



Presented on : 07-06-2022

Registered on : 08-06-2022

Decided on : 24-06-2026

Duration: 4 years, 0 months, 17 days

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & J.M.F.C.
LINGASUGUR.**

Dated this 24th day of June, 2026.

PRESENT: Sri. AMBANNA. K.

B.Com, L.L.B. [Spl.]

CIVIL JUDGE & JMFC, LINGASUGUR.

OS.NO.151/2022.

PLAINTIFF:

Thrutiya Mantralaya Shri. Raghavendra Swamy Math,
Andron Killa, Mudugal,
R/o. Lingasugur, Dist: Raichur.
Through its settler Narayanarao
S/o Late Raghavendraro
Deshpande,
Age: 69 years, Occ: Social work cum Settler of
Mantralaya trust, R/o Mudugal,
Tq: Lingasugur, Dist: Raichur.

(By Shri. N.V.G., Advocate.)

V/s

DEFENDANT:

- 1. Ramanna (Strike out/Deleted.)**
- 2. Gyanappa S/o Husenavva.**
Age: 58 years, Occ: Agriculture.
R/o Harijanawada, Mudugal,
Tq: Lingasugur, Dist: Raichur.

(Deft No.1 and 2 by Shri. K.C.S, advocate)



Date of Institution of Suit	08-06-2022
Nature of suit	Perpetual injunction
Date of commencement of Recording of evidence	14-07-2023
Date of which judgment pronounced	24.06.2026.
Total Duration	4 years, 0 months, 17 days

**Prl., Civil Judge & JMFC.,
Lingasugur.**

J U D G M E N T

This is the suit filed by the plaintiff as against the defendants for the relief of permanent injunction in respect of suit schedule property and for such other reliefs.

2. The brief facts of the plaintiff case is as follows :

It is case of the definite plaintiff that, the plaintiff is the Math by name Thruthiya Mantralaya Sri.Raghavendra Swamy Math Mudugal situated at Killa. Lingasugur and its property total measuring 18,307.52 Sq.Mtrs out of which the building measurement 1010.56 Sq.Mtrs. It is stated that, the suit property is unlimited in measurement, as such it is bifurcated into 5 blocks. The 5 block ie., i) East-West-130 X 95 Sq.Mtrs. ii) 106.25 X 16.80 Sq.Mtrs, iii) 94.95 X 32.50 Sq.Mtrs. iv) 71.35 X 14 Sq.Mtrs and V) 8 X 8 Sq.Mtrs totally, 18,307.52 Sq.Mtrs. It is submitted that, the



plaintiff by name Narayanarao Deshpande is the settler of the Thruthiya Mantralaya Math. Further all the members of the trust have given authority in favor of the plaintiff through resolution. It is submitted that, the Raghavendra Math has been performing the daily Pooja and Ceremonies and also Sri Ashwath Narayana Parimala Bajana without anybodies obstructions. It is further stated that, the properties have been registered in the year 1977-78 at TMC Mudgal and thereafter the buildings have been constructing with the fund given by the devotees. There are many building works have been completed. But one building work has been going on. In the year 2008 and now, since from 01-07-2008 to 30-06-2020 the building license was renewed. In this regard the TMC Mudgal have given building permission by inspecting the property. That being the fact, the defendants have no way concerned to the suit property and interfering with the peaceful possession and they trying to stop the construction work. It is further stated that, the suit property is comes under Gramtana Mudgal. Even though the defendants have trying to interfere and threatened the plaintiff. Further the defendants have obstructed the Pooja and religious ceremonies. Further on 20-11-2019 the defendants have advice to not to interfere in the suit schedule properties. But the defendants did not heed the same. Therefore the plaintiff has constrained to file this suit for permanent injunction and such other reliefs.

3. After registration of the suit, the suit summons were issued to the defendants, in pursuance of summons the defendant No.1



and 2 have appeared through their counsel and filed their detailed written statement.

