



**IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC.,
AT SINDHANUR**

Present :- SRI. LAKSHMIKANTH JANAKIRAM MISKIN, M.A., LL.M
Senior Civil Judge & J.M.F.C.
Sindhanur

O. S. No.250/2024

Dated: 01st day of July 2026

- PLAINTIFFS:** - 1) Mahantesh S/o Shadaksharayya
Age: 56 years, Occ: Agri.,
R/o Pagadadinni village, Tq. Sindhanur.
- 2) Shekharayya S/o Shadaksharayya
Age: 58 years, Occ: Agri.,
R/o Pagadadinni village, Tq. Sindhanur.
- (Represented by: Sri. BBA, Advocate)

-Vs -

- DEFENDANTS:**-1) Basanagouda S/o Ayyanagouda Malipatil
Age: 45 years, Occ: Agri.,
R/o Pagadadinni village, Tq. Sindhanur.
Dist. Raichur.
- 2) K. Seetaramareddy S/o Somareddy
Age: 50 years, Occ: Agri.,
R/o Pagadadinni village, Tq. Sindhanur.
Dist. Raichur
- 3) Suresh Gouda S/o Basanagouda
Age: 40 years, Occ: Agri.,
R/o Pagadadinni village, Tq. Sindhanur.
Dist. Raichur
- 4) Basavaraj S/o Sharanappa
Age: 38 years, Occ: Agri.,



R/o Pagadadinni village, Tq. Sindhanur.
Dist. Raichur

- 5) Basavaraj S/o Pampanagouda Malipatil
Age: 45 years, Occ: Agri.,
R/o Pagadadinni village, Tq. Sindhanur.
Dist. Raichur
- 6) Mallappa S/o Hanumanthappa Jeeral
Age: 60 years, Occ: Agri.,
R/o Pagadadinni village, Tq. Sindhanur.
Dist. Raichur

(Placed exparte)

Date of Institution of the suit : 25.11.2024

Nature of the suit : Suit for declaration of ownership
and permanent injunction.

Date of the commencement
of recording of evidence : 05.03.2025

Date on which the Judgment
is pronounced : 01.07.2026

Total duration : Year/s Month/s Day/s
01 07 06

J U D G M E N T

The plaintiff filed this suit for the relief of declaration ownership and
for permanent injunction against the defendants.



2. **The plaint in brief:**

The plaintiffs are filing this suit against the defendants for a decree of ownership and a decree for permanent injunction order restraining the defendants, their men, agents and all other persons claiming under them from interfering in the lawful possession and enjoyment of Plaintiffs in and over the land SyNo. 8/* hissa 8 meg 00-13 guntas and land SyNo. 8/* hissa 7 meg 00-12 guntas both of Pagadadinni village Tq: Sindhanur. The suit lands are the ancestral properties of the plaintiffs. Previously the suit lands Previously suit lands well held by late father of plaintiffs Shadaksharayya S/o Basavannayya. He was in possession and enjoyment of suit lands till his death. On his death the another brother of the plaintiffs has nominally succeeded to suit lands on succession and his name also came to be notified in the subsequent RORs as owner and possessor of suit lands. Thereafter in the year 1999 there was partition in among himself and plaintiffs herein and in that partition the plaintiffs got their shares as 2-16 guntas each. Thereafter the plaintiffs are in actual possession and enjoyment of the same up till 2012. Due to passing of canal the said extent of lands divided in bits. Thus the plaintiffs are in possession and enjoyment of suit lands and their names are appearing as



such in the subsequent RORs. The defendants are in no way concerned to the suit lands of the plaintiffs in any manner whatsoever. The defendants shall have no right, title and interest in and over the suit lands. With all this the defendants without any manner of right upon the suit lands came to suit lands on 05.10.2024 and attempted to dispossess the plaintiffs from suit land by denying their ownership. But the plaintiffs some how prevented the illegal acts of defendants and then the defendants went away from the suit land giving threat of dispossession in near future. Under the circumstances and having no other go the plaintiffs are now landing before this court with this suit. The cause of action for the suit which arose on 05.10.2024 the day on which the defendants illegally attempted to dispossess the plaintiffs by denying their ownership and same is continuing one within jurisdiction of this court. Accordingly pray for decreed the suit.

4. On issuance of summons, defendants have appeared through their counsel, but no filed written statement. Thereafter the plaintiff No.2 himself examined as PW-1 and no documents got marked and case posted for arguments.



5. Heard the arguments. On the basis of above pleadings, the following points would arise for my consideration

- (1) Whether the plaintiffs prove that, they are the absolute owners and in lawful possession of the suit property on the date of suit?
- (2) Whether the plaintiffs further prove that, alleged interference?
- (3) What order or decree?

6. My answer to the above points is as follows:

Point No.1 : In the Affirmative.

Point No.2 : In the Affirmative.

Point No.3 : As per final Order for the following:

REASONS.

7. **POINT No.1:** To substantiate his contention, the plaintiff has filed his affidavit U/Order 18 Rule 4 of C.P.C. by way of his chief examination, wherein he has reiterated the plaint averments. The plaintiff contend that, they are the absolute owner and in possession of suit land.



8. The evidence of Pw-1 coupled with documentary evidence supported the plaint averments and which are remains unchallenged. Hence this court opined that the plaintiffs satisfactorily proved that they are in lawful possession of the suit property on the date of suit as owner thereof. Accordingly, point No.1 is answered in Affirmative.

9. **POINT No.2:** -The plaintiff in Para 05 of the plaint averred that, the plaintiff had requested the defendants to his consent before the concerned revenue authorities and before the panchayat authorities for the change of Katha of the suit land in the name of plaintiff but the eldest son of the defendant had illegally prevented him for giving his consent before the said authorities. It is further averred that the defendants tried to dispossess of the plaintiff on the basis of revenue entries and that apprehension gave cause of action to file this suit. Further, it is averred that the defendants having no manner of right, title or interest over the suit properties, trying to obstruct the plaintiff peaceful possession and enjoyment. Hence the case of the plaintiff remains unchallenged and I do not find anything to doubt the sworn testimony of Pw-1 and also documentary evidence available on records are sufficient to accept the



case of the plaintiff. Hence, I hold that, the plaintiff has proved that, the defendants have interfered or obstruction to his possession over the suit properties by way of denying title and his request to cancel the revenue entries went vain. Therefore, the interference of defendants is also possible. Accordingly, Point No.2 is answered in affirmative.

11. **POINT No.3** : In view of above discussions and answering Point No.1 and 2 as above, I pass the following:

ORDER

Suit of plaintiff is decreed with costs.

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

The defendants or their agents or persons on their behalf are restrained from interfering into the peaceful possession and enjoyment of the plaintiff over suit property by way of decree of permanent injunction.

Draw decree accordingly.

(Dictated to the stenographer, computerized by him, corrected by me and then pronounced in the Open court on 01st day of July 2026)

(Lakshmikanth J Miskin)
Sr. Civil Judge & JMFC
Sindhanur



ANNEXURE

1. List of witnesses examined on behalf of plaintiff.

PW-1 : Shekharayya

2. List of documents marked on behalf of plaintiffs

---Nil-----

3. List of witnesses examined on behalf of defendants:

---Nil-----

4. List of documents marked on behalf of defendants:

---- Nil—

(Lakshmikanth J Miskin)
Sr. Civil Judge & JMFC
Sindhanur