



IN THE COURT OF THE PRINCIPAL SENIOR CIVIL JUDGE & CJM. AT:

Raichur.

: PRESENT:

Present : Sri. Siddaramappa Kalyanrao

**B.A.L.L.B.,
Prl. Senior Civil Judge & CJM
Raichur.**

Dated this the 27th day of April 2026

REGULAR APPEAL No.15/2025

- Appellant : 1. Smt.Thayamma W/o Late Hanumantha @
Hanumathappa Poojari,
Aged about 72 years, Occ: Household,
R/o Manslapur village, Tq. & Dist. Raichur.
2. Smt.Padmavathi W/o Hussainappa
(D/o Late Hanumantha @Hanumathappa
Poojari), Aged about 52 years,
Occ: Household, R/o Madipet, Raichur.
3. Smt. Laxmidevi @ Sujatha W/o Amaresh
(D/o Late Hanumantha @Hanumathappa
Poojari), Aged about 50 years,
Occ: Household, R/o Katamalli village,
Tq. & Dist. Raichur.
4. Smt. Anjanamma @ Revathi W/o
Hanumesh, (D/o Late Hanumantha
@Hanumathappa Poojari),
Aged about 40 years, Occ: Household,



R/o Kallur village, Tq. & Dist. Raichur.

- 5) Narasingappa S/o Hanumantha,
Aged about 40 years, Occ: Agriculture
& Poojari of Huvina Thota Hanuman Temple,
R/o Manslapur village, Tq. & Dist. Raichur.
(Plaintiffs in Lower court).

(By Sri. S. Rao., Advocate)

// -Vs- //

Respondents:

1. Maruti S/o Bheemanna
Age : 48 years, Occ : Poojari of Hanuman
Temple, R/o T-7. Shaktinagar
Tq and Dist : Raichur.
2. Nagendra S/o Bheemanna
Age : 36 years, Occ : Business,
R/o Manslapur village
Tq and Dist : Raichur.
(Defendant Nos.2 & 3 in Lower court)

(By Sri. SGK Advocate)

Date and nature of the decree or order appeal against	Suit for relief of permanent injunction restrain the defendants and their agents, servants, attorneys, successors from causing interference and obstruction in the premises Pooja work of Hoovina Thota Hanuman Temple situated at Sy.No.46 of Manslapur village
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	before Addl. Civil Judge & JMFC-III Raichur against the judgment and decree passed in OS No.274/2014 dated 08.04.2025 on the file of II Addl. Civil Judge & JMFC-IV Raichur.
Date of institution of the appeal	03.06.2025
Date on which the judgment is pronounced	27-04-2026
Total duration	00 Yrs 10 Months 24 Days

: J U D G M E N T :

This appellants/Plaintiffs have preferred the present appeal under Sec.96 R/w Under Order 41 Rule 1 of CPC, being aggrieved by the judgment and decree passed by II Addl. Civil Judge & JMFC-IV Raichur in OS No.274/2014 dated 08.04.2025, wherein the suit of the plaintiff's is dismissed.

SCHEDULE

The land bearing Sy.No.46 measuring 08 acres 18 guntas situated at Manslapur village Tq and dist : Raichur bounded by.

East: Sy.No.54, 55, 57

West: Sy.No.45, 27

North: Sy.No.47

South : Sy.No.26

2. The appellants were the plaintiffs and respondent's were the defendants before the trial court. For the sake of convenience, the parties are referred as per same rank in the suit.



3. The brief facts of the case is as under:-

4. It is contended that the appellants being the owners and in possession of the land bearing Sy.No.46 Measuring 8 Acres 18 guntas situated at Manslapur village, Tq. &s Dist. Raichur the same was acquired according to the order of Tribunal and its confirmation in which there is Hoovinathota Hanuman Temple is existing and the temple belongs to the appellants the father and grandfather were performing pooja of the said temple. Later the present appellants performing the pooja in which the defendants who have no right to interference and disturb the pooja of said temple performing by the father of appellants and the present appellants so, the suit property is a Hoovinathota Hanuman temple and its pooja same is located in the area of Sy.No.46 measuring 8 acres 18 guntas in this regard there was a suit in O.S.No.256/2002 for injunction for not to interference in the suit land Sy.No.46 wherein the same defendants appeared and defended the case lastly the suit was decreed and confirmed by the appellate courts, however the respondents knowingly and intentionally in the pooja of said temple interfering. So, the suit was filed against the defendants/respondents for injunction contending that the plaintiff No. 1 Hanumanthappa and his father have constructed a temple in the land Sy.No.46 at their own costs within the area of said land, as such because of existing of a temple the temple is shown in the touch map of said Sy.No. and the pooja of temple was performing by the plaintiff No. 1 and grandfather of plaintiff No.2 and later same was performing by the plaintiffs/appellants so, in view of interference in the pooja of temple the defendants are the wrong doers as such the appellants sought injunction for restraining the defendants into the pooja



work of said temple which is existing in the land Sy.No.46 for which defendants appeared and filed W.S. and denied the plaint averments and taken contention that defendants also performing the pooja with the plaintiffs and also taken contention there is no cause of action and not maintainability of the suit. The Hon'ble court below on the basis of pleadings of the both parties framed issues and posted for evidence of parties.

