



Suit : Declaration
Presented on : 03-12-2022
Registered on : 03-12-2022
Decided on : 23-06-2026
Duration : .03 years, 06 month, 20 days

**BEFORE THE I ADDL. SENIOR CIVIL JUDGE &
JMFC.,AT RAMANAGARA.**

:PRESENT:

Smt.Niveditha.T.M., B.A.L., LL.B.,
I Addl. Senior Civil Judge & JMFC.,
Ramanagara.

O.S.No:619/2022

DATED : THIS THE 23rd OF JUNE, 2026

Plaintiff : Sri.N.Sudheendra Karanth,
Aged about 44 years,
S/o. Nittur Karanth Lakshminarayana
R/at No.3, Vagdevi Nilaya,
77/36, 'HARA ENCLAVE'
Sheshagirihalli,
Bidadi Hobli,
Ramanagara-562 109.

(Rep by Sri.LKV., Advocate)

- V/s -

Defendants : 1. Smt.Manjula,
Aged about 40 years,
D/o. Chikkanarasimaiah,



W/o. Mahalinga,
R/at: Hejjala Village,
Bidadi Hobli,
Ramanagara Taluk and District.

2. Sri.Chikkanrasimaiah,
Aged about 78 years,
S/o. Late Ugrappa,
3. Sri.Revanna Siddappa,
Aged about 42 years,
S/o. Chikkanarasimaiah,
4. Sri.Renukaiah,
Aged about 38 years,
S/o. Chikkanarasimaiah,

All the defendants 2 to 4 are R/at:
Sheshagirihalli Village,
Hejjala Dhakle,
Bidadi Hobli,
Ramanagara Taluk.

5. Sri.B.Shashidhar Reddy,
Aged Major 60 years,
S/o. Adhishankar Reddy,
R/at: No.101, 1st Floor,
Batamiya Chambers,
No. 8, Kumarakrupa Road,
Shivananda Stores,
Bangalore.
6. Sri.N.Suresh Reddy,
Aged about 65 years,
S/o. Venkatanarayana Reddy,
R/at: No.101, 1st Floor,
Batamiya Chambers,
No. 8, Kumarakrupa Road,



Shivananda Stores,
Bangalore.

7. Sri.P.Sunil Reddy,
Aged about 55 years,
S/o. Prabakara Reddy,
R/at: No.675, 1st Floor, 12th Main,
1st Stage, 3rd Block, Basaveshwaranagara,
Bangalore-560 084.
8. Sri.Revanna,
Aged about 75 years,
S/o. Late Ugrappa,
9. Sri. Rajanna,
Aged about 69 years,
S/o. Late Ugrappa,
10. Sri.Puttaiah,
Aged about 67 years,
S/o. Late Ugrappa,

All the defendants No.8 to 10 are R/at:
Sheshagirihalli Village,
Bidadi Hobli,
Ramanagara Taluk and District.

(D-1 to 6 & 8 to 10 Exparte)
(D-7 Rep by Sri.NS., Advocate)

* * * * *

JUDGMENT

(Delivered on 23/ 06/2026)

The plaintiff has filed the suit for the relief of



declaration and permanent injunction in respect of suit schedule properties against the defendants.

2. Brief facts of plaintiffs' case as follows:

The plaintiff is the absolute owner of the vacant residential site bearing No.3, V.P.Khatha No.:152900402003102243, property No.123/3 (as per E-khatha issued by Manchanayakanahalli Village Panchayath), comprised 'BMICAP' approved private layout known as 'HARA ENCLAVE (as per Order No.BMICAPA(24)/plan/237/2006-07, dated 24.06.2006) formed out of 3 acres of residential converted land in Sy.No.77/36 (Vide Official Memorandum bearing No.B.DIS.ALN.SR.104/94-95, dated 15.05.1995 issued by Assistant Commissioner, Ramanagaram Sub-division, Ramanagaram), situated at Sheshagirihalli Village, Bidadi Hobli, Ramanagara Taluk and District, measuring East to West 60 feet and North to South 40 feet, totally measuring about 2,400 square feet. Further it is stated that, the plaintiff having purchased the same by way of registered sale deed, dated:16.02.2022 in



the office of Sub-Registrar, Ramanagara from Smt.Rekha.H Halagani, who had purchased the same from Smt.Kolli Vasavi Reddy and Sri.Kolli Jagannadha Reddy under a registered sale deed dated:28.11.2005.

