



Presented on : 10-12-2021

Registered on : 10-12-2021

Decided on : 22-07-2026

Duration : 4 years, 7 months, 12 days

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

Dated this 22nd day of July, 2026.

PRESENT; Sri. AMBANNA. K.

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

PRINCIPAL CIVIL JUDGE & JMFC, LINGASUGUR.

O.S.No.183/2021

PLAINTIFF:

1. **Madan S/o Gula Mohammad Gouli @ Gullu Sab Gouli,**
Age:39 years, Occ:Agriculture,
R/o.Sunagara Galli, Lingasugur,
Tq:Lingasugur, Dist:Raichur.

(By Shri. A.A.G., Advocate)

V/s

DEFENDANTS:

1. **Bhimavva W/o Shivashankrappa,**
Age:75 years, Occ:Household ,
R/o. Karadakalla,
Tq:Lingasugur, Dist:Raichur.



2. **Siddavva W/o Nagappa,**
Age:55 years, Occ:Household,
R/o. Karadakalla,
Tq:Lingasugur, Dist:Raichur.
3. **Gangappa S/o Hanamappa,**
Age:41 years, Occ:Agriculture,
R/o. Karadakalla,
Tq:Lingasugur, Dist:Raichur.
4. **Shivashankara S/o Hanamappa,**
Age:38 years, Occ:Agriculture,
R/o. Karadakalla,
Tq:Lingasugur, Dist:Raichur.
5. **Hanamanthi D/o Hanamappa (W/o Shivashankara),**
Age:35 years, Occ:Household,
R/o. Karadakalla,
Tq:Lingasugur, Dist:Raichur.
6. **Gaddemma S/o Hanamappa,**
Age:33 years, Occ:Household,
R/o. Karadakalla,
Tq:Lingasugur, Dist:Raichur.
7. **Mallamma W/o Late. Hanamappa Maddikara,**
Age:55 years, Occ:Agriculture,
R/o. Karadakalla,
Now at R/o. Maski,
Tq:Maski, Dist:Raichur.

(D-1 and 2 by Shri V.J.K. Advocate and
D-3 to 7 by Shri. K.K.V., advocate)

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Date of Institution of Suit	10-12-2021
Nature of suit	Declaration & permanent injunction.
Date of commencement of Recording of evidence	10.03.2023
Date of which judgment pronounced	22.07.2026
Total Duration	Years/ Months/ Days 04 07 12

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

J U D G M E N T

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

2. The brief facts of the plaintiff's case is as under:

It is averred that the plaintiff is the lawful purchaser of the suit schedule property i.e., land bearing Sy.No.57, total measur-

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ing 26 acre 01 guntas, out of which 04 acres including 12 guntas of acquired land which is fully described in the plaint schedule. Further it is stated that the plaintiff by name Madan S/o Gouli Mohammed Gouli had purchased the suit schedule property from one Late. Hanumappa S/o Shivashankrappa through registered sale deed vide Doc. No.351/1999-2000 dated 20-05-1999 for a valuable of consideration amount of Rs.48,000/-. The defendant No.1 being mother of said Late. Hanumappa and other witnesses by name Nasirahmad, Somalingappa, Basalingappa have put their signature as witnesses to the sale deed. Thereafter as per the sale deed the plaintiff got mutated the suit land in revenue records in his name. Further it is stated that the KB-JNL have acquired land measuring 12 gunta in the suit schedule property. Therefore, the said 12 gunta has been deducted in the total extent. The plaintiff being the purchaser of the suit property having possession of the suit property and developed the said land by expending huge amount. That being the fact the defendants in order to grab the property of the plaintiff and behind back of the plaintiff the defendants have filed collusive suit in O.S.No.40/1998 and thereafter they have compromised the

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suit in between them. Accordingly they filed FDP petition in FDP No.13/2015 and continued in EP.No.24/2020. Upon from that there was a writ petition No.200113/2021 and they have also filed RRT appel No.114/2021-22 dated 12-11-2021. Accordingly all the defendants have got orders to mutate the lands in their names. The said orders have not been binding on the plaintiff, as they have not made the plaintiff as parties to the said proceedings. It is further stated that the defendants have got the said orders exparte therefore they are not lawful. It is further stated that till today the suit land is in the name of plaintiff, but the defendants have tried to mutate the suit land in their names illegally. Recently on 02-12-2021 the plaintiff came to know that the defendants are going to mutate there names in the suit property, the plaintiff approached the defendants through village elders, but the defendants have threatened plaintiff by saying that they will dispossess the plaintiff from the suit land. Therefore, the plaintiff has constrained to file the present suit for declaration and perpetual injunction and other reliefs.

