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Presented on: 26-03-2026

**IN THE COURT OF THE II ADDL. CIVIL JUDGE AND
J.M.F.C. AT KANAKAPURA**

Dated this the 26th Day of March 2026

**Present: Sri.Vinay .V. Kundapur B.A.L. LL.B.,
II Addl. Civil Judge and JMFC.,
Kanakapura.**

O.S. No.108/2020

Plaintiff : Sri. A.C. Shivalinge Gowda
S/o Late Chenne Gowda,
Aged about 62 years,
R/at: # 43, 2nd main,
11th 'A' cross, 3rd phase,
J.P. Nagar, Bangalore – 78.

(By Sri.M.G., Advocate)

-V/s-

Defendants : 1) Sri. Savandi Gowda
S/o Arase Gowda,
Aged about 60 years,

2) Sri. Ravi S/o Marasegowda,
Aged about 34 years,



- 3) Sri. Cheluva S/o Narasegowda,
Aged about 34 years,
- 4) Sri. Mahalinga
S/o Ningegowda @ Ninga,
Aged about 35 years,
- 5) Sri. Manju
S/o Shokimarigowda,
Aged about 27 years,
- 6) Sri. Shivarudra
S/o Chikkottegowda,
Aged about 36 years,
- 7) Sri. Kala S/o Durge Gowda,
Aged about 62 years,
- 8) Sri. Ramu S/o Gundaiah,
Aged about 32 years,
- 9) Sri. Ganga S/o Gauramma,
Aged about 42 years,
- 10) Sri. Giria S/o Kariyanna,
Aged about 30 years,
- 11) Sri. Chikkavenkata
S/o Venkatagirigowda,
Aged about 52 years,
- 12) Sri. Shivarudra
S/o Eere gowda,
Aged about 47 years,



- 13) Sri. Soma S/o Kemparase gowda,
Aged about 47 years,
- 14) Sri. Raju S/o Halage gowda,
Aged about 60 years,
- 15) Sri. Papa S/o Kemparase gowda,
Aged about 64 years,
- 16) Sri. Manu S/o Raja,
Aged about 24 years,
- 17) Sri. Jayarama
S/o Thimmayya,
Aged about 42 years,
- 18) Sri. Krishna
S/o Thimmayya,
Aged about 42 years,
- 19) Sri. Chandra
S/o Bole Gowda,
Aged about 47 years,
- 20) Sri. Raja S/o Kabbale Gowda,
Aged about 35 years,
- 21) Sri. Mayiga
S/o Chowde Gowda,
Aged about 72 years,
- 22) Sri. Kumara S/o Mayiga,
Aged about 30 years,

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23) Sri. Raghu S/o Lakshmi,
Aged about 28 years,

24) Sri. Manja S/o Raja,
Aged about 30 years,

All are R/at:
Vadlegowdanadoddi,
Hamlet of Achalu Village,
Sathanur Hobli,
Kanakapura Taluk,
Ramanagara District.

(By D.1, D.2 & D.4 Sri.R.C., Advocate)

Date of institution of the suit : 03-03-2020

Nature of the suit : Permanent Injunction

Date of commencement of
recording of evidence : 03-09-2022

Date of closing of
recording of evidence : 21-10-2022

Date on which the Judgment
Was Pronounced on : 26-03-2026

Total Duration : Years/s Month/s Day/s

06 00 23



JUDGMENT

The plaintiff has filed this suit against defendants for the relief of Permanent Injunction restraining the defendants, their agents, servants, henchmen or anybody claiming right under on behalf defendants are hereby restrained from interfering with the plaintiff peaceful possession and enjoyment over the suit schedule property and costs and such other reliefs.