3. Further it is stated that, the said site was formed in Sy.No.73/36 of Sheshagirihalli Village, Bidadi Hobli, Ramanagara Taluk, Ramanagara. Originally Sy.No.73/36 was Government land an extent of 3 acres was purchased by one Chikkanarasimalah in the year 1979. The entire extent of the said land was converted from agriculture to non-agriculture purpose in the year 1995 i.e., on 15.05.1995 and was sold to one Sri.N.Suresh Reddy and P.Sunil Reddy vide registered document No.2782/05-06 dated:28.11.2005. Further it is stated that, the purchasers Sri.N.Suresh Reddy and P.Sunil Reddy formed a residential gated community sites and the said property consisting of 37 sites after the permission of concerned authority and getting the plan approved. The said layout was named as



'Hara Enclave' layout. The said N.Suresh Reddy and P.Sunil. Raddy formed the residential layout way back in the year 2005, 2006 and 2007 sold sites to different persons. Further it is stated that, it is clear from the above that the plaintiff is absolute owner of site No.3 of suit schedule B property having purchased the same in a legally formed layout. The plaintiff having purchased the same got the building plan approved constructed house and presently he is living in the suit schedule 'B' property with his family without any disturbance.

4. Further it is stated that, the plaintiff recently on 20.10.2022 one Smt.Manjula, the defendant No.1 along with her henchmen and police came to the place of suit schedule 'B' property and the houses constructing in the layout and have created a scene claiming to be the owner of the property and that she had obtained a court order shocked by the same and made enquiries and learnt about the fraudulent judgment obtained by the defendant No.1.



However, this plaintiff is not a party to the proceedings. Further it is stated that, the defendant No.1 had also initiated FDP proceedings and had obtained the interim order of injunction. It is clear from the said proceedings, judgment and decree that defendant No.1 had immediately obtained an ex-parte fraudulent decree by making false claim.

5. Further it is stated that, the defendant No.1 had arrayed unrelated persons as parties to the suit falsely claiming that it is a joint family property and obtained a judgment. The defendant No.2 in the said suit was the original grantee who in fact had sold the property way back in the year 2005 wherein he has clearly stated that suit schedule 'A' property is his absolute self acquired property and remained ex-parte in the said suit. The persons who purchased the property from the original grantee formed the residential layout and sold the sites. It is clear from the order sheet summons they were also not served on plaintiff



vendor's vendor. The defendants No.4 to 6 in the said suit had left the address shown in cause title much earlier to the filing of the suit. Moreover, the said persons having already sold the property had no interest on the suit schedule 'A' property.

6. Further it is stated that, the defendants No.7 to 9 had filed the written statement in the suit to suit convenience of the plaintiff and have in collusion obtained the fraudulent judgment and decree. It is clear from the documents produced by the plaintiff that Sy.No.77/36 of Sheshagirihalli Village is the self-acquired property of defendant No.2 herein who sold the property way back in the year 2005. Further it is stated that, the plaintiff herein and his vendor's vendor had purchased the property much earlier to the filing of the suit but they are not been arrayed as a party to the suit under the circumstances the judgment and decree so also the order passed in FDP (final decree) proceedings is not binding on the plaintiff.



7. Further it is stated that, the defendant No.1 is who is well aware that the said fraudulently obtained judgment and decree is not binding on the plaintiff but however in using the same and is making all attempts to interfere, the interim order passed by the court also does not bind on the plaintiff as he is not a party to the proceedings but the defendant No.1 with the help of the said order and Jurisdictional police and henchmen are illegally with the help of rowdy goonda elements are interfering and attempting to create third party interest on the suit schedule 'B' property. Hence, the plaintiff has no other alternative the present suit is filed against the defendants. Hence, the present suit.

8. After service of suit summons, the defendants No.1 to 6 and 8 to 10 did not appear before the court and were placed exparte. The defendant No.7 has appeared before the court but he did not files written statement.