3. After registering the suit, the suit summons were issued to the defendants. In pursuance of summons the defendants have

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appeared through their respective counsels and filed their written statements.

4. In the written statement, defendant No.1 and 2 have denied all the averments made in the plaint in toto. Further it is contended that the plaintiff has not sought for setting aside the judgment and decree passed in O.S.No.40/1998 dated 29.01.2004 and F.D.P.No.13/2015 dated 28.08.2018, as defendant No.5 had filed suit on behalf of minor children against the defendant No.1 and 2 and her husband Late. Shivashankrappa. It is further contended that during the pendency of the suit the plaintiff had purchased the suit property without any consideration and in order to dupe the share of the present defendants and her children. Moreover in that suit after receiving the summons and filing of the written statement behind back of defendant No.5 and also her children without the knowledge of defendant No.1 and 2 in the present case. Further it is stated that the plaintiff had gone to the sale deed without possession and he knew that the case was pending before the Hon'ble Court and there was a dispute regarding to the suit property between the deceased Shivashankrappa and his family members. The

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plaintiff had aware that the defendant No.5 along with defendant No.1 and 2 are in possession of the suit property. Moreover the previous suit O.S.No.40/1998 was disposed after duly contested between the parties and judgment was pronounced on 29.01.2004. After the judgment and decree the present defendant No.5 had filed FDP No.13/2015 before this court in which summons was served on the defendants and the petitioner DHR had moved application for appointment of commissioner to the Tahasildar for making partition as per the decree in O.S No.40/1998 and in FDP No.13/2015. Wherein the Hon'ble Court was pleased to issue direction to the survey department to visit the spot and make proper division as per the decree dated 25.03.2017, the court commissioner had issued notice to the remaining respondent in FDP 13.2015 and neighbors of the suit land have submitted the report on 27.03.2017. The report submitted by the court commissioner clearly discloses that the present plaintiff is not in possession and also court commissioner had collected the relevant documents regarding to the suit property in which the present plaintiff's name does not arise. It is clearly shows that plaintiff is no way concerned to the

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suit sale property and documents submitted by the plaintiff have not got any value in the eye of law and also the defendant No.1 and 2 are in settled possession which is submitted by the court commissioner report. The present defendant No.1 and 2 shares are fallen in Block No.6 and 7 to the extent of 4 acres 30 guntas each and also boundaries mentioned in the sale deed are different which does not consider to the boundaries of the defendant No.1 and 2. Moreover, the suit of the plaintiff is barred by law of limitation. On these grounds the defendant No.1 and 2 have prayed to dismiss the suit with costs.

5. In the written statement the defendant No.3 to 6 also specifically denied all the averments made in the plaint. It is further submitted that the defendant No.3 and 4 are the grand sons and defendant No.5 and 6 are the grand daughters of defendant No.1. Further it is contended that the alleged sale transaction was made during the pendency of the suit O.S.No.40/1998 and therefore it was declared to be as null and void against to the rights of the defendant No.3 to 6. Further it is submitted that the plaintiff knowing fully well about all the legal

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proceedings of the suit property through defendant No.1 and 2 and kept them since long back upto this date and now filed the present false suit misrepresenting the existing facts and obtained TI Order against the defendants. Therefore the suit of the plaintiff is barred by law of limitation. Further it is stated that there is no cause of action arose for filing the suit. On these grounds, they prayed to dismiss the suit with exemplary costs.

6. In the written statement of defendant No.7 she has stated that the sale deed was made during pendency of the suit O.S.No.40/1998 is to be declared as null and void. Further she has also taken contention that there is no cause of action for the suit and the suit of the plaintiff is barred by law of limitation. Accordingly, she prayed to dismiss the suit with exemplary costs.

7. In the back grounds of the above pleadings of the both parties and documents, this court has framed the following issues:

1. Whether the plaintiff proves that he is the owner of the suit schedule property?



2. Whether the plaintiff proves his possession over the suit schedule property?

3. Whether the plaintiff proves the interference of the defendants ?

4. Whether the defendant No.3 to 6 proves that the suit of the plaintiff is barred by limitation ?

5. Whether the plaintiff is entitle for the reliefs as claimed by him in his plaint ?

Additional Issue No.1: Whether the defendant No.7 proves that, the family pedigree furnished by the plaintiff is incorrect ?

