

KARN220027282015



**IN THE COURT OF THE PRL. CIVIL JUDGE &  
J.M.F.C. AT: CHANNAPATNA**

**DATED THIS 15<sup>th</sup> JUNE 2026**

**:- PRESENT :-**

**SRI. YOGESHA K B.A.L. LL.M. PGDHRM  
PRL. CIVIL JUDGE & J.M.F.C.  
CHANNAPATNA.**

**O.S. No. 225 OF 2015**

**BETWEEN**

**SMT. LAKSHMIDEVAMMA  
W/O SHRI DODDATHIMMEGOWDA  
AGED ABOUT 70 YEARS  
R/O H.BYADARAHALLI  
MALURU HOBLI  
MANKUNDA POST  
CHANNAPATNA TALUK.**

**... PLAINTIFF**

**(REPT. BY SHRI.G.K.V., ADVOCATE)**

**AND**

**1. SMT.PUTTAKKA  
W/O LATE DEVARSEGOWDA  
AGED ABOUT 70 YEARS**



JUDGMENT

~ 2 ~

O.S. No.225/2015

- 2) **SHRI. RAVI**  
S/O LATE DEVARSEGOWDA  
AGED ABOUT 48 YEARS
- 3) **SHRI. RAMESH**  
S/O LATE DEVARSEGOWDA  
AGED ABOUT 46 YEARS
- 4) **SHRI. SHIVARAJU**  
SINCE DEAD BY HIS LRS.,
- 4A) **SMT. GEETHA**  
S/O LATE SHIVARAJU  
AGED ABOUT 38 YEARS
- 4B) **SMT. NIHARIKA**  
D/O LATE SHIVARAJU  
AGED ABOUT 23 YEARS
- 4C) **KUMARI. NEERAJ**  
D/O LATE SHIVARAJU  
AGED ABOUT 18 YEARS

DEFENDANTS ARE R/AT  
H.BYADRAHALLI VILLAGE  
MALUR HOBLI  
MANKUNDA POST  
CHANNAPATNA TALUK.

... DEFENDANTS

(D.NO.1 TO 3 REPT. BY SHRI.K.N.R., ADVOCATE)  
(D.NO.4A TO 4C REPT. BY SHRI.K.P.M., ADVOCATE)



Suit presented on	29.09.2015		
Suit registered on	29.09.2015		
Nature of Suit	Permanent Injunction		
Commencement of evidence on	03.02.2018		
Suit decided on	15.06.2026		
Total Duration	Year/s	Month/s	Day/s
	10	08	17

**-: J U D G M E N T :-**

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The plaintiff has filed this suit for the relief of **Permanent Injunction**, to restrain the defendants, their agents and followers from interfering with the peaceful possession and enjoyment of the suit schedule property by the plaintiff; and for the costs of the suit.

The defendants have filed their **counter-claim**, praying for the relief of **Adverse Possession** and consequential relief of **Permanent Injunction**, to restrain the plaintiff and men on her behalf from interfering with their peaceful possessed and enjoyment of suit schedule property; and for the costs of the suit.

**GERMINATION OF FACT**

1. The case of the plaintiff is that, she is the absolute owner and person in possession of the suit schedule properties bearing Sy.No.98/1B measuring 1 acre 4 guntas and Sy.No.99/1 measuring 7 guntas, situated at H. Byadarahalli Village, Malur Hobli, Channapatna Taluk, and bounded on the East by Halla, West by Halla, North by the land of Kempegowda, and South by the land of Shivalingaiah.

2. The plaintiff contended that she acquired the suit schedule properties through her mother, Deveeramma. After the death of Deveeramma, the plaintiff, being her legal heir, succeeded to the properties and has been continuing in peaceful possession and enjoyment thereof.

