

KAMS710003572022



**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE AND
J.M.F.C., AT T.NARASIPURA**

:P R E S E N T:

Sachin H.R., B.A., L.L.B.,
Prl. Civil Judge & J.M.F.C.,
T.Narasipura.

Dated this the 07th day of March, 2026

Original Suit No.43/2022

PLAINTIFF/S:

- 1. Smt.Manjula,**
W/o Late Lokeshmurthy,
Aged about 55 years,
- 2. Smt.Asha Rani,**
D/o Late Lokeshmurthy,
Aged about 34 years,
R/at Bangalore.
- 3. Smt.Usha Rani,**
D/o Late Lokeshmurthy,
Aged about 32 years,
- 4. Smt.Anusha Rani,**
D/o Late Lokeshmurthy,
Aged about 29 years,

All are:

R/at Seehalli Village,
Mugur Hobli, T.Narasipura Taluk,

Mysuru District.

(By **Shri.K.S.S.,Advocate**)

-V/S-

- DEFENDANT/S:**
- 1. Sri.Nagaraju,**
S/o Late Mahadevappa,
Aged about 50 years,
 - 2. Sri.Nataraju,**
S/o Late Basavanna,
Aged about 47 years,
 - 3. Sri.Mahesha,**
S/o Late Shivaswamy,
Aged about 44 years,
 - 4. Sri.Ananda,**
S/o Late Prakashmurthy,
Aged about 45 years,
 - 5. Sri.Mahesha,**
S/o Late Kallappa,
Aged about 50 years,

All are:

R/at Seehalli Village, Mugur Hobli,
T.Narasipura Taluk, Mysuru Dist.,

(Def.No.1, 3 & 4 By **Sri.A.P.S., Advocate**)
(Def.No.5 By **Sri.K.G.P., Advocate**)
Def.No. 2 - **Ex-parte**)

Date of Institution of Suit	11.02.2022
Nature of Suit	Declaration and Permanent Injunction
Date of Commencement of Recording of evidence	23.06.2022

<i>Date of closing of evidence</i>	03.11.2025
<i>Date on which judgment was pronounced</i>	07.03.2026
<i>Total Duration</i>	<u>Year/s</u> <u>Month/s</u> <u>Days</u> 04 00 24

(Sachin H.R.)

*Prl.Civil Judge & J.M.F.C.,
T.Narasipura.*

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

1. *The plaintiffs have filed this suit against the defendants seeking for the relief of Declaration, to declare that they are the absolute owners in possession of the suit schedule property and for consequential relief of permanent injunction against the defendants to restrain them, their agents, GPA holders, legal representatives, blood relatives or anybody acting on their behalf from interfering into the peaceful possession and enjoyment of the suit schedule property by the plaintiffs and for costs of this suit.*

THE BRIEF FACTS OF THE PLAINTIFFS' CASE IS AS FOLLOWS;

2. *That the property bearing **Sy.No.193/8** measuring **0.03 guntas**, bounded on the East by:*

Sy.No.193/6 belonging to Kumaraswamy S/o Rajendrappa, West by vacant site of Prof. Shivanna, North by: Site of defendants and South by: land of Mahadevashetty, Basavashetty and Krishnashetty, **situated at Kannahalli village, T.Narasipura Taluk, Mysuru District** is hereinafter referred to as the suit schedule property in this suit.

3. It is forthcoming from the plaint averments that **the property bearing Sy.No.193/6 measuring 10 guntas situated at Kannahalli village, Muguru Hobli, T.Narasipura Taluk originally belonged to one Rajendrappa S/o Channabasappa** and the said property being barren land was restored in favour of the said Rajendrappa S/o Channabasappa by the Spl.Deputy Commissioner, Mysore District as per RRT PR 3/1980-81 dated 02.04.1981. Thereafter **the said Rajendrappa S/o Channabasappa and his son by name Kumaraswamy has sold 0.03 guntas in Sy.No.193/6 under the registered Sale deed dated 04.02.1999 in favour of the husband of the plaintiff No.1 and the said**

property measuring 0.03 guntas was assigned with new Sy.No.193/8 which is morefully described as the suit schedule property and the said Rajendrappa S/o Channabasappa and his son Kumaraswamy retained the remaining extent measuring 0.07 guntas in Sy.No.193/6 and after the demise of said Rajendrappa S/o Channabasappa the katha of the said property is standing in the name of said Kumaraswamy.