5. It is further contended that, the plaintiff No.1 examined as PW. 1 and marked the documents Ex.P.1 to P.12 and plaintiff No.2 also examined as PW.2 and marked the documents as Ex.P. 14 to P.17 in support of their claim. Later defendants side examined Deft No.2 as DW.1, two witness as DW.2 & 3 and marked the documents as Ex.D.1 to D.38 in support of their defence and closed the evidence.

6. It is further contended that, the plaintiffs have produced the materials documents in support of their ownership of land Sy.No.46 and existence of temple in the land Sy.No,46 with earlier judgments etc., both parties have argued their side, however the court below wrongly concluded that there is no interference by the defendants in the pooja and passed impugned judgment and decree on 8-4-2025 by dismissing the case of the appellants. As such the appellants collected the copy of judgment and decree and filed this appeal with condonation of delay application. Hence this suit.

7. After issuance of suit summons the defendants, defendant no.1 to 3 had appeared through their counsel and filed detail written statement and denying the averments of the plaint.



8. It is contended in the written statement that the suit of the plaintiffs is false and not maintainable either in law or on facts and same is liable to be dismissed. The plaintiffs shown the name of the father of the defendant No.3 as Bheemanna instead of Bussappa @ Bussanna @ Bassanna with a dishonest intention and the defendant No.3 went in adoption to the said Bussappa @ Bussanna @Bassanna and he is the adopted son of the said Bassanna as per registered adoption deed dated 26.02.2002. The land bearing Sy.No.46 measuring 8 acre 18 guntas and the land bearing Sy.No.256 measuring 09 acre 09 guntas of Manslapur village were Inam lands for rendering of pooja of Maruti deity of Manslapur village. The plaintiff No.1, the defendant No.1, one Siddappa S/o Nagappa and Bassanna @ Bussappa @ Bussanna S/o Nagappa were performing the pooja of the Maruti deity and they were also cultivating the said lands jointly and the said lands were re-granted in favour of the plaintiff No.1, the defendant No. 1 and the said Siddappa S/o Nagappa and as such the defendant No.1 and the said Siddappa and Bassanna are also having share in the lands bearing Sy.No. 46 of Manslapur village. The temple is situated in the land bearing Sy.No.46 and the same is also called by name Hoovina Thota Hanuman Temple. The Government granted Inama lands bearing Sy.No.46 and 256 to the plaintiff No.1, defendant No.1, the said Siddappa and Bassanna for rendering a service to the said Hanuman Deity. The plaintiff No.1, the defendant No.1, said Siddappa and Bassanna @ Bussappa @Bussanna are rendering the service to the said temple as Poojaries/Archa kas by way of rotation every year and the plaintiffs are not only the poojaries of the said temple and the plaintiffs have not approached the court with clean hands.



9. It is further contended that the subject matter of the suit in OS.No.256/2 002 is totally different from the fact in dispute of the present suit and the Land Tribunal wrongly confirmed the occupancy rights of the land bearing Sy. No.46 in favour of plaintiff No.1. Even the plaintiff No.1 had submitted his statement before the Land Tribunal Raichur that the land bearing Sy.No.46 has been given to him and also to the defendants, the said Siddanna and Bassanna @ Bussappa @ Bussanna. The plaintiff No.1 has also stated in his statement that in the said Inam land the plaintiff No.1, the said Siddappa, the defendant No.1 and Bassanna have got 1/4th share which shows that the defendants are having share in the said land and accordingly the defendant No.1 herein filed a suit in OS.No.48/2009 before the Hon'ble Prl.Senior Civil Judge, Raichur for partition and possession in respect of land bearing Sy.No.46. The plaintiffs dishonestly suppressed the said facts and filed present suit only with an intention to compel the defendants to compromise the matter as per their terms and conditions. The defendants are also performing pooja of the said deity and accordingly the plaintiff No.1, the defendant No.1, said Siddappa and Bassanna @ Bussappa @ Bussanna jointly applied for regrant of said lands. There is no cause of action arose to the plaintiffs to file the present suit and they are not only the poojaries of the said Hanuman Temple and the defendants and also legal heirs of said Siddappa and Bassanna @ Bussappa @ Bussanna are also performing the pooja on rotation basis and as such the plaintiffs have no exclusive right of performing the pooja and the suit is bad for non joinder of necessary and proper parties. The dispute raised by the plaintiffs is with regard to performing the pooja i.e., religious rights or ceremonies and as such the suit is not maintainable for want of jurisdiction. Hence, it is



prayed to dismiss the suit of the plaintiffs with costs.