3. The plaintiff further contended that the father of the defendants, namely Devarasegowda, had earlier interfered with the possession of her mother over the suit schedule properties. Consequently, Deveeramma instituted O.S. No.176/1997 before the Court of the Civil Judge (Junior Division) and JMFC, Channapatna, seeking the relief of



permanent injunction against Devarasegowda. The said suit came to be decreed with costs in favour of Deveeramma. Aggrieved by the said judgment and decree, Devarasegowda preferred R.A. No.94/2008, which also came to be dismissed. Thereafter, Devarasegowda preferred RSA No.2749/2010 before the Hon'ble High Court of Karnataka. The Hon'ble High Court was pleased to dismiss the said Regular Second Appeal, thereby confirming the judgments and decrees passed by the Courts below.

4. It is further contended that after the death of Devarasegowda, the defendants started interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule properties. According to the plaintiff, about one month prior to the institution of the suit, the defendants intensified their acts of interference. Though the plaintiff resisted the same and approached the jurisdictional police by lodging a complaint against the defendants, no effective action was taken. The plaintiff was therefore advised to seek appropriate relief before the Civil Court. This is said to be the cause of action to file this suit. The same arose within the



jurisdiction of this Court. Hence, the plaintiff has sought the relief of permanent injunction against the defendants.

5. Upon service of suit summons, the defendants appeared through their counsel and filed their joint written statement and counter claim.

6. During the pendency of the suit the defendant No.4 reported as dead. His legal heirs were brought on record as per the order dated 14.10.2022.

7. In the written statement, the defendants have admitted the relationship of the parties and also admitted that the suit schedule properties bearing Sy.No.98/1B measuring 1 acre 4 guntas and Sy.No.99/1 measuring 7 guntas situated at H. Byadarahalli Village, Malur Hobli, Channapatna Taluk stand in the name of the plaintiff and that she derived title to the same through her mother, Deveeramma.

8. The defendants denied the material allegations regarding the alleged interference with the plaintiff's possession. They contended that the previous litigation said



to have been initiated by Deveeramma against their father, Devarasegowda, and the proceedings in appeal and second appeal were not within their personal knowledge. They further contended that the allegations regarding their interference with the plaintiff's possession, issuance of threats, and the lodging of police complaints were false and invented for the purpose of the suit.

9. The defendants specifically contended that ever since the lifetime of their father, Devarasegowda, their family has been in actual possession, occupation, cultivation, and enjoyment of the suit schedule properties. According to them, Devarasegowda was an illiterate person who was deceived by Deveeramma, who possessed better worldly knowledge. It is their case that neither Deveeramma nor the plaintiff was ever in actual possession or cultivation of the suit schedule properties. They contended that the villagers were aware of the actual possession of their father and, therefore, Deveeramma was never able to secure possession of the properties.



10. The defendants further contended that after the death of their father, the plaintiff created revenue records such as pahani and khata entries in her favour and attempted to interfere with their possession over the suit schedule properties. According to them, the present suit has been instituted only with an intention to secure wrongful gain and, therefore, the plaintiff is not entitled to the equitable relief of permanent injunction.

11. It is further contended that their father had been in continuous, uninterrupted, and peaceful possession of the suit schedule properties for several years and that such possession was never disturbed either by the plaintiff or her predecessors. After the death of Devarasegowda, the defendants have continued in possession and cultivation of the suit schedule properties without interruption. They contended that they would establish the same by producing crop registers and by examining neighbouring landowners and residents of the locality.

12. The defendants further contended that Deveeramma had received the entire sale consideration from their father



with an assurance that the suit schedule properties would be conveyed in his favour. However, no registered conveyance was executed. According to the defendants, Devarasegowda, being an illiterate person lacking worldly knowledge, could not effectively place these facts before the Court in the earlier proceedings. They contended that although Deveeramma succeeded in obtaining decrees for injunction on the basis of documentary evidence, she was never in actual possession of the suit schedule properties.

13. On the above premises, while admitting the title of the plaintiff over the suit schedule properties, the defendants denied her possession and contended that they have perfected their title by adverse possession. Accordingly, they sought a declaration by way of counter-claim that they have become owners of the suit schedule properties under the doctrine of adverse possession.