9. The plaintiff is examined herself as Pw-1 and 18 documents got marked as ExP-1 to ExP-18.

10. Heard the arguments and perused materials available on record.

11. On perusal of the pleadings and documents produced by the plaintiffs, the following points arise for my determination:

POINTS

- 1) Whether the plaintiff prove that, this court have jurisdiction to try this case?
 - 2) What Order or Decree?
12. My findings on the above points are as under:

Point No.1 :- In the Negative;

Point No.2 :- As per final order for the following:

REASONS

13. **Points No.1**: This suit is filed by the plaintiff for permanent injunction restraining the defendants from



interfering peaceful possession and enjoyment of the suit schedule properties till disposal of the suit.

14. It is averments of the plaint that, sites were formed in Sy.No.73/36 of Sheshagirihalli Village, Bidadi Hobli, Ramanagara Taluk. Originally Sy.No.73/36 was Government land an extent of 3 acres was purchased by Chikkanarasimaiah in the year 1979. The entire extent land was converted from agricultural to non-agricultural purposes in the year 15.05.1995 and sold to one Sri.N.Suresh Reddy and P.Sunil Reddy on 28.11.2005. Sri. N.Suresh Reddy and P.Sunil Reddy formed a residential gate community sites and the said property consisting of 37 sites after the permission of concerned authority and getting the plan approved. The said layout named as “Hara Enclave”. The plaintiff further submits that the said site was formed in Sy.No.77/36 of Sheshagirihalli, Bidadi Hobli, Ramanagara Taluk, Ramanagara. The plaintiff purchase the land site No.3 of suit schedule ‘B’ property in legally formed layout.



15. Such being the case Original Suit No.205/2012 was filed wherein the defendant No.7 to 9 have filed written stamen in the said suit. But these plaintiffs have not been arrayed as parties in the said suit. Under such circumstance the order passed in Final Decree Proceeding is not binding on the plaintiff. The plaintiff in the said suit illegally obtained decree and now there are interfering with the suit schedule properties and disturbing the plaintiff. Hence, the plaintiff seeking for declaration that the judgment and decree passed in O.S.No.205/2012 dated 21.11.2020 is not binding upon the plaintiff and also seeking for permanent injunction.

16. PW.1 filed affidavit in lieu of examination in chief and filed documents such as Registered Sale Deed dated:15.03.2022 at Ex.P1, Form Nos.9 and 11(a) marked at Ex.P2 and Ex.P3, Tax Paid Receipt marked at Ex.P4, Photographs marked at Ex.P5, CD marked at Ex.P5(a), Electricity Bills marked at Ex.P6 and Ex.P7, Sketch for



Manachanayakanahalli Grama Panchayath marked at Ex.P8, Certified Copy of Judgment and Decree in O.S.No.205/2012 marked at Ex.P9, Certified Copy of Sale Deed dated:28.11.2005 marked at Ex.P10, Copies of RTC Extracts marked at Ex.P11 to Ex.P17 and Certified Copy of Layout Plan marked at Ex.P18.

17. Ex.P1 is absolute sale deed between the vendors Deepak Dhanya and Mamatha.P and the purchaser N.Sudheendra Karanth. The sale deed with respect to site No.3 and katha No.123/33. Ex.P10 is also certified copy of sale deed is has produced. He has also produced judgment and decree passed in O.S.No.205/2012 wherein the defendant No.1 in this case is the plaintiff in the said suit. The suit has been decreed allowing 1/4th share on the plaintiff and defendant No.1 to 3 and 7 to 9. The suit is filed in 2012 it is stated that is after execution of sale deed in 2005. That the court has declared that the suit schedule properties in O.S.No.205/2012 are the joint family



properties and plaintiff entitled for their share and court also declared sale deed dated:28.11.2005 is not binding on the defendant No.7 to 9 in that suit who are the defendant No.8, 9 and 10 in this suit. Therefore, the defendant in this suit has got 1/4th share in the suit schedule property. Now, this plaintiff is seeking for the declaration that sale deed is not binding on this plaintiff. The plaintiff in this suit in the para No.3 states that the land in Sy.No.73/36 was Government land to extend 3 acres which was converted layout plan original belongs to Chikkanarasimaiah. Said Chikkanarasimaiah purchased the 3 acres of land and sold the property to Suresh Reddy. Herein this case the plaintiff has not produced the sale deed to show that Chikkanarasimaiah purchased the property from the Government and plaintiff has also not shown any documents to show that plaintiff has challenged judgment and decree passed in O.S.No.205/2012. Wherein the court has declared that the sale deed dated:28.11.2005 is not binding on the plaintiff.