10. On the basis of above said pleadings the Trial court has framed the following :

ISSUES

1. Whether the plaintiff proves that, he is performing the Pooja in the temple situated in suit schedule property ?
2. Whether the plaintiff proves the alleged interference from the defendants ?
3. Whether the defendants prove that the plaintiff and the defendants are performing pooja in the temple in suit schedule property on rotation basis ?
4. Whether the defendants prove that, the suit is not maintainable ?
5. Whether the plaintiff is entitled to the relief's as sought for ?
6. What order or decree ?

11. The plaintiffs in order to establish their case, the plaintiff no.1 and 2 is examined as PW-1 & 2 and got marked documents from Ex.P1 to Ex.P17. During the pendency of the case the plaintiff no.1 is reported to be dead and his LRs have been brought on record as plaintiff no.1(a) to 1(d). Defendant no1 is examined as D.W.1 and has got examined other witness by name Baswaraj Swamy as D.W.2 and marked documents



from Ex D1 to D 38.

12. After conclusion of trial and after hearing of arguments, the trial court has dismissed the suit of the plaintiffs.

13. The matter posted for arguments.

14. Being aggrieved by the judgment and decree of the trial court, the appellants/ Plaintiffs have preferred this appeal on the following grounds;-

//GROUNDS FOR APPEAL//

1. That, the judgment and decree passed by the court below is erroneous and illegal and against the documents and evidence of the appellants, as such the same is fit to be set aside under this appeal.

2. That, the court below has not considered the Ex.P1 to 4 ie RORs, judgement in OS No.256/2002 and R.A. No.3/2007 when the ownership and possession of land Sy.No.46 is produced by the plaintiff as against the defendants.

3. That, the Ex.P,8 is a document of Tonch Map wherein the Hoovinathota Hanuman temple is showing within area of Sy.No.46 measuring 8 acres 18 guntas and Ex.P.9 is proceedings of land Tribunal, Raichur wherein there is no mentioned of said temple as Hoovina Tota Hanuman Temple, but it is mentioned as Maruti temple situated in Manslapur village so, this fact is also not properly considered by the court below and passed a



impugned Judgment.

4. That, in Manslapur village there is a existence of Maruti temple where at the appellants and respondents are jointly performing pooja and also performing jatra mohostawa jointly. So, in this regard the defendant No.2/DW. 1 filed a his examination in chief at Para No.3 admitted the land Sy.No.46 and 256 of Manslapur village were Inam lands for rendering a pooja of Maruti deity of Manslapur village, so, in the said para the DW. 1 is clearly mentioned in Inam Patrika is as Maruti Devalaya as such the Maruti temple and Hoovinathota Hanuman temple are totally different.

5. That, the respondents are interfering in the pooja of Hoovinathota Hanuman temple which is situated Northern side at distance of 2 K.m. from Manslapur village so, this fact also not properly considered by the court below and passed a impugned judgment, as such it is fit to be set aside under this appeal.

6. That, the DW.1 in his cross examination on 08-04-2024 admitted that there is a temple in tonch map and ghat map and further admitted that in Manslapur village there is a Maruti devasthanana and also further states that Hoovinathota Hanuman temple is situated for away from Manslapur village



and situated in land Sy.No.46 so, their admission need not be proved by the appellants.

7. That, the defendants before the trial court adduced the evidence of DW.2 and wherein he is also admitted in the cross examination on 4-11-2024 that in Maslapur village there are Siddalingeshwara Temple, Maruti temple, Hajare Hanumappa temple and Bala Hanumappa temple are existing and also admitted that there is performance of jatra and also admitted that pooja of Maruti temple by appellants and respondents, this fact is not properly considered by the court below and passed the judgment and decree, as such the impugned judgment and decree is fit to set aside under this appeal.

8. That, the defendants adduced the DW.3 who is admitted in cross examination that Hoovinathota hanuman temple is existing in Sy.No.46 Meg. 8 acres 18 guntas and also admitted that Sy.No.46 was granted in the name of plaintiff No.1 and Sy.No.256 and also was granted in the name of Hanumanthappa and Hoovinathota Hanuman temple is existing 3 K.M. from Manslapur village and further admitted that in Manslapur village there are temple of Hajare, Bala and Maruti are existing this fact also not properly considered and passed the impugned judgment and decree.



