the name of Channegowda, Puttegowda Ex.P.13 is the encumbrance certificate wherein the name of Erasetty was appeared after execution of sale deed in his favour. Ex.P.18 is the order of Tahasildar.

14. On perusal of evidence of P.W.1, he reiterated the contents of the plaint. On perusal of the cross-examination, he admits that, after selling the 30 guntas land, it is in the possession of the father of the defendant No.2. Further in the cross-examination he was unable to say that, on 24-12-1995 the father of the defendant No.2 and 4 children are

divided the said 30 guntas land in between them and each members have got 6 guntas each. He further unable to say that, after death of brother of defendant No.2 by name Basavashetty 6 gunta land which fallen to his share was divided in between his father and brothers and sisters and accordingly the defendants got 7 ½ gunta each. But he admits that their names are entered in the record of rights with respect of 7 ½ gunta land respectively. In the cross-examination he stated that 1 acre land was acquired by the government. In the cross-examination he clearly admits that, out of total 2 acres 20 guntas land Erashetty was purchased 30 guntas land. He further stated that he does not know that, after selling 30 gutnas its Survey number is 198/C.

15. In support of the plaintiff's case, one more witness is examined as PW-2. He deposed that, he know the plaintiffs and defendants. He further deposed that, Sy.No.198/2, 1 acre 10 guntas and out of that 30 guntas was sold to Erashetty and remaining 20 guntas is in the possession of the plaintiffs. In the cross-examination he unable say about the sold land and measurement of the land and its possession. Hence, his evidence is not useful to the plaintiffs case.

16. On the other hand the defendant No.2 has examined as DW-1. He filed his affidavit in the form of

affidavit and reiterated the contents of the written statement. In the cross-examination he stated that the total measurement of the land was 1 acre 10 guntas and out of that 30 guntas was purchased by his father. He admits the boundaries of the 30 guntas. He denied that they were purchased 30 gutnas but by adding 1 guntas land they mutated their names in the revenue records.

17. Considering the oral and documentary evidence placed by the both parties, it is admitted fact that Sy.No.198/2 is the total extent 1 acre 10 gunta (some of the revenue records discloses that extent is 1 acre 20 gunta). It is further admitted fact that the grand father of the plaintiffs No.2 and 3 had sold the property measuring 30 gunta in Sy.No.198/2 out of total measurement in favour of Erashetty, who is none other than father of defendant No.2 on 16.01.1980. It is further admitted fact that according to the said sale deed the name of Erashetty was mutated in the revenue records. It is further admitted fact that after registration of sale deed the said Erashetty was in in possession and enjoyment of the 30 gunta land. It is further admitted fact that in family of partition, the family of Erashetty is having five children got 6 gunta land along with Erashetty in the year 1995. It is further admitted that out of 5 children one children was died by name Basavashetty and his share is divided among the other brother's and sisters.

No doubt that 30 gunta land was sold out and now it is in the possession and enjoyment of the defendants. It is further admitted fact that the survey number of the defendants is 30 guntas in Sy.No.198/1C total measuring 1 acre 20 gunta. During the course of argument learned counsel for plaintiffs vehemently argued that as per the sale deed and as per the partition the defendants have got 30 gunta land but defendant's name entered into the revenue record for 31 gunta. It is pertinent to note that as per the map produced by the plaintiff in Ex.P.8 the Sy.No.198/1C is totally measuring 29 gunta was divided into 4 members. In the said sketch map 20 gunta was shown with green color which is Sy.No.198/2 is a separate portion, Sy.No.198/1C is shown separate portion which is measuring 30 gunta. As per their own sketch map Ex.P.8 the defendants portion measuring 29 gunta. Therefore, the contention taken by the plaintiffs that the defendants name mutated in the revenue records for 31 gunta is not sustainable. It is pertinent not that as per the documents and Ex.P.8 produced by the plaintiffs they are already owner in possession of 20 gunta land out of Sy.No.198/2. The plaintiffs are in the possession of 30 gunta land which was purchased by father of the defendant No.2 by name Erashetty. Therefore, the defendants were in owner in possession of 30 gunta land and remaining portion the plaintiffs are in possession and enjoyment. Therefore, declaring of ownership of 20 gunta does not arise. Hence,

the plaintiffs are failed to prove that defendants have created revenue records with respect of suit property does not arise. Hence, I answered **issue No.1 to 3** in the **negative**.