4. Likely as per the registered Sale deed the katha of the suit schedule property was mutated into the name of the husband of the plaintiff No.1 by name Lokeshmurthy and he was the absolute owner in possession of the suit schedule property. **After the demise of said Lokeshmurthy the plaintiff No.1 being his wife and the plaintiff No.2 to 4 being their children succeeded to the suit schedule property and are the absolute owners in possession of the suit schedule property** and the katha of the suit schedule property was mutated into the name of the plaintiff No.1 and the plaintiffs are uninterruptedly storing cow dung, grass and agricultural

equipments in the suit schedule property which is situated towards the adjacent gramatana properties of the plaintiffs and the defendants.

5. **Such being the case *the defendants being the owners of the site properties situated adjacent to the suit schedule property towards the northern side of the suit schedule property are trying to encroach the suit schedule property and are interfering into the peaceful possession and enjoyment of the suit schedule property by the plaintiff.*** Thus the plaintiffs filed several complaints to the jurisdictional police and resisted the acts of the defendants. That the defendants by colluding with each other encouraged the defendant No.2 to prefer an appeal before the Deputy Commissioner, Mysore in Appeal No.256/2020-21 against the plaintiff No.1 and said Kumaraswamy and others and further has filed the appeal in R.A.No.664/2019 against the plaintiff No.1, Kumaraswamy and the Tahasildar seeking cancellation of mutation order passed in M.R.No.114/2011-12 though the defendant No.2 is no way concerned with the said property

bearing Sy.No.193 and the said proceedings are pending for adjudication.

6. That the properties of the plaintiffs and the defendants are different properties and that towards the northern side of the suit schedule property the property of late Kallappa, the property of the husband of the plaintiff No.1 by name Lokeshmurthy, Prakashmurthy, Shivaswamy, Basavanna and Mahadevappa are situated and the defendants have succeeded to the properties of the above name persons and their house and site properties are situated towards the northern side of the suit schedule property. As such the defendants having no manner of right, title, interest and possession over the suit schedule property are trying to interfere into the peaceful possession and enjoyment of the suit schedule property by the plaintiffs. Hence having no other alternative the plaintiffs have filed this suit seeking for the reliefs as prayed for.

7. On receipt of the suit summons, the defendant No.1, 3 to 5, appeared before this Court through their respective counsel and the defendant 4 has filed his written

statement and the defendant No.5 has not filed his written statement and the defendant No.2 remained absent and was placed *exparte*.

8. In his written statement, the defendant No.4 has denied the plaintiff averments that the property bearing Sy.No.193/6 measuring 0.10 guntas situated at Kanahalli village, Muguru Hobli, T.Narasipura Taluk originally belonged to one Rajendrappa S/o Channabasappa and the said property being barren land was restored in favour of the said Rajendrappa S/o Channabasappa by the Spl.Deputy Commissioner, Mysore District as per RRT PR 3/1980-81 dated 02.04.1981 and **further has contended that the said proceedings was in respect to the property which is not in existence.**

9. Further the defendant No.4 has denied the plaintiff averments that the said Rajendrappa S/o Channabasappa and his son by name Kumaraswamy has sold 0.03 guntas in Sy.No.193/6 under the registered Sale deed dated 04.02.1999 in favour of the husband of the plaintiff No.1 and **further has contended that the**

alleged Sale deed was executed in respect to the property which is not in existence.

10. That the properties of the late Kalappa who is the father of the defendant No.5, husband of the plaintiff No.1 by name Lokeshmurthy, the father of the defendant No.4 by name Prakashmurthy, the father of the defendant No.3 by name Shivaswamy, the father of the defendant No.2 by name Basavanna and the father of the defendant No.1 by name Mahadevappa were the Gramatana properties and that towards the northern side of their property there exists properties of Mahadevashetty, Basavashetty and Krishnashetty and as such **the suit schedule property is merged with the said house and site properties of the plaintiffs and the defendants.**

11. It is the specific case of the defendant No.4 that on 06.05.1968 one Shanthappana Mallappa and his son Rajappa jointly executed a registered Sale deed in favour of the mother of the said Prakashmurthy and Lokeshmurthy by name M. Rajamma W/o Late S.M. Basavanna, who is the grandmother of defendant No. 4 and

his brother by name Ashoka and the plaintiff No.2 to 4 and mother-in-law of the plaintiff No.1, in respect to the Vacant site bounded on the East by Kalamadappana Puttamadappana house and hithalu, West by vacant site belongs to Mallappa and son Honnappa, South by lands belongs to Basavashetty and his son Nanjashetty, North by house property belonging to Rajamma measuring East-West 27 feet, South- North 135 feet situated at Seehalli village, within the limits of Seehalli Grama Panchayath. That the said Sale deed reflects that the house and site properties of plaintiffs and defendant No.4 are situated towards the northern side of the lands of Basavashetty and Nanjashetty whose names are found in the schedule of plaint and accordingly the suit schedule property as shown as Sy.No. 193/8 measuring 0.03 guntas is not in existence.