DESCRIPTION OF THE SUIT SCHEDULE PROPERTY

All the part and parcel of land measuring 5.15 acres excluding 2 guntas of foot kharab in Sy No.298 is situated at Achalu Village, Sathanur Hobli, Kanakapura Taluk and bounded on:

East by : Lands of Rajanna, Syed Amjad, Syed Mustaid

West by : Land of Chenne Gowda, Rame Gowda, AB
Linge Gowda and Deshi Gowda

North by : Land of Kariappa, Moogappa, Venkatagiri @
Marigowda



South by : Land of Syed Amjad, Syed Mustaid, Syed
Amir, Siddegowda

2. Brief facts of the plaintiff as follows:-

The present suit filed by the plaintiff against the defendants and submits before the court that, he is the absolute owner of the land bearing Sy No.298 measuring 5 acre 15 guntas excluding 0.02 guntas of kharab situated at Achalu Village, Sathanur Hobli, Kanakapura Taluk. The plaintiff submits he acquired the suit schedule property under registered sale deed dated 21.03.1998. The said property purchased from its previous vendor Thibbe Gowda @ Kullegowda and his daughter Smt. Honnamma for valuable consideration amount of Rs. 1,69,000/-. The plaintiff submits since from the purchase he is in lawful possession and enjoyment over the suit schedule property and paying revenue taxes to the government regularly. Plaintiff submits in pursuance of registered sale deed the revenue authority effected katha in the name of vide M.R.No.49/1997-98. The

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plaintiff submits as on the date of sale deed executed by his vendor inducted the plaintiff in physical at the time of purchase the suit schedule property was barren land consisting of rocky hilly area and the same was unfit for cultivation. The plaintiff after purchasing the said land spent huge some of amount for leveling, removing boulder stones from the suit schedule property and also for developing the same. Plaintiff submits he has raised mango, coconut, teak and other valuable trees in the suit schedule property. The said plaintiff at the time of purchasing the suit schedule property he was residing at Achalu Village, Sathanur Hobli, Kanakapura Taluk, but for giving education to his children he shifted his family to Bangalore city.

The plaintiff further submits, the defendants are absolutely strangers and they do not have any manner of right, title or interest whatsoever over the suit schedule property falsely and wrongly claiming right over the same and trying to interfere very often with peaceful possession and

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enjoyment over the suit schedule property and also illegally destroyed by gate put up by the plaintiff. The defendants are very powerful and influenced persons in the locality having large support of men and political background. But the plaintiff is innocent and law abiding citizen cannot resist the illegal acts by the defendant without the aid and help of this Hon'ble Court. The defendant taking undue advantage of the fact plaintiff residing at Bangalore illegally, tress pass the suit schedule property and destroy gate put up by the plaintiff towards the northern side of the suit schedule property. Due to the said illegal act of the defendant the plaintiff has sustaining a great loss amounting to Rs.1,00,000/-.

The plaintiff further submits he appointed supervisor in the suit schedule property, while the defendant destroyed the gate put up by the plaintiff, he requested to defendant not to demolish the gate but the defendants did not care about his words all of them trying to assault him. Due to the said act the supervisor of plaintiff Veerabhadregowda ran away from

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the spot, the defendant again tress pass to the suit schedule property. The plaintiff at the time filed a suit before the court under O.S. No.147/2015 before the Hon'ble Civil Judge Junior Division, Kanakapura. In the said suit the defendant appear through their counsel and filed written statement. At the time plaintiff came to know about the fact that, the said court has not having pecuniary jurisdiction to try the matter. Hence plaintiff filed not press memo before the same court and is allowed. The plaintiff repaired damage which was caused by the defendant to his property on 05.02.2020, but all the defendant came near to the suit schedule property and trying to obstruct the plaintiff and his labor to put up compound wall. Hence the plaintiff without any alternative way to filed the present suit before the court.

3. After service of summons defendants have appeared before the court and filed written statement and denied the averments made in the plaint and submits that the suit filed

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by the plaintiff is not maintainable in the eye of law. Plaintiff is given wrong boundaries to the suit schedule property, the averments made in the plaint are false. The defendants submits the plaintiff is not resident of Achalu Village and permitted resides at J.P. Nagar Bangalore.

The defendant further submits that, the government i.e., P.W.D has form the road from Jakkegowdanadoddi Village to Hulibele Village, Jakkegowdanadoddi Village is situated in Kanakapura Mysore Road, Hulibele situated between Kanakapura and Sangam Road. The said road is interlinked road, in the said road the P.W.D is formed another road after 1.2 KM to Vadlegowdanadoddi Road, nearly the said road is only 1.2 KM in between the interlinked road, there are so many lands are coming all the said land are bifurcated by road including the plaintiff's suit schedule property, hence all the land owners and villagers are using the said road including the plaintiff.