18. ISSUE NO.4: The defendants are taken contention that suit of the plaintiffs' is barred by limitation. It is contention of the defendants that the plaintiffs have filed this suit after lapse of 15 years. According to them the sale deed was executed in favour of Erashetty on 16.01.1980 and unregistered partition made between Erashetty and his children on 24.12.1995. It is further contention that after death of Basavashetty his share was equally divided with the rest of brothers and sisters and then under RRT (PR(TA)4/1999-2000 29 gunta land was shifted to Sy.No.198/1C and 1 gunta in Sy.No.198/2. Now, the plaintiffs are claiming 1 gunta land was adding by the defendants behind the back of plaintiffs in Sy.No.198/2 in the year 2019. Therefore, after lapse of 15 years the suit of the plaintiffs is not maintainable. It is pertinent note that as already noted above the defendants are in possession and enjoyment of 30 gunta land since from 1980 it was rephoded in the year 1999-2000. In rephoding 29 gunta was numbered as Sy.No.198/1C and remaining 1 gutas is in Sy.No.198/2. Therefore, after lapse of more than 15 years the plaintiffs have claiming that 1 gutna additional land was mutated in

the name of defendants which is not sustainable. In Sy.No.198/2 1 gunta land which mutated in the name of defendants is belongs to only defendants. Hence, the suit of the plaintiffs is barred by limitation. Accordingly, I answered **issue no.4** in the **affirmative**.

19. ISSUE No.5: The plaintiffs are failed to prove that the defendants are mutated their names for additional 1 gunta land including 30 gutna i.e., their names is mutated for 31 gunta. As already above discussed the defendants are possession and enjoyment of 29 gunta in Sy.No.198/C and another 1 gunta in Sy.No.198/2. Hence, the plaintiffs are not entitled to the relief claimed by them. Hence, I answered **issue no.5** in the **negative**.

20. ISSUE NO.6:- In view of the findings on the above issues, I proceed to pass the following.

ORDER

The suit of the plaintiffs
is hereby dismissed.

No order for costs.

Draw decree accordingly.

(Dictated to the stenographer directly on the computer, typed by him, corrected
and then pronounced by me in the Open Court on this 05th day of August, 2026)

(PARVEEN A BANKAPUR),
SENIOR CIVIL JUDGE,
T. NARASIPURA.

ANNEXURE**1. WITNESSES EXAMINED FOR THE PLAINTIFFS:-**

P.W.1 : Sridhara M.
P.W.2 : K.R. Nagaraju.

2. DOCUMENTS MARKED FOR THE PLAINTIFFS:-

Exs.P.1 & 2 : Certified copies of partition deeds dated
16.01.1980 and 13.11.1975.
Exs.3 to 7 : Certified copies of hand written R.T.Cs
and Index of lands.
Ex.P.8 : Survey sketch of Sy.No.198.
Exs.P.9 & 10 : Certified copies of R.T.Cs of Sy.Nos.198/2.
Exs.P.11 & 12 : Records of rights.
Exs.P.13 & 14 : Encumbrance certificates.
Exs.P.15 to 17 : Death certificate of Mayamma,
Madegowda and Mahadeva.
Ex.P.18 : Certified copy of order in R.A. No.190/2015.

3. WITNESS EXAMINED FOR THE DEFENDANTS:-

D.W.1 : Nagaraju.

4. DOCUMENTS MARKED FOR THE DEFENDANTS:-

Nil.

(PARVEEN A BANKAPUR)
SENIOR CIVIL JUDGE,
T. NARASIPURA.

(Separate Judgment is passed and pronounced in the open court)

ORDER

The suit of the plaintiffs is hereby dismissed.

No order for costs.

Draw decree accordingly.

Senior Civil Judge,
T. Narasipura.