12. *Further it is contended that on 09.12.1998 the said Smt. Rajamma who is the grandmother of the defendant No.4, had executed a registered sale deed in favour of her son by name Prakashmurthy who is the father of the defendant No.4, in respect to the said property which*

is the subject matter of the Sale deed dated 06.05.1968 described as bounded on the East by house of Kalappana Madappa and site property, West by properties purchased by Lokeshmurthy, husband of plaintiff No.1 from Maliappa and Devappa who is the brother of Honnappa consisting house and vacant site, South by lands belonging to Madashetty from whom Mahadevashetty, Basavashetty and Krishnashetty succeeded as shown in the plaint schedule towards South and North by house property of Lokeshmurthy who is the husband of the plaintiff No.1 given by his mother by name Rajamma as shown in the Sale deed of 1968 towards North. That the said Sale deed dated 09.12.1998 is in witnesses of Lokeshmurthy husband of plaintiff No.1 and Gurumurthy father of plaintiff No.1.

13. *Further it is contended that neither Sale deed dated 06.05.1968 nor the Sale deed 09.12.1998, never reveals the existence of alleged suit schedule property towards the northern side of lands belonging to Mahadevashetty, Basavashetty and Krishnashetty. Further more the proceedings in RRT PR No. 3/1980-81 dated*

02.04.1981 is in between 1968 and 1998 which is fake and in respect to non existing of property as the properties situated within the Grama Panchayath as shown in the registered Sale deed of 1968 and 1998 never changed as revenue land or agriculture land and the plaintiffs and the defendants are in possession and enjoyment of their own respective house and site properties along with other persons by name Shivaswamy, Basavanna and Mahadevappa.

14. *That the defendant No. 1 to 3 are the grand children of Puttamadappa whose name is found in the registered Sale deed 06.05.1968 towards East as Kalamadappana Puttamadappa's house and hithalu and also their names continued in the Sale deed dated 09.12.1998 and as such their house and site properties are in existence up to end of lands of Mahadevashetty, Basavashetty and Krishnashetty parallel to the western side house and site properties of plaintiffs and defendants.*

15. *That the husband of the plaintiff No.1 by name Lokeshmurthy never disputed the said fact during his life*

time and subsequently on his demise on 2011 the plaintiffs with a inimical attitude created false documents and filed this fraudulent suit to disturb the possession and enjoyment of the house and site properties by the defendants. That out of the total extent of property under the registered Sale deed dated 09.12.1998 measuring 27 x 135 feet, the house properties measures 24 x 50 feet belonging to Prakashmurthy and 3 feet is left for passage to the remaining vacant site 27 x 85 feet, which got divided in between husband of the plaintiff No.1 and father of defendant No.4. Hence, prayed to dismiss the suit of the plaintiff with cost.

16. *On the basis of the rival pleadings of the parties, my learned predecessor in office has framed the following :*

::ISSUES::

- 1. Whether the plaintiffs prove that they are the absolute owners of the suit schedule property?**
- 2. Whether the plaintiffs prove that they are in peaceful possession and enjoyment of the suit schedule property as on the date of suit?**

3. Whether the plaintiffs are entitle for the relief of declaration as prayed?

4. Whether the plaintiffs are entitle for the relief of permanent injunction as prayed?

5. What order or decree?

17. In order to prove their case, the plaintiff No.1 got examined herself as P.W.1 and got marked 51 documents at Ex.P.1 to Ex.P.51 and closed their side evidence. On the other hand, the GPA holder of the defendant No.4 got examined himself as D.W.1 and got marked 7 documents at Ex.D.1 to Ex.D.7 and closed his evidence.