9. That, the appellants/ plaintiffs have adduced PW.1 and 2 and produced the material documents in support of their case, through the court below has not properly considered and wrongly concluded as against the appellants so, same is fit to be set aside under this appeal.

10. That, the Maruti temple which is existing in Manslapur and Hooovinathota temple is existing in Sy.No.46 of Manslapur simantara are totally different and not connecting to each other the tribunal has granted the land according to Inam patrika in the name of Maruti temple, but not Hoovinathota hanuman temple so temples are totally different. So, the Hoovinathota hanuman temple is concerned the grandfather of plaintiffs have constructed in the land Sy.No.46 for performing pooja exclusively such the suit is definitely maintainability in view of existing of temple in patta lands Sy.No.46 which belongs to plaintiffs the court below wrongly concluded even after production of materials documents and decisions pertains to dispute for performing of pooja.

11. That, the appellants/plaintiffs have shown cause of action on 1-7-2014 for illegal interference in the pooja of plaintiffs in respect of Hoovinathota



hanuman temple which is existence in land Sy.No.46 and the same was mentioned in the Para No.3 and 4 of plaint though the court below wrongly held as against the averments of plaint and documents, as such the impugned judgment of court below is fit to be set aside.

12. That, in O.S.No.274/2014 the defendant No.1 Bheemanna was died during the pendency of the said suit.

13. That other grounds of the appeal will be urged at the time of final arguments with the permission of this Hon'ble Court.

14. That the court fee for the above appeal is paid at Rs.25/- being the same amount of court fee is paid before the trial court.

15. After filing the appeal, notice has been issued to the respondents through the regular process. The respondents/defendants appeared through counsel.

16. The Trial court records have been received.

17. Heard the arguments of learned counsel for appellants and respondents .

18. I have perused the entire records

19. The points that arise for my consideration as under:-

1. Whether the trial court has committed error in



dismissing the suit of the plaintiffs without considering facts of the case and evidence on record ?

2. Whether the judgment and decree under appeal is erroneous, illegal and against the facts of the case and thereby warranting interference by this court?

3. What order?

20. The points have been answered as follows:

Point No.1 : In the Negative
Point No.2 : In the Negative
Point No.3 : As per final order for the
Following;

: R E A S O N S :

21. POINT NO.1 and 2:- Since these both points are interlinked with each other, to avoid the repetition of facts and also for better appreciation of evidence on record, I took both the points together for discussion.

22. It is the specific case of the plaintiffs that plaintiff's are performing the Pooja rights in Huvina Thota Hanumanth Temple which is in existence in land bearing sy.no.46 measuring 08 acres 14 guntas situated at Manslapur village and defendants do not have any Pooja rights in the said Temple.

23. On the otherhand, it is the defense of the defendants that it is not only the plaintiff's are exercising the Pooja rights over the Huvina Tota



Hanumana Temple, but along with the plaintiffs the defendants are also performing the Pooja rights along with the plaintiffs on rotation basis. Hence it is contended by the defendants that it is not alone the plaintiffs are exercising the Pooja rights in the said Huvina Tota Hanuman Temple which is existence in land bearing sy.no.46.

24. Among all the documents that have been produced by the plaintiffs and defendants, on perusal of the Ex.D20,21,22 which are the applications filed for restoration of occupancy rights dated 19.07.1979, it reveals that the Hanumant S/o Narasappa i.e plaintiff no.1 has applied the occupancy rights with respect to land bearing sy.no.46 measuring 08 acres 17 guntas and land bearing sy.no.256 measuring 09 acres 09 guntas and as per Ex.D21 one Siddanna S/o Nagappa has also applied for registration of occupancy rights in the suit land bearing sy.no.46 measuring 08 acres 17 guntas and non suit land bearing sy.no.256 measuring 09 acres 09 guntas, further as per Ex.D22, the application has been filed for restoration of the occupancy rights in the name of Bheemanna S/o Hanuman i.e defendant no.1 with respect to the above said suit land bearing sy.no.46 measuring 08 acres 17 guntas and non suit land bearing sy.no.256 measuring 09 acres 09 guntas. Hence in view of the above said application filed by the plaintiff, defendant no.1 and one Siddanna S/o Nagappa as per Ex.D22 lateron as per Exp9 the Land Tribunal Raichur has passed order on 21.10.1981 granting the occupancy rights in favour of plaintiff with respect to land bearing sy.no.46 measuring 08 acres 08 guntas in the name of Hanumant S/o Narasappa i.e plaintiff no.1 and with respect to land bearing sy.no.256 measuring 09 acres 09 guntas in the name of Hanumant S/o Narasappa i.e plaintiff no.1 Bheemanna S/o Hanumanta i.e defendant no.1 and one Siddappa S/o