Additional Issue No.2: Whether the defendant No.7 proves that, the suit of the plaintiff is barred by law of limitation ?

6. What order or decree ?

8. In order to prove the case the plaintiff himself examined as PW-1 and adduced the evidence of PW-2 and also produced

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documents got marked at Ex.P-1 to Ex.P-21. On the other hand the and G.P.A. holder of defendant No.1 has examined as D.W-1 and other supporting witness is examined as DW-2. Further, the defendant No.7 herself examined as DW-3 and they got marked documents at Ex.D-1 and Ex.D-2.

9. Heard arguments on both sides. Further the counsel for the defendant No.1 and 2 have submitted their written arguments on behalf of defendant No.1 and 2. Perused the materials available on record.

10. My answers to the above issues as hereunder.

Issue No 1 : In the Affirmative.

Issue No 2 : In the Affirmative.

Issue No 3 : In the Affirmative.

Issue No 4 : In the Negative.

Issue No 5 : Partly in the Affirmative.

Additional Issue No 1 : In the Negative.

Additional Issue No 2 : In the Negative.

Issue No 6 : As per final order, for the following;



REASONS

11. **ISSUE NO.1 AND 2 :** These issues are interlinked with each other, to avoid repetition of facts and circumstances they are taken together for common discussion.

12. It is the definite case of the plaintiff that he is the absolute owner of the schedule property by virtue of sale deed bearing document No.351/1999-2000 dated 20.05.1999. It is assertion of the plaintiff that as per the registered sale deed he got mutated the suit land in the revenue records and entered his name in the Revenue records RTC through MR.No.48 dated 27.09.1999. It is further asserted that since from purchase the plaintiff is in possession and enjoyment of the suit land. It is assertion of plaintiff that the defendants have tried to get mutated their names in the suit property by getting colluding decree. Moreover the defendants have threatened the plaintiff from dispossessing the suit property. Hence this suit.

13. In order to prove his case the plaintiff himself examined as PW1. In the chief examination he has reiterated the averment made in the plaint, but nothing else. During the cross-examina-

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tion, the PW-1 has stated that he is unable to read and write. At the time of sale talks, one Hanumantha, Bhimavva, Somalinga, Nasirmiya were present. The sale talks were held at the residence of Narasimhayya and also his mother Husenamma was present. Further, he stated that one Hanumantha and Bhimavva were came to the sale talks. He did not know the Hanumantha had a wife by name Mallamma. Further, he did not know about the family members of the Bhimavva. The land bearing Sy.No.57 was in the name of Bhimavva, Siddamma and Hanumappa. It is admitted that the land bearing Sy.No.57 was standing in the name of Hanumappa. It is denied that he was knowledge about the case filed by the Mallamma and her children for partition at the time of sale deed. Further he is also denied that at the time of sale transaction the defendant No.3 to 6 are the miners. Further he is also denied that he got knowledge about the FDP case filed by the Mallamma.

14. During further cross examination made by the defendant No. 1 and 2 he has stated that at the time of sale deed the RTC was standing in the name of Hanumantha and the RTC was not

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standing in the name of Bhimavva and Siddavva. It is also stated that the sale talks were held in front of the house of Nasirimiya. Further he did not know as to the wife and children's of Hanumantha were separated from their house. Further he did not know as to the said Hanumantha having bad vices. It is stated that the sale talks was held for Rs.48,000 but he did not remember the date of purchase. Further he stated that the sale consideration amount was taken together by Hanumantha and Bhimavva. Further he has stated that they did not obtain the signature of the Siddavva to the sale deed. It is denied that one Bhimavva and Siddamma have intimated about the case filed by the Mallamma. Further, he is admitted that now the suit property is in possession of the Hanumantha and their wife and children Siddamma and Bhimavva. But the PW-1 is a volunteers that since from 25 years they have been in possession and cultivating the same.