14. The defendants further contended that the cause of action for the counter-claim arose on 30.10.2015, the date on which they were served with summons in the present suit and became aware of the plaintiff's denial of their possession



over the suit schedule properties, and on subsequent dates when the plaintiff allegedly interfered with their possession. On these grounds, the defendants sought dismissal of the suit and prayed for allowing the counter-claim.

15. The plaintiff filed a rejoinder to the counter-claim filed by the defendants. In the rejoinder, the plaintiff contended that the counter-claim is not maintainable either in law or on the facts of the case. It is contended that the defendants have admitted the plaintiff's title over the suit schedule properties and have also admitted that the properties originally belonged to the plaintiff and her predecessor-in-title. According to the plaintiff, the stand taken by the defendants in the counter-claim regarding possession is inconsistent and contradictory.

16. The plaintiff further contended that the father of the defendants had actively participated in the earlier proceedings before the Trial Court, the First Appellate Court, as well as before the Hon'ble High Court of Karnataka. The plaintiff contended that the Regular Second Appeal preferred by the defendants' father came to be dismissed by the Hon'ble



High Court, thereby confirming the judgments and decrees passed by the Trial Court and the First Appellate Court.

17. It is further contended that the defendants have suppressed the true facts and have set up a false case with an intention to grab the suit schedule properties. According to the plaintiff, the defendants have no manner of right, title, or interest over the suit schedule properties and have never perfected title by adverse possession. The plaintiff further contended that the revenue records pertaining to the suit schedule properties continue to stand in her name and support her possession and enjoyment thereof. On these grounds, the plaintiff sought dismissal of the counter-claim with costs.

18. On the basis of above pleadings, the following issues and additional issues were framed by my learned predecessor-in-office.

<b><u>:- I S S U E S :-</u></b>	
1.	Whether the plaintiff proves that she is in lawful possession of the suit schedule property as on the date of suit?



2.	Whether the plaintiff further proves that the defendants are interfering with the peaceful possession and enjoyment of the suit schedule property?
3.	Whether the plaintiff is entitled to the relief as sought for?
4.	What order or decree?

**-. ADDITIONAL ISSUES :-**

1.	Whether the defendants proves that they are in possession of the suit schedule property continuously, uninterruptedly with the knowledge of the plaintiff for more than 12 years and perfected their title by way of adverse possession?
2.	Whether the defendants further prove that the plaintiff is interfering with the peaceful use and enjoyment of the suit schedule property by the plaintiff as on the date of the suit?
3.	Whether the defendants are entitled for declaration as prayed?
4.	Whether the defendants are entitled for the consequential relief of permanent injunction as prayed for?



19. In order to establish her case, the plaintiff initially entered the witness box and examined herself as PW-1. During her examination, she produced four documents, which were marked as Ex.P.1 to Ex.P.4. Subsequently, on 05.12.2018, the plaintiff filed a memo and chose not to press her chief-examination. Thereafter, her General Power of Attorney holder, Sri Kantaraju, was examined as PW-1. However, the evidence of the said witness came to be discarded pursuant to the order dated 04.10.2023. Subsequently, another General Power of Attorney holder of the plaintiff, namely Sri Kumar B.T., was examined as PW-2. Through him, six documents were produced and marked as Ex.P.5 to Ex.P.10. The plaintiff further examined three witnesses as PW-3 to PW-5 and thereafter closed her side of evidence.

20. To disprove the case of plaintiff the defendant No.4(a) entered the witness box and examined herself as DW-1. She produced thirty documents, which were marked as Ex.D.1 to Ex.D.30. The defendants also examined one more witness as DW-2 and thereafter closed their side of evidence.



21. Though sufficient opportunities were afforded to both parties to advance arguments on the merits of the case, neither the plaintiff nor the defendants addressed oral arguments before the Court. This Court had also granted liberty to the parties to file written arguments. However, the plaintiff did not avail the said opportunity.

22. On 02.05.2026, defendant Nos.4(a) to 4(c) filed written arguments before the office of the Court. On the very same day, the learned counsel appearing for defendant Nos.4(a) to 4(c) filed a memo stating that the written arguments submitted in respect of the counter-claim were not pressed. Thereafter, on 01.06.2026, the learned counsel for defendant Nos.4(a) to 4(c) filed a memo enclosing three precedents for consideration.