Nagappa. Hence as per Ex.P9 the occupancy rights has been given in favour of the plaintiff no.1 Hanumant S/o Narasappa with respect to suit land bearing sy.No 46 measuring 8 acres 8 guntas situated at Manslapur village wherein the Huvina Tota Hanuman Temple is in existence and defendants and plaintiff no.1 and Siddappa S/o Nagappa are jointly granted the occupancy rights with respect to land bearing sy.no.256 which is non suit land measuring 09 acres 09 guntas.

25. Further the defendants were previously interfering in the suit land bearing sy.no.46 measuring 08 acres 14 guntas. Hence as per Ex.P2 the interim order is came to be passed before the court of Prl. Civil Judge Raichur, dated 16.07.2004 with respect to land bearing sy.no.46 measuring 08 acres 14 guntas wherein the defendants are restrained from interfering in land bearing sy.no.46 measuring 08 acres 14 guntas of village Manslapur, which is the suit land further the Judgment is came to passed as per Ex.P3 in OS No.256/2002 which is filed by the plaintiff no.1 against defendant no.1 and 3 others and suit of the plaintiff was decreed which was filed with respect to suit land bearing sy.no.46 measuring 08 acres 14 guntas.

26. Being aggrieved by the same, the defendant no.1 has preferred appeal before District Court in RA No.3/2007. Further as per Ex.P4 dated 21.03.2009, it reveals that the appeal preferred by the defendant no.1 is came to be dismissed with costs. Hence it reveals that with respect to land bearing sy.no.46 wherein the Huvina Tota Hanuman Temple is in existence already the injunction order is faced by the defendants. However this court has to see in the above said appeal whether the Pooja rights has been exclusively performed by the plaintiffs or jointly with



plaintiffs and defendants on rotation basis.

27. Among all the documents that have been produced by the defendants from Ex.D8 to D18. the Ex.D10 and D 11 which are the photos, they were shown to the P.W 1, by the counsel for defendants has confronted the photos he has admitted that the photo appearing in the above said photo is Poojari by name defendant no.2 and further the photo which is appearing at Ex.D11 is person appearing defendant no.1. hence this itself reveals that the Pooja rights have been performed not only by the plaintiff but also by the defendant no.1 and 2, in view of the admission by the P.W.1 during the course of cross examination this itself reveals that the plaintiff is not alone exercising the Pooja rights over the Huvina Tota Hanuman Temple which is in existence in land bearing Sy No 46 but along with the plaintiffs, it is defendant no.1 and 2 are also performing the Pooja rights over Huvina Thota Hanumanth Temple in view of the admission by P.W.1 during the course of cross examination, this itself reveals that the defendant no.1 and 2 are also performing Pooja rights along with the plaintiffs, in the Huvina Tota Hanuman Temple which is in existence in land bearing sy.no.46 measuring 08 acres 14 guntas. Hence it reveals that the plaintiffs are are not alone performing the Pooja rights but along with the plaintiffs, the defendant no 1 and 2 are also performing the Pooja rights in the Huvina Tota Hanumant Temple on rotation basis. Hence the question of alleged interference by the defendants will not arise at all. Hence on re-appreciation of entire oral and documentary evidence produced by the plaintiffs and defendants, it reveals that the learned Trial Court has not committed any error and has discussed the oral and documentary evidence in its right perspective manner and there is no any illegality committed by the learned Trial Court.



Hence the indulgence of this court is not sought for. **Accordingly, I answer point No.1 and 2 in the Negative.**

28. Point No.3 :- For the foregoing reasons and discussions as stated above, I proceed to pass the following ;

: ORDER :

Appeal filed by the appellants/plaintiffs under Sec.96 R/w U/Order 41 Rule 1 of CPC, is hereby dismissed.

Consequently, the Judgment and Decree dated 08.04.2025 passed in OS No.274/2014 on the file of II Addl. Civil Judge & JMFC-IV, Raichur is hereby confirmed.

Office is directed to send back the records to the Trial court along with a copy of this judgment forthwith.

Draw Decree accordingly.

(Dictated to the stenographer, transcription typed by him, corrected and order is pronounced in the open court by me on the day of 27th day of April 2026).

Sd/-

(Siddaramappa Kalyanrao)
Prl. Senior Civil Judge & CJM
Raichur.