18. Heard arguments by the learned counsel for both the parties and also perused the materials available on record.

19. My findings on the above issues is as follows:-

Issue No.1: In the **Affirmative;**

Issue No.2: In the **Affirmative;**

Issue No.3: In the **Affirmative;**

Issue No.4: In the **Affirmative;**

Issue No.5: **As per the final order
for the following:**

::REASONS::

ISSUE No.1 and 2:

20. *These issues are interconnected with each other and as such are taken together for common discussion in order to avoid repetition of facts.*

21. *It is the specific case of the plaintiffs that one Rajendrappa S/o Channabasappa was the absolute owner in possession of the property bearing Sy.No.193/6 measuring 0.10 guntas situated at Kannahalli village, Muguru Hobli, T.Narasipura and the said Rajendrappa and his son by name Kumaraswamy had sold 0.03 guntas out of 0.10 guntas in Sy.No.193/6 in favour of the husband of the plaintiff No.1 and father of the plaintiff No.2 to 4 by name Lokeshmurthy under the registered Sale deed dated 04.02.1999 and the said property was assigned with Sy.No.193/8 and after his demise the plaintiffs being his legal heirs succeeded to the suit schedule property and are the absolute owners in possession of the suit schedule*

property. Such being the case the defendants having no manner of right over the suit schedule property are trying to encroach the suit schedule property and are interfering into the peaceful possession and enjoyment of the suit schedule property by the plaintiffs.

22. *Per contra the defendant No.4 has filed his written statement and has denied the plaint averments and has contended that the suit schedule property is not in existence and as such the plaintiffs have filed this frivolous suit by creating false documents.*

23. *The burden of proving these issues is upon the plaintiffs. The plaintiff No.1 in order to prove these issues got examined herself as P.W.1 and led her chief examination by way of affidavit and has reiterated the entire plaint averments. Further in order to substantiate his case has produced in all 51 documents which are marked at Ex.P.1 to Ex.P.51. The **Ex.P.1, 2, 3, 4, 5, 18, 19, 20 and 21** are the RTC extracts of **the suit schedule property bearing Sy.No.193/8 measuring 0.03 guntas standing in the name of the plaintiff No.1**, by way of pouthi katha as per*

mutation order passed in M.R.No.H114/2011-12 dated 21.06.2012, situated at Kannahalli village, T.Narasipura Taluk, pertaining to the year 2021-22, 2020-21, 2019-20, 2018-19, 2017-18, 2012-13, 2013-14, 2014-15 and 2016-17 respectively, the **Ex.P.6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17** are the RTC extracts of **the suit schedule property bearing Sy.No.193/8 measuring 0.03 guntas standing in the name of the husband of the plaintiff No.1 by name Lokeshmurthy** situated at Kannahalli village, T.Narasipura Taluk, pertaining to the year 2000-01, 2001-02, 2002-03, 2003-04, 2004-05, 2005-06, 2006-07, 2007-08, 2008-09, 2009-10, 2010-11 and 2011-12 respectively, the **Ex.P.22** is the mutation order passed in M.R.No.H114/2011-12 dated 21.06.2012 wherein which **the katha of the suit schedule property bearing Sy.No.193/8 measuring 0.03 guntas situated at Kannahalli village** and other properties bearing Sy.No.183 measuring 3.07 acres, Sy.No.44/2 measuring 0.28.08 guntas, Sy.No.259/1 measuring 0.01.12 guntas, 211/2 measuring 3.11 acres, Sy.No.208 measuring 1.15 acre and

Sy.No.182 measuring 1.15.08 acre situated at Kannahalli village, T.Narasipura taluk, were **mutated into the names of the plaintiff No.1 from the name of her husband by name Lokeshmurthy S/o S.M. Basavanna**, by way of Pouthi Katha, the **Ex.P.23** is the tax paid receipt dated 20.03.2018 in respect to the suit schedule property paid by the plaintiff No.1, the **Ex.P.24** is the Encumbrance certificate for the period 1.04.1997 to 11.07.2018 **which discloses that one Rajendrappa and Kumaraswamy had executed the registered Sale deed dated 04.02.1999 in favour of the husband of the plaintiff No.1 by name Lokeshmurthy in respect to the suit schedule property bearing Sy.No.193/6 measuring 0.03 guntas situated at Kannahalli village, T.Narasipura taluk, the Ex.P.25 and 26 are the Akarbandh in respect to the suit schedule property, the Ex.P.27 is the C/c of the Hissa Survey Pakka Book which discloses that the property bearing Sy.No.193/6 totally measuring 0.10 guntas situated at Kannahalli village was phoded and the suit schedule property measuring 0.03 guntas was assigned with**