In the written statements the defendants have specifically denied the entire averments made in the plaint in toto. Further the defendants have contended that, the plaintiff is not lawful owner and possessor of the suit schedule properties as mentioned in the annexure "A". Further it is stated that, the part of the suit constructing area is not belongs to the plaintiff. It is about 1 KM., for away from Sri. Raghavendra Swamy Math, it is part of the land Sy.No.606 which belongs to the defendants. It is further contended that, there is no proper identification is shown to the suit schedule properties with proper description in the schedule also. Hence the suit of the plaintiff is not tenable with claimed injunction reliefs. Further it is contended that, the plaintiff has not obtained NA permission and town planning permission to construct the disputed building. The plaintiff has filed the copy of the same which pertaining to the already constructed compound wall and buildings. On the strength of the documents and in order to grab the land of the defendants, the plaintiff has filed false suit and incorrect documents also. Hence such documents are not binding on the defendants. There is no cause of action for the suit. Therefore, they prayed to dismiss the suit with costs.

4. On the basis of pleadings of the plaintiff and defendants and documents produced, this court has framed following issues ;



ISSUES

1. Whether the plaintiff proves that, he is in possession and enjoyment of the suit property as on the date of institution of suit ?
2. Whether the plaintiff further proves that, defendants are illegally interfering the suit property ?
3. Whether the plaintiff is entitled to the relief of permanent injunction as sought in the plaint ?
4. What order or decree ?
5. In order to substantiate the case, the plaintiff its settler by name Sri.Narayana Deshpande is himself examined as PW.1 and got marked the documents at Ex.P-1 to 26. On the other hand one GPA holder of defendant No.2 by name Hullappa S/o Gyanappa is examined as DW.1 and got marked documents at Ex.D-1 to 7 on their behalf. It must be noted that, during the pendency of the suit, the defendant No.1 died. But, the plaintiff moved an application U/Order I rule 10 of CPC., for striking out the defendant No.1. Other counsel submits no objection to IA. Accordingly the defendant No.1 has been deleted from the plaint.
6. Heard the arguments and perused available materials on record.
7. My answer on the above Issues are as follows :-

Issue No.1	:-	In the Negative
Issue No.2	:-	In the Negative
Issue No.3	:-	In the Negative



Issue No.4 :- As per final order for the following :

REASONS

8. **ISSUE NO.1:** It is definite case of the plaintiff that, the Thruthiys Mantralaya Sri.Raghavendra Swamy Math Mudugal, situated at Killa, is having property total measuring 18,307.52 Sq.Mtrs out of which the building was constructed in measurement 1010.56 Sq.Mtrs. Further the plaintiff has furnished annexure "A" by mentioning the 5 blocks with common boundaries. Further the plaintiff has asserted that, defendants are no way concerned to the suit properties and tried to interfere and tried to obstruct the building works which going on.

9. In order to prove one Narayarao Deshpande who is the settler of the trust has been examined as PW.1, in the chief examination he has reiterated the averments made in the plaint. During the cross-examination he has stated that, the disputed property number is 1-2-61/1, its schedule towards East: The house of Bhemsenrao Kulkarni, West: Durugamma Temple, North: Road, south: Hill and open space, its measurement is East-West 130.25 Mtrs X North-South 95 Mtrs and second block is measuring 106.25 Mtrs X 16.80 Mtrs and 3rd block 94.95X30.50 Mtrs, 4th block is 71.35 X 14 Mtrs. Firth block is measuring 8X8 Mtrs. Further it is stated that, all the 1 to 4 block are situated in the same schedule. But 5th block schedule are towards East: Open space of math. West: empty, North: Open space, South: Hill and open space. It is denied that, they have not produced any