18. The plaintiff has produced citations however citation passed by the Hon'ble Apex Court- **AIR 1994 Supreme Court 853- S.P.Chengalvaraya Naidu (Dead) by L.Rs V/s Jagannath (Dead) by L.Rs and Others and AIR 2007 Supreme Court 1546 – A.V.Papayya and Others V/s Government of A.P. and Others** wherein the said Hon'ble Apex Court discuss about the ground of fraud have been adjudicated upon earlier respondents failing to prove their loco-standy and courts finding respondent to be land grabber.

19. The plaintiffs in this case have not made any effort to show that fraud has not been plaint. However citation passed by the Hon'ble Apex Court **ILR 2012 KAR 4129 – S.K.Lakshminarasappa since deceased by his LR., vs Sri.B.Rudraiah and others wherein it is held that:**

Wherein the Hon'ble Apex Court observe that adverse if a person other than a necessary party is not made party to the suit, the decree passed in



their absence may not bind them, if they are claiming any independent title to the property being in possession of the same. If members of a joint family filed a suit for partition without impleading alienees and collude and get a decree passed affecting the interest of alieness, the said collusive decree being void, as alieness being not made parties and such a decree does not in any way affect their interest. But a suit for partition cannot be dismissed on that ground.

20. Herein this case in O.S.No.205/2012 the court has declared the sale deed dated:28.11.2005 is not binding on the parties. But. here the parties to the sale deed have not been made as a party but however on the basis of joint family properties court has come to the conclusion. The trail court has also not decided whether the property mentioned in sale deed is the coparcenary property or a joint family property and if so what is the share to these family members are entitled for the declaration of such shares and the presence of alienees is not necessary even their absence



suit of the plaintiff can be adjudicated upon and their presence not necessary to court determine the question involved in the suit. It is only declaration of share at the stage of divide property by metes and bounds and putting and possession of the share sold declare, the character, validity and the nature of alienation have to be taken to tough it is at that stage it is necessary to here the person who are claiming title through such members of the family and who have parted with valuable consideration and who are in possession of the property.

21. In this case the plaintiff is seeking for declaration of the judgment and decree passed in O.S.No.205/2012 is not binding and void. The plaintiff in this case have not produce the copy of the Final Decree Proceedings and more over it is stated by the plaintiff that Final Decree Proceedings has already been passed. Therefore, it has attained finality. In this case the plaintiff in the plaint the plaintiff has only prayed for the permanent injunction wherein this court has



jurisdiction to try bare injunction suit. Hence, I answer the

Point No.1 in the Negative.

22. **Point No.2** : Based on the findings in Points No.1, I proceed to pass the following :

ORDER

The suit of the plaintiff is
hereby dismissed with costs.

Draw decree accordingly.

(Dictated to the Stenographer in part and dictated directly on the computer and computerized by her, corrected, signed and then pronounced by me in the Open Court on this the 23rd day of June 2026)

(Smt.Niveditha.T.M)
I Addl. Senior Civil Judge & JMFC.,
Ramanagara.

ANNEXURE

ANNEXURE

1. List of witnesses examined by the Plaintiff:

Pw-1 : Sri.N.Sudheendra Karanth.

2. List of documents exhibited by the Plaintiff:

ExP-1 : Registered Sale Deed;
ExP-2 & 2: Form Nos.9 and 11(a)
ExP-4 : Tax Paid Receipt;
ExP-5 : Photographs;
ExP-5(a) : CD;



- Exp-6 &7 : Electricity Bills;
- Exp-8 : Sketch for Manachanayakanahalli Grama Panchayath;
- Exp-9 : Certified Copy of Judgment and Decree in O.S.No.205/2012,
- Exp-10 : Certified Copy of Sale Deed;
- Exp-11 to17: Copies of RTC Extracts;
- Exp-18 : Certified Copy of Layout Plan.

3. List of witnesses examined by the defendantss:

-Nil-

4. List of documents exhibited by the defendantss:

-Nil-

(Smt.Niveditha.T.M)
1st Addl. Senior Civil Judge & JMFC.,
Member, Additional M.A.C.T.
Ramanagara.