15. In support of their case the plaintiff has adduced the evidence of witness by name Nagappa as PW-2. In the chief examination he has reiterated the version of PW-1. During the cross examination he has stated that one Madan had filed the present

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suit against Bhimavva and her children and grandchildren. Further, he has stated that the plaintiff has filed this suit in respect of the land. Further he has stated that the plaintiff has purchased the suit land from one Bhimavva and his son. He did not put the signature to sale deed. Further he did not know as to one Bhimavva and Siddamma have driven out the wife of the Hanumantha from their house. Further he did not know as to the Mallamma had filed suit in the year 1998 for partition. Further he did not know about the mutation effected as per the partition. Further he denied that he deposing falsely to help the plaintiff as he cultivating the suit land. In the further cross examination he has stated that he did not know one Bhimavva and her children's have filed suit. It is admitted that as per the suit the Pahani's are standing in the name of the defendants. It is admitted that as per the Pahani they are in possession. Further he has admitted that he was not present at the time of the sale deed. Further he denied that he is deposing falsely by hearing the words of plaintiff.

16. Apart from the oral evidence the plaintiff has produced the documents at Ex.P-1 to Ex.P-21. On careful gone through the

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Ex.P-1 is the registered sale deed. Ex.P-2 is the RTC, Ex.P-3 is the mutation, Ex.P-4 is the land acquisition notice, Ex.P-5 is the RTC, Ex.P-6 is the mutation, Ex.P-7 to Ex.P-12 are the certified copies of the order sheet, petition, I.A's and objection pertaining to FDP 13-2015, Ex.P-13 to Ex.P-20 are the certified copies of the plaint, WS and order sheet in O.S.No.40/1998. Ex.P-21 is the bank pass-book.

17. On the other hand the GPA holder of the defendant No.1 he is examined as by name Shankrappa S/o Nagappa examined as DW-1 in the chief examination he has reiterated the averments made in the written statement. Further he produced documents at Ex.D-1 and Ex.D-2. The GPA copy is the marked as Ex.D-1 and RTC pertaining to land bearing Sy.No.57 is marked Ex.D-2. During the cross examination he has admitted that one Madana had filed suit against Bhimavva and Siddavva. Further he did not know as to what transactions were held in between Madan and his father-in-law by name Hanumappa. He did not know about the purchase of the suit land by plaintiff as he was minor. Further he has stated that he did not know what is the order passed in OS.No.40/1998 further he did not know the document

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No.351/1999-2000. Further he did not know what are the transactions or business held during the lifetime of the Hanumantha. Further DW-1 is categorically admitted that since he was 15 years old at the time of sale deed, as such he did not know the transactions of Hanumantha.

18. During the cross examination of the defendant No.3 to 7, he is denied that one Mallamma who is the wife of Hanumantha was not residing at Karadkal, he has stated that the defendant No.7 and her children's have went to the Maski about 6 years back. It is stated that the land total measuring 26 acres 01 gunta after demise of Shivashankrappa the entire land was inherited by his son by name Hanumappa. It is denied that the defendant No.1 herself has sold out the suit land which is fallen to her share. It is admitted that defendant No.7 had filed this suit by moving the suit property is going to sell to one Madan. It is denied that even though there is a decree the Bhimavva sold out the property to Plaintiff Madan. It is denied that the defendant No.3 to 7 have got knowledge about the registered sale deed. Further, he did not know as to the defendant No.3 to 7 have put the signatures to the sale deed or not. It is denied that by collud-

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ing they got decree from the court and also have given false information to the revenue authorities and got mutated the suit land in their names.

19. DW-2 by name Basalingappa has reiterated the version of DW.1 in the chief examination. During cross examination he has admitted that he put the signature to the Sale deed by knowing the contents of the same. It is stated that one Mallamma has called him for depositing before the court. Further, he did not know about the O.S.No.No.40/1998 and also final decree in FDP No.13/2015. The DW-2 has admitted his signature at Ex.P-1 sale deed which is marked Ex.P-1(a) the DW-2 has suggested that the plaintiff has purchased the suit land from Hanumappa and executed registered sale deed before Sub-registered office, which is admitted by the DW-2. It is also admitted that the contents of sale deed is correct as such he put the signature on the same.

20. During the cross-examination made by the defendant No.3 to 7 the DW-2 has stated that at the time of sale deed, one Bhimavva, Hanumantha and Siddavva were present. The plaintiff Madana also present. It is stated that at the time of sale deed

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the wife of and children of Hanumantha were residing at Maski. It is also admitted that at the time of sale deed the wife of and children of Hanumantha were not present. Further, he has admitted that the wife of and children of Hanumantha had got partition decree. Further, he denied that the defendant No.3 to 7 have no knowledge about the sale deed.