Khata extract pertaining to 5th block. Further it is admitted that, it is not shown in the Ex.P.1 Map about the boundary of the Math property and also measurement of the property of the Math. Further it is also admitted that, it is not mentioned the blocks number 1 to 5 in Ex.P.6 document. It is stated that, they have mentioned the block numbers and measurement for the convenient of the court. It is also admitted that, in the Ex.P.6 the hill is not situated towards southern side. Further it is also admitted that, the house of Bhemsena Kulkarni is in the schedule. Further it is stated that, it is mentioned the property measurement is 390 X 450 at Ex.P.7. Further clearly admitted that, in the Ex.P.10 they have given empty in about East-west and north-south measurements. It is stated that, the properties are in different measurement as such the exact measurement could not be shown. Block No.3 and 4 have been mentioned as Raghavendra Swamy Math and empty place. Further it is admitted that, the block No.5 is empty place. Further PW.1 is volunteers that, ie., that property is also property of the Thruthiya Mantralaya. Further is stated that, the Math property No.1-2-61/1 is came from time immemorial. Further it is stated that, he is president of the trust since from 1975. Before that, he was not the president of the trust. It is admitted that, as per Ex.P.3 the property is belongs to the Raghavendra Swamy Math. It is also admitted that, as per Ex.P.4 one Dr.Gururaj Desh pande was the president of Raghavendra Swamy Math. Further the PW.1 is clearly admitted that, it was not mentioned the length and width of the schedule at Ex.P.5. It is admitted that, the Sy.No.606 land is adjacent to the Gramtana. It is also admitted that, the



Raghavendra Math is in distance of 50 mtrs from the school building. The PW.1 is clearly admitted that, there is a difference in annexure “A” schedule and also schedule given in Ex.P.10. It is admitted that, the suit OS.No.13/2020 was already filed before Hon’ble Senior Civil Judge Lingasugur, with respect to the Parimala Gurukula School building. In the said suit the defendant Ramappa had obtained the injunction order against the plaintiff. Further it is also admitted that, the present suit also filed before the Hon’ble Senior Civil Judge Lingasugur, but on point of the jurisdiction the plaint was returned. It is denied that, the place of school building is belongs to the defendant property bearing Sy.No.606. Further it is denied that, they have filed false suit against the defendants.

10. Apart from the oral evidence the plaintiff has produced the documents which are marked at Ex.P-1 to 26. On careful perusal, the Ex.P-1 is Certified copy of Map of Mudugal village, Ex.P.2 is the permit document issued by the TMC. Ex.P.3 is the Register of Panchayath, Ex.P.4 is the Tax paid register of property, Ex.P.5 is the Order of TMC. Ex.P.6 is the map, Ex.P.7 is the Tax paid register of property, Ex.P.8 is the endorsement, Ex.P.9 is the Blue print map, Ex.P.10 is the Khata extract, Ex.P.11 is the Tara, Ex.P.12 to 17 are the Photos, Ex.P.18 is the Certified copy in OS.No.233/2019, Ex.P.19 is the certified copy of application filed in suit. Ex.P.20 is the CD, Ex.P.21 Certified copy of notice issued by the land surveyor, Ex.P.22 is the Mahazar, Ex.P.23 is the Hadbash map, Ex.P.24 is the Notice issued by the land surveyor, Ex.P.25 is the Mahazar, Ex.P.26 is the Hadbasth Map.



11. On the other hand to disprove the case of the plaintiff the GPA holder of the defendant No.2 is examined as DW-1 and reiterated the averments made in the written statement. During the cross-examination he has admitted that, the plaintiff has filed this suit pertaining land bearing Sy.No.606. It is also stated that, he deposing on behalf of his father as he was tender-age. It is admitted that in the GPA stamp paper was written as sale agreement. It is also admitted that, the said stamp paper was taken for sale agreement. It is denied that, his father has no power to give GPA to him. It is stated that, they have filed suit against Raghavendra Swamy Math for encroachment of their land. It is stated that, towards northern side of the Math, the road is situated and towards western side the land bearing Sy.No.606 is situated. Further it is denied that, since from 200-300 years the Raghavendra Swamy Math has been situated. Further he did not know about 150-200 years the Math has performed the ceremonies and bajana. It is admitted that, Math property is comes under Gram Tana area. Further he denied other suggestions put by the plaintiff.