Sy.No.193/8 and was mutated into the name of said **Lokeshmurthy** and the remaining extent measuring 0.07 guntas remained as Sy.No.193/6 stood in the name of the Katha Holder as entered in the RTC, the **Ex.P.28** is the NCR acknowledgment issued by T.Narasipura Police, the **Ex.P.29** is the requisition dated 20.03.2021 addressed by the Tahasildar, T.Narasipura to the Circle Inspector, T.Narasipura Circle to provide assistance while conducting Hadhu Basthu Survey in respect to the suit schedule property, the **Ex.P.30** is the requisition dated 02.03.2021 addressed by the Tahasildar, T.Narasipura to the Circle Inspector, T.Narasipura Circle to provide assistance while conducting Hadhu Basthu Survey in respect to the suit schedule property, the **Ex.P.31** is the acknowledgment copy of the letter dated 29.02.2020 addressed by the plaintiff No.1 to the Deputy Commissioner, Mysore praying to take action against the persons who dismantled the Survey stone in respect to the suit schedule property, the **Ex.P.32** is the endorsement dated 05.11.2020 issued by the Tahasildar, T.Narasipura to the plaintiff No.1 stating that

*proceedings has been initiated before the Assistant Commissioner, Mysore in respect to the suit schedule property as per the requisition made by the plaintiff No.1 to take action against the persons who dismantled the Survey stone in respect to the suit schedule property, the **Ex.P.33** is the acknowledgment copy of the letter dated 27.02.2020 addressed by the plaintiff No.1 to the Tahasildhar, T.Narasipura praying to take action against the persons who dismantled the Survey stone in respect to the suit schedule property, the **Ex.P.34** is the acknowledgment copy of the complaint lodged by the plaintiff No.1 before the Circle Inspector, T.Narasipura Circle against the defendants alleging interference into the possession of the suit schedule property by her, the **Ex.P.35** is the C/c of **the Order passed by the Spl.Deputy Commissioner, Mysore in RRT No.13/1980-81 wherein it was ordered to restore the katha of the Property bearing Sy.No.193/6 into the name of Rajendrappa S/o Channabasappa, the **Ex.P.36** is the C/c of the letter addressed by the Deputy Commissioner, Mysore to the Tahsildhar, T.Narasipura***

dated 04.06.1996, the **Ex.P.37** is the C/c of the Akarbandh of the suit schedule property, the **Ex.P.38, 39 and 40** are the C/c of Hissa Survey Pakka Book already marked at Ex.P.27, the **Ex.P.41 and 43** are the C/c of the revenue sketch pertaining to the suit schedule property, the **Ex.P.42 and 44** are the C/c of the Mahazar drawn by the taluk Surveyor while surveying and installing survey stone in respect to the suit schedule property, the **Ex.P.45** is the Mutation order passed in M.R.No.61/2004-05 wherein which the property bearing Sy.No.193/6 measuring 0.07 guntas and other properties were mutated into the name of Kumaraswamy from the name of his father by name Rajendrappa by way of Pouthi katha, the **Ex.P.46 and 47** are the C/c of the tax paid receipt, the **Ex.P.48** is the C/c of the order sheet in R.A.No.664/2019 pending on the file of Assistant Commissioner, Mysore, the **Ex.P.49** is the C/c of the Appeal Memorandum in R.A.No.664/2019 pending on the file of Assistant Commissioner, Mysore, the **Ex.P.50** is the C/c of the Appeal Memorandum in Appeal No.256/2020-21 pending on the file of Deputy Commissioner, Mysore and

the Ex.P.51 is the C/c of the registered Sale deed dated 04.02.1999 executed by Rajendrappa and Kumaraswamy in favour of Lokeshmurthy in respect to the suit schedule property as narrated in the plaint.

24. *The P.W.1 was cross examined at length by the counsel for the defendant No.1, 3 and 4. In the course of his cross examination the P.W.1 denies the suggestion put to him that she has not produced the Sale deed dated 04.02.1999. Though at that stage the P.W.1 did not produced the said Sale deed, but subsequently the P.W.1 led her further chief examination and got marked the said Sale deed dated 04.02.1999 at Ex.P.51. Further the P.W.1 deposes that the property of the defendants are situated towards the northern side of the suit schedule property. Further denies the suggestion put to her that the suit schedule property is the part and parcel of the property purchased by her mother-in-law by name Smt.Rajamma under the registered Sale deed dated 06.05.1968. Further admits that the said Rajamma had sold the property*

purchased by her under the said Sale deed in favour of her son by name Prakashmurthy under the Sale deed dated 09.12.1998. Further denies the suggestion put to her that the suit schedule property falls within the limits of Gramatana property. Further deposes that the suit schedule property is a revenue land and that as per Ex.P.51 her husband had purchased property bearing Sy.No.193/6 which was later assigned with new Sy.No.198/8.