21. The defendant No-7 Mallamma is examined as DW-3, in the chief examination she has reiterated the averment made in the written statement but nothing else. During the cross-examination she has admitted that since from 10 to 15 years she had been residing separately from her mother-in-law, husband and sister-in-law. Further, she has stated that they driven out from their house about 30 years back. Further she has stated that since from 30 years she did not leave with her husband Hanumappa. Further she did not know how much land was sold by her husband. Further, she has clearly admitted that she did not made any objection to the said sale transactions. She did not know about OS.No.40/1998 as she was not the party to the said suit. Further she did not know what is sowing to the land by her

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husband. It is clearly admitted that as per the say of her son by name Shivashankara she deposing before the court.

22. During the cross-examination made by the defendant No.1 and 2 she has stated that the plaintiff Madan has purchased the suit land even though she filed suit. It is admitted that she had knowledge about the sale of land at the time of suit. The DW-3 has clearly admitted that she filed suit against her husband for partition by verifying the all the documents. It is suggested that one Madan S/o Gula Mahammad had purchased the suit land from her husband, but she stated that her mother-in-law, sister-in-law have sold out the land. It is clearly admitted that at the time of partition suit land bearing Sy.No.57 was standing in the name of her husband. Further it is clearly admitted that when she was residing at parental home, her husband used to come there. Further, she did not know as there is a documents to show one Siddamma and Bhimavva was sold out the suit land. It is denied that himself executed Ex.P-1 sale deed by putting his signature and sold out the suit land. She denied that she deposing falsely by knowing fully well her husband sold out the suit land by receiving the consideration amount.

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23. Having careful gone through the above oral documentary evidence which revealed that the case of the plaintiff is based on the registered sale deed. On careful perusal of the Ex.P-1 one Hanumappa S/o Shivashankrappa had sold out the schedule land bearing Sy.57, total measuring 26 acres 01 gunta out of 4 acre towards Eastern side was sold out to one Madan S/o Gulla Mahammad Gouli for Rs.48,000/-. The document bearing No.351/1999-2000 dated 20-05-1999 was executed by receiving the consideration amount before the sub-register Lingasugur. It is the contention of the defendants that the one Hanumappa was not sold the suit property, but one Bhimavva had sold out the suit property which was fallen to her share. It is important note here that the Ex.P-1 is the registered document which is material document to show title of the plaintiff. As per the sale deed the mutation was effected in respect of the suit land. The Ex.P-3 clearly discloses that the mutation was entered through MR No.48 wherein the name of the plaintiff Madan S/o Gulu Mohammed was effected in the respect of suit schedule property. Accordingly the Ex.P-2 is the RTC was standing in the name of

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plaintiff by name Madan S/o Gulu Mohammed to an extent of 4 acres in the year through MR. No.48 dated 27-09-1999.

24. The documents Ex-P-1 to Ex.P-3 are clearly disclosed that the right of the suit property was conveyed in favor of the plaintiff. Subsequently the Ex.P-5 RTC extract is also standing in the name of Madan S/o Gulu Mohammed for the year 2018 and 2019 which is also the clear document to show the possession of the plaintiff over the suit land. Now coming to the contention of the defendants they have categorically stated that the wife and children of Hanumappa have filed suit in O.S.No.40/1998 for partition and got decree. On careful gone through the Ex.P-7 to 20 documents which are the certified copies of the order sheet and plaint and petitions and objections were clearly disclosed that the plaintiffs were the suit OS.No.40/1998, they have not impleaded the purchaser in the said suit. It is important to note here that the judgment was pronounced in OS No.40/1998 on 29-01-2004. But on the careful perusal of the Ex.P-1 register sale deed dated 20-05-1999, even there is a pendency of the suit at the time of sale deed, why they did not made the plaintiff Madan

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as party to that suit which is not explained by the defendants. What would prevented them to make the plaintiff as a party to the suit is very silent. Therefore this court is of the considered view that all the proceedings in OS.No.40/1998 and FDP 13/2025 and EP No.24/2020 are not binding on the plaintiff, because he was not party to the said all those proceedings. It is the argument of the defendant No.3 to 7 that the suit of the plaintiff is hit by the section 52 of the Transfer of Property. It is important note here that the registered sale deed for the year 1999 and thereafter the mutation was affected in the name of plaintiff and he was in possession and cultivation of the same since from purchase till 2021, but it shows that the defendants are not in possession of the suit land as on the date of suit the present suit. The Ex.P-2 and Ex.P-5 are the RTC extract pertaining to suit land are standing in the name of plaintiff which is clear evidence with regard to possession of the plaintiff.