23. I have carefully perused the oral and documentary evidence on record, the pleadings of the parties, the written submissions available on record, and the other materials placed before the Court.



24. My findings on the above issues are as under;

Issue No.1	:	In the Affirmative
Issue No.2	:	In the Affirmative
Issue No.3	:	In the Affirmative
Addl. Issue No.1	:	In the Negative
Addl. Issue No.2	:	In the Negative
Addl. Issue No.3	:	In the Negative
Addl. Issue No.4	:	In the Negative
Issue No.4		As per final order;

for the following;

**:- REASONS :-**

25. **Issue No.1 & Additional Issue No.1:-** Both these issues are interconnected and arise out of the rival claims of possession over the suit schedule properties. Hence, they are taken up together for common discussion in order to avoid repetition of facts and evidence.



26. It is the specific case of the plaintiff that she is the absolute owner and possessor of the suit schedule properties having succeeded to the same through her mother, Deveeramma. According to the plaintiff, the defendants have no manner of right, title, or interest over the suit schedule properties and have recently attempted to interfere with her peaceful possession and enjoyment thereof.

27. On the other hand, the defendants have admitted the title of the plaintiff over the suit schedule properties. In the written statement itself, the defendants have unequivocally admitted that the suit schedule properties stand in the name of the plaintiff and that she derived title through her mother, Deveeramma. At one breath they admitted the possession of the plaintiff over the suit property. However, at another breath, they have denied the plaintiff's possession and have set up a counter-claim contending that they and their predecessor-in-title, namely Devarasegowda, have been in continuous possession of the suit schedule properties and have perfected title by adverse possession.



28. Thus, the title of the plaintiff is not seriously disputed by the defendants. The real controversy is regarding possession as on the date of the suit and whether the defendants have established the ingredients necessary to acquire title by adverse possession.

29. At the outset, it is necessary to note that the burden of proving lawful possession in a suit for permanent injunction lies upon the plaintiff. Equally, the burden of establishing adverse possession lies heavily upon the defendants who seek to defeat the admitted title of the plaintiff. Sections 101 to 103 of the Indian Evidence Act cast the burden of proof upon the party who asserts a particular fact.

30. The plaintiff has relied upon Ex.P.1, mutation extract, and Ex.P.2 and Ex.P.3, RTC extracts for the year 2015-16. These revenue records stand in the name of the plaintiff. Though revenue entries do not by themselves confer title, they are relevant pieces of evidence for determining possession of agricultural lands. The defendants have not produced any revenue records standing in their names in respect of the suit schedule properties.



31. Apart from the revenue records, the plaintiff has also relied upon Ex.P.6 to Ex.P.10, namely the certified copies of judgments and decrees passed in O.S. No.176/1997, R.A. No.94/2006, and RSA No.2749/2010. These documents disclose that Deveeramma, the predecessor of the plaintiff, had successfully obtained a decree of permanent injunction against the father of the defendants in respect of the very same properties and the said decree was confirmed up to the Hon'ble High Court of Karnataka.

32. Though a judgment in an earlier injunction suit does not conclusively determine title, it is nevertheless a relevant circumstance while examining the continuity of possession. Significantly, the defendants have not challenged the existence of the said judgments. DW-1 even expressed ignorance about the decree passed in favour of the plaintiff's side. The earlier findings thus lend support to the plaintiff's assertion that her predecessor was found to be in possession of the suit properties.

33. Further, Ex.P.11 assumes significance. The said document is a certified copy of a mortgage deed executed in



favour of a co-operative society by creating security over the suit schedule properties. PW-2 has deposed that before sanctioning the loan, the officials of the society verified the records and inspected the property. Though no independent document regarding such inspection has been produced, the fact remains that the plaintiff was able to create a mortgage over the suit property. Such an act is ordinarily consistent with a claim of ownership and possession.