12. In support of their case, the defendants have produced the documentary evidence which are marked at Ex.D1 to 7. On perusal the Ex.D-1 is the letter of special power, Ex.D.2 is the Tonch map, Ex.D.3 is the Akaraband, Ex.D.4 is the Certified copy of map, Ex.D.5 is the map, Ex.D.6 and 7 are the RTC extracts pertaining to land bearing Sy.No.606/1 and 606/2.

13. Having gone through the oral and documentary evidence of the both parties, which reveals that, the plaintiff Raghavendra



Math has claimed injunction with respect to the Math property total measuring 18,307.52 Sq.Mtrs. It must be noted that, in the plaint, the plaintiff has not mentioned annexure "A" of the suit property, the plaintiff has not mentioned either property number or TMC number etc. But they have mentioned only total measurement which is not sufficient to identify the property. Now coming to the Ex.P.11 the resolution copy the plaintiff has obtained resolution from all the members of the trust. Wherein they have mentioned the property measurement East-West: 130.25 and North-South: 158.30 Sq Mtrs which calculating the total measuring 20,618.575 Sq Mtrs. But they have mentioned the total measurement as 18,307.52 Sq Mtrs which is not tallied with the schedule of annexure "A" property. It must be noted that, as per Ex.P.10 the TMC Mudgal have issued Form No.3 pertaining to property No.1-2-61/1 total measuring 18,307/52 Sq Mtrs. But they have not mentioned the East-West, North-South measurement and they given empty, which is also admitted by the PW.1 in the evidence. Though the plaintiff has filed village map and some other documents which are also not disclose exact measurement of the suit schedule properties. On the other hand, the defendants have specifically contended that, the plaintiff has not given proper description of the suit schedule property for its proper identification. At this juncture it is relevant to quote the decision reported in: **2013 (2) Kar. L.J. 356** in between **Poojappa since dead by Lrs. Vs. Smt. Annapurnamma & others.** Wherein the Hon'ble High Court of Karnataka was pleased to held that: *In a suit for declaration of title to and injunction where description of property as given in*



plaint is vague and insufficient to identified property in respect of which relief is sought, and party seeking relief has failed to lead evidence to prove his possession of property, trial court was held justified in dismissing suit on basis of such finding.

14. Moreover, the plaintiff has produced the documents pertaining to already constructed compound wall and buildings. But the plaintiff has not produced the TMC permission to construct the disputed building. It is to be noted that, the plaintiff has contended that, they have going to construct the building in the suit property. But there is no specific boundaries mentioned in the plaint and also schedule to proper identification of the property. Unless the court has to come to conclusion the proper identification of the property, the court cannot grant reliefs as sought for. Accordingly the plaintiff has not been able to provide the proper description of the suit property for its identification and to prove his possession and enjoyment of the suit property as mentioned in the plaint as on the date of institution of the suit. **Accordingly the Issue No.1 is answered in the Negative.**

15. ISSUE NO.2 : It is assertion of the plaintiff that, the defendants are illegally interfering in the suit schedule property. To substantiate the same, the plaintiff has not produced any documents such as police complaint or other documents to prove the same. Moreover the plaintiff has not adduced any supporting witnesses evidence in this regard. When the plaintiff has not been able to prove the possession of the exact measurement of the property, the question of interference doesn't arise at all. The plaintiff has to prove their case their own, but they cannot rely on



the weakness of the defendants. Moreover, the defendants have contended that, the construction area is comes under the land bearing Sy.No.606 which belongs to defendants. In this regard on going through the Ex.D.6 and 7 are clearly goes to show that, the 606/1 and 606/2 are standing in the name of defendant No.1 and 2. The RTC extracts are material documents to show possession of the property. Therefore the plaintiff has failed to prove the alleged interference by the defendants over the suit schedule properties with cogent and convincing evidence. **Accordingly the Issue No.2 is answered in the Negative.**

16. ISSUE NO.3 : While answering issue No.1 and 2, it is discussed that, the plaintiff has failed to establish that he is in actual possession and enjoyment of the suit schedule property as on the date of suit and the defendants are interfering in their construction work over the suit schedule property. It must be noted that, during the pendency of the suit, the defendant No.1 died. But, the plaintiff moved an application U/Order I rule 10 of CPC., for striking out the defendant No.1. Other counsel submits no objection to IA. Accordingly the defendant No.1 has been deleted from the plaint. The defendant No.2 has been continued in the suit.