25. *On the contrary, in order to repudiate the case of the plaintiffs and to establish his case the GPA holder of the defendant No.4 got examined himself as D.W.1 and led his examination in chief by way of affidavit and has reiterated his pleadings and further to substantiate his case has produced in all 7 documents which were marked as Ex.D.1 to Ex.D.7. The **Ex.D.1** is is the Notarized GPA executed by the defendant No.4 in favour of the D.W.1 authorizing him to prosecute the matter on his behalf, the **Ex.D.2** is the C/c of the registered Sale deed dated 06.05.1968 executed by Mallappa, Rajappa, Basavanna and Shantappa in favour of Rajamma in respect to the*

*Vacant site property measuring East-West 27 feet and North-South 135 situated at Seehalli village, Mugar Hobli, T.Narasipura taluk, the **Ex.D.3** is the Registered Sale deed dated 09.12.1998 executed by one Rajamma in favour of Prakashmurthy in respect to the Mangalore tiled house measuring 24 x 50 feet, vacant site property bearing Janjar No.154 measuring 13 ½ x 85 feet and another vacant site measuring 10 ½ x 6 feet, in all three items situated at Seehalli village, T.Narasipura taluk, the **Ex.D.4 and 5** are the Assessment register extracts pertaining the house property bearing Janjar No.153 measuring 24 x 50 feet and Sites bearing Janjar No.154 measuring 13 ½ x 85 feet and 10 ½ x 6 feet, standing in the name of Prakashmurthy S/o Basavanna, the **Ex.D.6** is the C/c of the Demand register extracts pertaining the house property bearing Janjar No.153 measuring 24 x 50 feet and Sites bearing Janjar No.154 measuring 13 ½ x 85 feet and 10 ½ x 6 feet, standing in the name of Prakashmurthy S/o Basavanna and the **Ex.D.7** is the tax paid receipt.*

26. In the course of his cross examination the D.W.1 has deposed that the suit schedule property falls within the limits of Panchayath and the said property bears Janjar No.153 and 154 measuring 27 x 135 feet. Further the D.W.1 has deposed that the plaintiffs have filed this suit seeking for the relief of partition and that he don't know the boundaries of the suit schedule property and that the suit schedule property is situated at Seehalli village. Further admits that his properties are situated within the limits of Seehalli gramatana.

27. Further the D.W.1 deposes that he don't know the survey number of the suit schedule property. **Further admits that as per Ex.P.1 to 5 the katha of the suit schedule property bearing Sy.No.193/8 measuring 0.03 guntas situated at Kanahalli village is standing in the name of the plaintiff No.1 and that the said property is mutated into her name by way of pouthi katha after the demise of her husband by name Lokeshmurthy as per mutation order passed in M.R.No.H114/2011-12. Further admits that as per**

Ex.P.6 to 17 the katha of the suit schedule property stood in the name of Lokeshmurthy. Further the D.W.1 admits that as he obstructed the plaintiffs from erecting fence surrounding the suit schedule property the plaintiff No.1 had lodged complaint against the defendants. Further the D.W.1 has specifically admitted that the plaintiff No.1 had given complaint against them in respect of fencing of the property bearing Sy.No.193/8 measuring 0.03 guntas. Further denies the suggestion put to him that the suit schedule property and the property of the defendants are different properties.

28. Now coming to the issue No.1 and 2, it is the specific case of the plaintiffs that one Rajendrappa S/o Channabasappa was the absolute owner in possession of the property bearing Sy.No.193/6 measuring 0.10 guntas situated at Kannahalli village, Muguru Hobli, T.Narasipura and the said Rajendrappa and his son by name Kumaraswamy had sold 0.03 guntas out of 0.10 guntas in Sy.No.193/6 in favour of the husband of the plaintiff No.1

and father of the plaintiff No.2 to 4 by name Lokeshmurthy under the registered Sale deed dated 04.02.1999 and the said property was assigned with Sy.No.193/8 and after his demise the plaintiffs being his legal heirs succeeded to the suit schedule property and are the absolute owners in possession of the suit schedule property. Such being the case the defendants having no manner of right over the suit schedule property are trying to encroach the suit schedule property and are interfering into the peaceful possession and enjoyment of the suit schedule property by the plaintiffs and in order to substantiate her case the P.W.1 has produced in all 51 documents marked at Ex.P.1 to 51.