34. The evidence of PW-2, PW-3 and PW-4 also supports the plaintiff's case regarding possession. No doubt, certain inconsistencies and deficiencies are found in their evidence. PW-2 admitted ignorance regarding several historical documents and particulars of the earlier litigation. PW-3 and PW-4 were unable to furnish complete particulars regarding the extent and boundaries of the suit properties. PW-5 admitted that his affidavit was prepared by the advocate and not on facts narrated by him. Nevertheless, these deficiencies do not by themselves establish possession of the defendants. At best, they affect the weight to be attached to the oral evidence.



35. More importantly, the defendants themselves have admitted the title of the plaintiff. Once title is admitted, possession ordinarily follows title unless the contrary is established by cogent evidence.

36. Coming to the plea of adverse possession, it is well settled that a person claiming adverse possession seeks to defeat the lawful title of the true owner and therefore must strictly prove all ingredients constituting adverse possession. The three essential ingredients are as follows:-

- (α) **nec vi** – adequate in continuity
- (β) **nec clam** – adequate in publicity
- (χ) **nec precario** – adverse to a competitor in denial of title and to his knowledge.

37. In the case of **Dr. Mahesh Chand Sharma v. Raj Kumari Sharma**, reported in (1996) 8 SCC 128) the Hon'ble Apex Court has observed that,

“Plea of adverse possession is not a pure question of law but a blended



one of fact and law. Therefore, a person who claims adverse possession should show

- (a) on what date he came into possession,
- (b) what was the nature of his possession,
- (c) whether the factum of possession was known to the other party,
- (d) how long his possession has continued, and
- (e) his possession was open and undisturbed.

A person pleading adverse possession has no equities in his favour. Since he is trying to defeat the rights of true owner, it is for him to clearly plead and establish all facts necessary to establish his adverse possession.

38. I have perused the written statement averments carefully. Firstly, the defendants have not specifically pleaded the date from which their possession allegedly became hostile



to the plaintiff or her predecessor. A vague plea that their father and thereafter they have been cultivating the lands for many years cannot constitute adverse possession. The law requires a definite assertion regarding commencement of hostile possession.

39. Secondly, the defendants have not produced any revenue records, mutation entries, cultivation records, tax receipts, lease records, electricity records, irrigation records, or any other public documents evidencing their alleged possession over the suit schedule properties for a continuous period exceeding twelve years.

40. The Ex.D.3 to Ex.D.19 are merely receipts relating to sale of silk cocoons. None of these documents disclose that the produce originated from the suit schedule properties. Ex.D.20 is only a bill relating to photographs and DVD. Ex.D.21 to Ex.D.30 are photographs and a compact disc. Mere photographs, without proper identification and correlation with the suit schedule properties, do not establish legal possession, much less adverse possession extending over twelve years.



41. Thirdly, DW-1 herself admitted that except the documents produced in the present case, she has no other records to establish possession. She further admitted that no proceedings were initiated to challenge the revenue entries standing in the plaintiff's name. If the defendants were truly asserting hostile title against the plaintiff, some attempt would ordinarily have been made to challenge the revenue records or seek mutation in their favour.

42. Fourthly, the plea of adverse possession is fundamentally inconsistent with the documentary evidence on record. Ex.P.6 to Ex.P.10 reveal that the predecessor of the plaintiff had already litigated against the defendants' father and succeeded up to the Hon'ble High Court. Such litigation itself demonstrates that the plaintiff's predecessor was asserting her rights and title. It cannot therefore be said that the defendants' possession, if any, remained open, uninterrupted, and uncontested for a period of twelve years.

43. Fifthly, DW-2 is of little assistance to the defendants. He admitted that he does not know who owns the suit schedule properties. He has produced no independent



documents. He also expressed ignorance regarding the long-standing litigation between the parties. His testimony therefore does not satisfactorily establish hostile possession.

44. The defendants have also relied upon Ex.D.1, the Will dated 06.09.1993. However, the plea of acquisition under a Will and the plea of acquisition by adverse possession operate on entirely different legal foundations. A person claiming through a Will acknowledges the title of the testator, whereas a person claiming adverse possession asserts hostile title against the true owner. These inconsistent stands considerably weaken the defence case.