17. It is to be noted that the suit is hit by Order VII Rule 3 CPC. On careful perusal of the plaint, the plaintiff has not given the description of the property for proper its identification. It must be disclosed the suit property for proper identification. But the plaint doesn't disclosed the exact measurement of the suit property and the other documents are not tallied with the measurement of the



suit property. In this regard court as relied upon the following decisions :-

1) *In this regard this court relied upon the following decisions reported in **2013(2) KLJ 356 in between Poojappa Vs. Annapurnamma and others :-** The Hon'ble High Court of Karnataka held that: in suit for declaration of title to and injunction where description of property is given in the plaint is vague and insufficient to identify the property in respect of which reliefs is sought, and party seeking relief has failed to lead evidence to prove his possession of the property the trial court was held justified in dismissing the suit on the basis of such finding.*

2) ILR 1997 Karnataka Page 206 in the case of A.D.Narayanappa & another V/s Muniyappa & others, – wherein it is held that- *“Injunction is a discretionary relief, which can be refused against the plaintiff when he comes to the court with unclean hands. Even the limited relief of permanent injunction granted by the trial court is liable to be set aside, when the plaintiffs have not come to the court with clean hands.”*

18. The ratio laid down in the above decisions are aptly applicable to the fact and circumstances of the case on hand. For the aforesaid discussion, it can be concluded that the plaintiff is



not entitled for the relief of permanent injunction as sought for.
Accordingly this court answered the issue No.3 in the Negative.

19. ISSUE NO.4:- In view of the above findings and discussion on the above issues, this court proceed to pass the following :-

ORDER

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

Draw decree accordingly.

(Dictated to stenographer, transcribed and typed by her, corrected by me, & then pronounced in open court on this the 24th day of June, 2026.)

**(AMBANNA.K.)
Prl., Civil Judge & J.M.F.C.
Lingasuguru.**

ANNEXURE

WITNESSES EXAMINED FOR PLAINTIFF:

PW 1 : Narayanrao Deshpande.

DOCUMENTS MARKED FOR PLAINTIFF:

Ex.P-1 : C/c of Map of Mudugal village.
Ex.P-2 : Permit document issued by the TMC.
Ex.P-3 : Register of Panchayath.
Ex.P-4 : Tax paid register of property.
Ex.P-5 : Order of TMC.
Ex.P-6 : Map.
Ex.P-7 : Tax paid register of property.



Ex.P-8	:	Endorsement.
Ex.P-9	:	Blue print map.
Ex.P-10	:	Khata extract.
Ex.P-11	:	Tarav.
Ex.P-12 to 17	:	Photos.
Ex.P-18	:	C/c of order sheet in OS.No.233/2019.
Ex.P-19	:	RTC extract.
Ex.P-20	:	CD.
Ex.P-21	:	C/c of notice.
Ex.P-22	:	C/c of Panchanama.
Ex.P-23	:	C/c of Hadhbasth map.
Ex.P-24	:	C/c of Notice.
Ex.P-25	:	C/c of Panchanama.
Ex.P-26	:	C/c of Hadhbast map.

WITNESSES EXAMINED FOR DEFENDANTS:

DW 1 : Hullappa @ Hulugappa.

DOCUMENTS FOR THE DEFENDANTS:

Ex.D1	:	Letter of special power.
Ex.D2	:	Tonch map.
Ex.D3	:	Akaraband.
Ex.D4	:	C/c of Map.
Ex.D5	:	Gramtana Map.
Ex.D.6 & 7	:	RTC extracts pertaining to land bearing Sy.No.606/1 and 606/2.

**Prl., Civil Judge & J.M.F.C.,
Lingasugur.**