25. It is important note here that the land to an extent of 12 guntas was acquired by the KBJNL which is also deducted in the total extent. It is important noted that the plaintiff had recieved

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the compensation amount from the KBJNL as the owner of the suit land. After deduction the suit land becomes 03 acres 28 gunta which is standing in the name of plaintiff. The registered sale deed bearing document No. 351/1999-2000 is valid and the property right was conveyed in favor of the plaintiff. Further it is to be noted that, the DW-2 by name Basalingappa has admitted that he put the signature to the Sale deed by knowing the contents of the same. Further DW-2 has admitted his signature at Ex.P-1 sale deed which is marked Ex.P-1(a) the DW-2 has suggested that the plaintiff has purchased the suit land from Hanumappa and executed registered sale deed before Sub-registered office, Lingasugur which is admitted by the DW-2. It is also admitted that the contents of sale deed is correct as such he put the signature on the same. Therefore the original sale deed having presumptive value of genuineness of its validity, until contrary proved. The burden of proof is on the person who denied its validity. On the other hand, the defendants have failed to prove the one Hanumappa has not executed the registered sale deed in favor of the plaintiff for legal necessity in any of the proceedings. Therefore, for the aforesaid discussion this court

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is of the opinion that the original sale deed at Ex.P-1 is a material document to show title of the plaintiff over the suit property. Even till today the defendants, have not challenged the sale deed in any other proceedings. It is well settled law that, the possession follows title. Hence this court is of the considered view that the plaintiff has been able to prove he is the owner and possession of the suit property as on the date of suit. **Accordingly, I answered issue No.1 and 2 are in the Affirmative.**

26. **ISSUE NO.3:** It is the burden on the plaintiff to prove that the defendants have interfered with the peaceful possession of the suit property. On careful gone to the documents Ex.P-1 to Ex.P-3 are clearly established the title of the plaintiff. It is well settled law that, the possession follows title as discussed above. The defendant No.1 to 7 have got decree in OS. 40/1998 and they got mutated the suit land in their name in the year 2020-2021 and going to interfere with the peaceful possession of the plaintiff over the suit property. Moreover the plaintiff has asserted that on 02.12.2021 the defendants have got illegal muta-

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tion in the suit property and threatened the plaintiff from dispossession. Therefore, the plaintiff is entitled to protect his possession by injunctive relief.

27. At this juncture it is worth to quote the decision of Hon'ble High Court of Karnataka reported in **1999(1) Kar. L.J. 536 decided between Smt. Lakshamma Vs. M.P. Krishnappa** and Others, wherein it is held that:

SPECIFIC RELIEF ACT, 1963, Section 36- Injunctory decree- Basis for grant of - Threatened invasion of right can be basis - No need for finding whether threat is real or not- Where party seeking preventive relief of injunction on basis of possession, has established fact of his possession, he is entitled to relief.

It is further held in Para No.3 as follows:

An aggrieved person comes to the Court complaining of interference of the defendant, may be at a particular point of time the defendant has not caused interference, but once the fear stands heavily in the mind of the aggrieved persons, there shall be no difficulty for Court to grant injunction, especially when it is found that particular person is in possession.

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28. The aforesaid ratio is aptly applicable to the case on hand and as plaintiff has established his possession over the suit schedule property. The denial of claim of plaintiff in the written statement, itself goes to show the interference by the defendants to the possession of plaintiff over the suit schedule property. For the reasons stated above, it can be concluded that the plaintiff has been able to prove the alleged interference caused by the defendants over the suit property. **Accordingly, the issue No.3 is answered in the Affirmative.**

29. **ISSUE No.4 AND ADDL ISSUE NO.2:** it is contention of the defendant No. 3 to 7 that the suit of plaintiff is barred by law of limitation. On going through the records the evidence of DW-2 has clearly stated that he was cultivating the suit land and deposing falsely to help the plaintiff. It is also admitted that the plaintiff Madansab had purchased 04 acres of land out of 26 acres 01 gunta in the said survey number. On careful gone through the plaint, the cause of action arose for the suit 02-12-2021, when the defendants are entered their names in the revenue records of the suit property. It must be noted that the