45. Much emphasis was placed by the defendants on Ex.D.2, which is the original partition deed said to have been executed by Kempegowda in favour of Deveeramma. A careful perusal of Ex.D.2 discloses that the document pertains to allotment of certain properties in favour of Deveeramma. The document is relied upon by the defendants to trace the origin of the suit schedule properties and to support their contention regarding subsequent possession. However, it is pertinent to note that the defendants have not disputed the title of



Deveeramma and, in fact, have admitted that the plaintiff derived title through her mother. Therefore, Ex.D.2 does not advance the case of the defendants insofar as the plea of adverse possession is concerned. On the contrary, the document acknowledges the title of Deveeramma over the suit properties.

46. The learned counsel for defendant Nos.4(a) to 4(c) relied upon the decisions of the Hon'ble Supreme Court in **Kallakuri Pattabhiramaswamy (Dead) through LRs. vs. Kallakuri Kamaraju and Others**, arising in Civil Appeal No.5389 of 2012, decided on 21.11.2024, reported in 2024 SCC OnLine SC 3379; **Jogi Ram vs. Suresh Kumar**, arising in Civil Appeal Nos.1543-1544 of 2019, decided on 01.02.2022; and **Sadhu Singh vs. Gurdwara Sahib Narike and Others**, arising in Appeal (Civil) 1854 of 2003, decided on 08.09.2006, reported in AIR 2006 SC 3282.

47. In all the said decisions, the Hon'ble Supreme Court considered the effect of Section 14(1) and Section 14(2) of the Hindu Succession Act while examining whether a Hindu female, who had obtained property under a document



creating a limited estate, became an absolute owner by virtue of Section 14(1) or continued to hold only a restricted estate under Section 14(2).

48. In **Sadhu Singh** case mentioned supra, the Hon'ble Supreme Court held that where property is acquired by a Hindu female under a will creating only a life estate, the restriction contained in the will would be protected by Section 14(2) and the female holder would not acquire absolute ownership. Similarly, in **Jogi Ram** and **Kallakuri Pattabhiramaswamy**, the Hon'ble Supreme Court examined the nature of the right conferred upon a Hindu female under testamentary or other instruments and whether such right enlarged into absolute ownership under Section 14(1) or remained restricted under Section 14(2). However, the controversy involved in the present suit is entirely different. The present suit is one for permanent injunction, whereas the counter-claim is founded upon a plea of adverse possession. The defendants have not sought any declaration that Deveeramma held only a limited estate under any document nor have they laid the factual foundation necessary



for adjudication of rights under Section 14(1) or Section 14(2) of the Hindu Succession Act.

49. Even assuming that the document relied upon by the defendants conferred only a limited right upon Deveeramma, the defendants have not sought a declaration on that basis. On the contrary, their specific case throughout the written statement and counter-claim is that they have perfected title by adverse possession. Once the defendants set up a plea of adverse possession, the burden lies upon them to establish continuous, open, hostile, and uninterrupted possession for the statutory period. The question whether Deveeramma held an absolute estate or a limited estate under Section 14 of the Hindu Succession Act does not by itself establish adverse possession in favour of the defendants.

50. Further, the defendants themselves have admitted the plaintiff's ownership over the suit schedule properties and have based their counter-claim solely on alleged long possession. Therefore, the principal question for determination in the present case is possession and adverse



possession, and not the enlargement of a female Hindu's estate under Section 14 of the Hindu Succession Act.

51. Accordingly, this Court is of the opinion that the principles laid down in **Kallakuri Pattabhiramaswamy, Jogi Ram**, and **Sadhu Singh** cases mentioned supra are distinguishable on facts and do not assist the defendants in establishing either their plea of adverse possession or their entitlement to the relief sought in the counter-claim. Consequently, the said decisions are not applicable to the facts and circumstances of the present case. Therefore, the reliance placed upon the aforesaid decisions by the defendants is misplaced.