29. Among the said exhibits marked by the P.W.1, the Ex.P.35 which is the Order passed by the Spl. Deputy Commissioner, Mysore District in RRT No.3/198-81 discloses that the Suit schedule property originally bearing Sy.No.193/6 belonged to the said Rajendrappa and he was the absolute owner in possession of the said property. Further the C/c of the registered Sale deed dated 04.02.1999 marked at

Ex.P.51 discloses that said Rajendrappa and his son by name Kumaraswamy had sold the property bearing Sy.No.193/6 measuring 0.03 guntas towards western side out of 0.10 guntas situated at Kannahalli village, Muguru Hobli, T.Narasipura taluk to the husband of the plaintiff No.1 by name Lokeshmurthy and placed him in possession of the said property and as such the said Lokeshmurthy became the absolute owner in possession of the said property. Further the extract of the Hissa Survey Pakka Book marked at Ex.P.27 clearly discloses that the said property bearing Sy.No.193/6 measuring 0.10 guntas was phoded and new survey number was assigned to the said property purchased by the said Lokeshmurthy as Sy.No.193/8 measuring 0.03 guntas situated at Kannahalli village, T.Narasipura taluk. Further the Ex.P.24 which is the Encumbrance certificate have entries in respect to the execution of the Sale deed marked at Ex.P.51 in favour of Lokeshmurthy. Likely the Ex.P.6 to 17 clearly disclose that the katha of the suit schedule property

exclusively stood in the name of the said Lokeshmurthy.

30. Further the Mutation order passed in M.R.No.H114/2011-12 dated 21.06.2012 marked at Ex.P.22 clearly discloses that the katha of the suit schedule property was mutated into the name of the plaintiff No.1 from the name of her deceased husband by way of pouthi katha and accordingly the RTCs of the suit schedule property marked at Ex.P.1 to 5, 18 to 21 clearly discloses that the katha of the suit schedule property is undisputedly standing in the name of the plaintiff No.1.

31. That though the katha of the suit schedule property is standing in the names of the plaintiff No.1 alone, but the plaintiff No.2 to 4 being the class I legal heirs of deceased Lokeshmurthy, all the plaintiffs are the successors of deceased Lokeshmurthy and as such the plaintiffs are the absolute owners in possession of the suit schedule property. Further the exhibits marked at Ex.P.28, 29,

30, 31, 32, 33, 48, 49 and 50 and the denial of material facts by the defendant No.4 in his written statement clearly throw light upon the alleged interference caused by the defendants into the peaceful possession and enjoyment of the suit schedule property by the plaintiffs.

32. Coming to the case of the defendant No.4, it is his case that the suit schedule property is not in existence and that the suit schedule property falls within the limits of Gramatana bearing Janjar No.153 and 154 and that the plaint schedule property is not in existence at all. **But the documents relied upon by the plaintiffs clearly establish that the suit schedule property is very much in existence which is situated at Kannahalli village, Mugur Hobli, T.Narasipura taluk. Per contra the Ex.D.1 to 7 relied upon by the D.W.1 discloses that the said property bearing Janjar No.153 and 154 are situated at Seehalli village, T.Narasipura taluk. As such it is very much evident from the documents placed on record that the suit schedule property and**

the property claimed by the defendant No.4 are different properties. Such being the case the denial of the material facts and suppression of material facts by the defendant No.4 clearly discloses that the defendants are interfering into the peaceful possession and enjoyment of the suit schedule property as alleged in the plaint.

33. On appreciation of the documentary evidence placed on record, the Ex.P.35 and the Ex.P.51 confers absolute title over the suit schedule property to the plaintiffs and further the Ex.P.1 to 5, 18 to 22 clearly establish that the plaintiffs are in possession and enjoyment of the suit schedule property. Further the denial of the material facts by the defendant No.4 and the exhibits marked at Ex.P.28, 29, 30, 31, 32, 33, 48, 49 and 50 showcase the alleged interference by the defendants as averred in the plaint. **Accordingly, in the light of the discussions held above, the plaintiffs have successfully established that they are the absolute owners in possession of the suit schedule property and that the defendants are interfering into their peaceful possession and**

enjoyment of the suit schedule properties as alleged and as such the plaintiffs have successfully proved the issue No.1 and 2. Hence, I am inclined to answer the Issue No.1 and 2 in the Affirmative.