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suit filed on 08-12-2021. **As per article 65 of the Limitation Act**, which clearly held that suit for possession of the immovable property or any interest therein, based on title, the suit ought to have filed within 12 years, when the possession of the defendant becomes adverse to the plaintiff. Therefore though the defendants have taken contention, but they failed to establish the same with cogent and convincing evidence. For the reasons stated above, it can be concluded that the suit of plaintiff is not barred by law of limitation. The suit of plaintiff is well within time of period of limitation. **Accordingly, the issue No.4 and Additional issue No.2 are answered in the Negative.**

30. **ADDITIONAL ISSUE NO.1:** It is the contention of the defendant No.7 that the pedigree furnished by the family pedigree plaintiff is incorrect. It must be noted that the plaintiff is not the family member of the defendants. Moreover, it is not a suit for partition and separate possession. Therefore, it is not necessary to furnish the family pedigree for adjudication of the case. Moreover the plaintiff has furnished family pedigree in respect of Bhimavva, Siddamma and deceased Hanumappa

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and his children's who are the legal heirs of the deceased Shivashankrappa. Therefore, this issue does not require much more discussion for deciding the case on hand. **Accordingly, the additional issue No.1 is the answered in the Negative.**

31. **ISSUE No.5:** In the present suit the plaintiff sought for declaration of title over the suit property. While answering issue No.1 and 2 this court hold that the plaintiff is owner and possessors by virtue of registered sale deed bearing document No.351/1999-2000 dated 20.05.1999. **As per Sec.34 of the Specific Relief Act., Discretion of the court as to declaration of status or right:** *which reads thus: any person entitled to any legal character or to any right as to any property may institute a suit against any person denying, or interested to deny, his title to such character or right and the court may in its discretion make a declaration of that is so entitled and plaintiff need not in such suit or for any further relief.* In the present suit the plaintiff has filed suit for declaration of title when the defendants have denied his title. For the reasons stated above the plaintiff is entitled for the relief

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of declaration of title over the suit property by virtue of registered sale deed.

Further In the instant suit the plaintiff has also sought for permanent injunction in respect of suit schedule property as against the defendants. While answering the issue No.3 this court hold that the defendant No.1 to 7 have interfered with the peaceful possession and enjoyment of the plaintiff. Moreover, the plaintiff has established his title over the suit property by producing documentary evidence. **As per Sec.38 of Specific Relief Act**, *when the defendant invades or threatens or invade the plaintiff right to or enjoyment of property the court may grant a perpetual injunction in the case where the invasion is such that compensation in money would not afford adequate relief and where the injunction is necessary to prevent multiplicity of the judicial proceedings.* Therefore it is just and necessary to prevent invasion or threatens of the defendants by way of preventive relief. For the reasons discussed above, the plaintiff is entitled for the relief of declaration of title and perpetual injunction as sought for. **Accordingly, the issue No.5 is answered partly in the Affirmative.**



32. **ISSUE NO.6:** In view of the above findings and discussions made on the above issues, this court proceed to pass the following:

ORDER

The suit of the plaintiff is hereby partly decreed with costs.

It is declared that the plaintiff is the absolute owner and in possession of the suit schedule property by virtue of registered sale deed bearing document No.351/1999-2000 dated 20.05.1999.

Consequently, the defendant No.1 to 7, their agents, servants etc., are permanently restrained from interfering with the peaceful possession and enjoyment of the suit schedule property.

Draw decree accordingly.

(Dictated to stenographer, transcribed and typed by her, corrected by me, & then pronounced in open court on this the **22nd day of July, 2026**)

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



A N N E X U R E

WITNESSES EXAMINED FOR PLAINTIFF:

PW 1 : Madana.

PW 2 : Nagappa.

DOCUMENTS MARKED FOR PLAINTIFF:

Ex.P-1 : Registered sale deed

Ex.P-2 : RTC Extract.

Ex.P-3 : Mutation Extract.

Ex.P-4 : Land acquisition notice.

Ex.P-5 : RTC Extract.

Ex.P-6 : Mutation Extract.

Ex.P-7 to 12 : Certified copies of the pertaining to FDP 13-2015.

Ex.P-13 to 20 : Certified copies of the plaint WS and order sheet in O.S.No.40/1998.

Ex.P-21 : Bank Pass book.

WITNESSES EXAMINED FOR DEFENDANTS:

DW 1 : Shankarappa.

DW 2 : Basalingappa.

DW 3 : Mallamma.

DOCUMENTS MARKED FOR THE DEFENDANTS:

Ex.D1 : G.P.A. copy.

Ex.D2 : RTC extract.

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