52. The oral and documentary evidence on record demonstrates that the defendants have neither pleaded nor proved the exact commencement of adverse possession, the nature of hostile possession, the knowledge of the true owner, or uninterrupted possession for the statutory period. The essential ingredients of **nec vi, nec clam, and nec precario** are conspicuously absent.



53. On the contrary, the plaintiff has produced contemporaneous revenue records standing in her name, the earlier judgments recognizing possession of her predecessor, and the mortgage transaction executed over the suit property. These circumstances probabalize the plaintiff's possession as on the date of the suit. Accordingly, this Court is of the considered opinion that the plaintiff has succeeded in proving her lawful possession over the suit schedule properties as on the date of the institution of the suit. Conversely, the defendants have utterly failed to establish that they perfected title by adverse possession. Hence, **Issue No.1 is answered in the Affirmative and Additional Issue No.1 is answered in the Negative.**

54. **Issue No.2, Issue No.3 and Additional Issue Nos.2 to 4:-** These issues are interconnected and arise out of the rival claims of interference and consequential reliefs sought by the parties. Therefore, they are taken up together for common discussion.

55. While answering Issue No.1 and Additional Issue No.1, this Court has already held that the plaintiff has established



her lawful possession over the suit schedule properties as on the date of institution of the suit and that the defendants have failed to establish their plea of adverse possession.

56. It is the case of the plaintiff that after the death of Devarasegowda, the defendants started interfering with her peaceful possession and enjoyment of the suit schedule properties. According to the plaintiff, such interference culminated in lodging a complaint before the jurisdictional police, who advised her to seek relief before the Civil Court.

57. The defendants, on the other hand, denied the allegation of interference and contended that they themselves were in possession of the suit schedule properties. On that basis, they sought declaration of title by adverse possession and consequential injunction against the plaintiff by way of counter-claim.

58. In a suit for permanent injunction relating to immovable property, the primary question for consideration is possession as on the date of suit. Once possession is established, even a person having better title cannot interfere



with such possession except by due process of law. Therefore, the Court is required to examine whether the alleged interference has been established on the basis of the materials available on record.

59. The plaintiff has produced Ex.P.4 and Ex.P.16, namely the endorsement and acknowledgment issued by M.K. Doddi Police Station. Though these documents do not conclusively establish the truth of the allegations made in the complaint, they indicate that the plaintiff's side had approached the police authorities complaining about interference in relation to the suit schedule properties. These documents lend corroboration to the plaintiff's assertion that a dispute regarding possession existed between the parties.

60. The oral evidence of PW-2 also assumes significance. PW-2 consistently deposed that the defendants were interfering with the plaintiff's possession. Though certain omissions and inconsistencies have been elicited during his cross-examination regarding the source of title and earlier transactions, nothing substantial has been elicited to



discredit his testimony regarding the existence of the dispute and interference by the defendants.

61. The evidence of PW-3 and PW-4 also lends support to the plaintiff's case. PW-3 specifically stated that the dispute arose on account of cutting of trees in the suit property. PW-4 similarly deposed that the defendants were causing damage to crops, cutting trees, and obstructing fencing activities. Though these witnesses were not fully aware of all particulars relating to title and boundaries, their evidence indicates the existence of a dispute concerning the plaintiff's possession over the suit schedule properties.

62. On the other hand, the defendants have not produced convincing evidence to establish their plea that the plaintiff was interfering with their possession. The foundation of the counter-claim is the assertion that the defendants have perfected title by adverse possession. However, as already discussed while answering Additional Issue No.1, the defendants have failed to establish the essential ingredients of adverse possession.



63. The relief of declaration sought in the counter-claim is entirely dependent upon proof of adverse possession. Once the plea of adverse possession fails, the consequential prayer for declaration necessarily fails. The law is well settled that a declaration of title by adverse possession cannot be granted in the absence of clear, cogent, and convincing evidence establishing continuous, open, hostile, and uninterrupted possession for the statutory period.

64. It is also significant that the defendants have admitted the plaintiff's title over the suit schedule properties. Once title is admitted and possession is found in favour of the plaintiff, a strong presumption arises that any attempt by the defendants to assert possession contrary to the rights of the plaintiff would amount to interference. The evidence on record probalizes the plaintiff's allegation that the defendants were attempting to disturb her possession and enjoyment of the suit schedule properties.