ISSUE No.3 and 4:

34. In view of the conclusion arrived at issue No. 1 and 2 after detailed discussions, the plaintiffs have successfully proved that they are the absolute owners in possession of the suit schedule property and that the defendants having no manner of right over the suit schedule property are interfering into their peaceful possession and enjoyment of the suit schedule property and hence the plaintiffs are entitled for the reliefs of declaration and injunction as prayed for. **Hence I am inclined to answer the Issue No.3 and 4 in the Affirmative.**

ISSUE No.5:

35. In the light of my due discussions on Issue No.1 to 4, I proceed to pass the following:

ORDER

The suit filed by the plaintiffs is hereby decreed with costs.

It is hereby declared that the plaintiffs are the absolute owners in possession of the suit schedule property.

Consequently the defendants, their agents, GPA holders, legal representatives, blood relatives or any person acting on their behalf are hereby permanently restrained by way of permanent injunction from interfering into the peaceful possession and enjoyment of the suit schedule property by the plaintiffs in any manner.

Draw decree accordingly.

(Partly dictated to the Stenographer on computer and partly typed by me directly on my laptop, computerized by her, corrected by me and then pronounced in the open court on this the 07th day of March, 2026.)

(Sachin H.R.)

*Prl.Civil Judge and J.M.F.C.,
T.Narasipura.*

:A N N E X U R E:**1. List of witnesses examined on behalf of plaintiff:**

P.W.1 : Manjula

2. List of Documents marked on behalf of Plaintiff:

- Ex.P.1 to 21: RTCs*
- Ex.P.22 : Mutation Order*
- Ex.P.23 : Tax paid Receipt*
- Ex.P.24 : Encumbrance Certificate*
- Ex.P.25 & 26: Akarbandh*
- Ex.P.27 : C/c of Hissa Survey Pakka Book*
- Ex.P.28 : NCR Acknowledgment*
- Ex.P.29 & 30: Letter to Circle Inspector*
- Ex.P.31 : Letter to Deputy Commissioner*
- Ex.P.32 : Endorsement*
- Ex.P.33 : Letter to Tahasildar*
- Ex.P.34 : Complaint*
- Ex.P.35 : C/c of Order passed by Deputy
Commissioner in RRT No.13/1980-81*
- Ex.P.36 : Requisition made to Tahasildar*
- Ex.P.37 : C/c of Akarband*
- Ex.P.38 to 41: C/c of Sketch*
- Ex.P.42 : C/c of Mahazer*
- Ex.P.43 : C/c of Sketch*
- Ex.P.44 : C/c of Mahazer*
- Ex.P.45 : Mutation Order*
- Ex.P.46 & 47: C/c of Tax paid receipts*
- Ex.P.48 : C/c of Order Sheet in R.A.
No.664/2019*
- Ex.P.49 : C/c of Appeal Memorandum*

in RA 664/2019

Ex.P.50 : C/c of Appeal Memorandum

in Appeal No.256/2020-21

Ex.P.51 : C/c of Sale deed dated 04.02.1999

3. List of Witnesses examined on behalf of Defendants:

D.W.1 : Ashoka

4. List of documents marked on behalf Defendants:

Ex.D.1 : General Power of Attorney

Ex.D.2 : C/c of Sale Deed dated 06.05.1968

*Ex.D.3 : Original Registered Sale Deed
dated 09.12.1998*

Ex.D.4 and 5: Assessment Register Extracts

Ex.D.6 : Demand Register Extract

Ex.D.7 : Tax paid receipt

(Sachin H.R.)
*Prl. Civil Judge and J.M.F.C.,
T.Narasipura.*

**Order is pronounced in the open
court vide separate Judgment)**

ORDER

*The suit filed by the plaintiffs
is hereby decreed with costs.*

*It is hereby declared that
the plaintiffs are the absolute
owners in possession of the suit
schedule property.*

*Consequently the
defendants, their agents, GPA
holders, legal representatives,
blood relatives or any person
acting on their behalf are hereby
permanently restrained by way
of permanent injunction from
interfering into the peaceful
possession and enjoyment of the
suit schedule property by the
plaintiffs in any manner.*

Draw decree accordingly.

**Prl. Civil Judge and J.M.F.C.,
T.Narasipura.**