65. The equitable relief of permanent injunction is intended to protect established possession against unlawful interference. In the present case, the plaintiff has succeeded



in proving her possession, whereas the defendants have failed to establish either adverse possession or any legally recognizable right over the suit schedule properties. Consequently, the plaintiff is entitled to protection of her possession by way of permanent injunction.

66. Conversely, since the defendants have failed to establish their possession, hostile title, or any interference by the plaintiff, they are not entitled to either the declaratory relief sought in the counter-claim or the consequential relief of permanent injunction.

67. Accordingly, this Court holds that the plaintiff has established the alleged interference by the defendants and has made out a case for grant of permanent injunction. The defendants have failed to prove interference by the plaintiff and have also failed to establish their entitlement to declaration of title and consequential injunction. Hence, **Issue No.2 and Issue No.3 are answered in the Affirmative, Additional Issue No.2 to Additional Issue No.4 are answered in the Negative.**



68. **Issue No.4:-** In view of my forgoing reasoning and conclusions arrived at by me during the above discussions, I proceed to pass the following:

**:- O R D E R :-**

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

The defendants, their agents, servants, followers, legal representatives, or anybody claiming through or under them are hereby permanently restrained from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule properties.

The counter-claim filed by the defendants seeking declaration of title by adverse possession and consequential relief of permanent injunction is hereby dismissed with costs.

Draw decree accordingly.

[Given under my hand and seal of this court on this 15<sup>th</sup> June, 2026 within the premises and during the working hours of this Court and is pronounced in an open court.]

**(YOGESHA K)**  
**PRL. CIVIL JUDGE & J.M.F.C.**  
**CHANNAPATANA.**

**:- ANNEXURE :-****List of Witness examined on behalf of the Plaintiff**

P.W.1	Smt. Lakshmiddevamma
P.W.1	Shri. Kantaraju
P.W.2	Shri. Kumar B.T
P.W.3	Shri. Suresh C
P.W.4	Shri. Rajesh
P.W.5	Shri. Gopal

**List of Documents exhibited on behalf of the Plaintiff**

Ex.P.1	Certified copy of MR No.H26/2014-15.
Ex.P.2	Certified copy of RTC of Sy.No.99/1.
Ex.P.3	Certified copy of RTC of Sy.No.98/1B.
Ex.P.4	Endorsment issued by the ASI of MK Doddi Police Station dated 07.08.2015.
Ex.P.5	Revocation of Special Power of Attorney given to Kantaraju.
Ex.P.6 & 7	Certified copy of Judgment and decree passed in OS No.176/1997.
Ex.P.8 & 9	Certified copy of Judgment and decree passed in RA No.94/2006.



Ex.P.10	Certified copy of the Judgment passed in RSA No.2749/2010
Ex.P.11	Certified copy of the loan bond.
Ex.P.12	Certified copy of RTC of Sy.no.50/p29.
Ex.P.13	Certified copy of RTC of Sy.no.100/4.
Ex.P.14	Certified copy of RTC of Sy.no.144/2.
Ex.P.15	Certified copy of RTC of Sy.no.144/3.
Ex.P.16	Acknowledgment issued by ASI of MK Doddi Police Station dated 07.08.2015.

**List of Witness examined on behalf of the Defendants**

D.W.1	Smt. Geetha
D.W.2	Shri. Krishna

**List of Documents exhibited on behalf of the Defendants**

Ex.D.1	Original Will dated 06.09.1993.
Ex.D.2	Original deed of partition.
Ex.D.3 - 19	Payment receipts for selling of silk cocoons
Ex.D.20	Payment bill issued by Saptabiri enterprise for issuing Photographs and DVD.



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Ex.D.21 - 29	Photographs
Ex.D.30	Compact Disc

**(YOGESHA K)**  
**PRL. CIVIL JUDGE & J.M.F.C.**  
**CHANNAPATANA.**