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But the plaintiff is not stated anywhere in the plaint with regard to the existence of road, hence the plaintiff is coming with unclean hand filed this false suit giving unnecessary trouble to the all the villagers and the adjacent land owners.

The defendant further submits that, the P.W.D has form the road from Jakkegowdanadoddi to Vadlegowdanadoddi Village more than 40 years back. Earlier it was mud road and recently P.W.D has formed the tar road. The all the villagers and Achalu Villagers Vadlegowdanadoddi they are using the road more than 40 years. The vendors of the plaintiff one Thibbegowda @ Kullegowda was not questioned at the time of forming the road, the said road is using by the plaintiff also.

The defendant further submits that, the plaintiff property i.e., the suit schedule property was bifurcated by road on both sides of the road the plaintiff's suit schedule property was situated when the P.W.D officials are forming

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the road at that time the plaintiff himself is not questioned the P.W.D officials after forming the taar road. The plaintiff himself trying to block the road all the residents of Achalu village and Vadlegowdanadoddi are questioning the plaintiff why you are closing the road at at that time the plaintiff without alternative he has filed the wrong complaint against the present defendants and filed the false suit against the defendants. These defendants never interference with the suit schedule property at no point of time. On the other hand the plaintiff is trying to take injunction order from this Hon'ble Court giving wrong information to this Hon'ble Court and trying to close the road. If the plaintiff is close the road all the villagers of Achalu Village and Vadlegowdanadoddi will be put in trouble and the said road is only way to reach the Vadlegowdanadoddi Village. Hence the suit of the plaintiff is not maintainable.

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The defendants further submits that, the plaintiff deliberately filed false suit against the defendant and not given proper information with regard to suit schedule property and unnecessarily giving trouble to the all the villagers and neighbors. The plaintiff has not having locostandy to file the suit against the defendants. Plaintiff not approached this court with clean hand, hence prays to dismiss the suit with cost.

4. Based on the rival pleadings of the parties, my learned predecessor has framed the following issues.

ISSUES

1. Whether the plaintiff proves that he is in possession and enjoyment of the suit schedule property as on the date of filing of suit ?
2. Whether the plaintiff proves the alleged interference caused by the defendants ?
3. Whether the plaintiff is entitled for the relief as sought for ?
4. What Order or Decree?

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5. To prove the case, plaintiff himself examined as P.W-1 by filing his evidence on affidavit in lieu of examination in chief wherein he has reiterated the contents of the plaint and got marked the documents as per Ex.P-1 to Ex.P-16.

Plaintiff in support of examination two fully witnesses as P.W.2 and P.W.3. Inspite of giving sufficient chance defendant counsel failed to cross-examine the P.W.1 to P.W.3.

6. Heard plaintiff side arguments, inspite of giving opportunity defendant not appear before the court and not submit their part of arguments. Hence arguments in defendant side also taken as nil.

7. Upon hearing the arguments on perusal of material placed on record, my findings above issues are as under:

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



REASONS

8. Issue No.1 and 2: In order to avoid the repetition of the facts, these issues are taken up together for common discussion.

It is the case of the plaintiff is that, he is the absolute owner of the land bearing Sy No.298 measuring 5 acre 15 guntas excluding 0.02 guntas of kharab situated at Achalu Village, Sathanur Hobli, Kanakapura Taluk. The plaintiff submits he acquired the suit schedule property under registered sale deed dated 21.03.1998. The said property purchased from its previous vendor Thibbe Gowda @ Kullegowda and his daughter Smt. Honnamma for valuable consideration amount of Rs. 1,69,000/-. The plaintiff submits since from the purchase he is in lawful possession and enjoyment over the suit schedule property and paying revenue taxes to the government regularly. Plaintiff submits in pursuance of registered sale deed the revenue authority

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effected katha in the name of vide M.R.No.49/1997-98. The plaintiff submits as on the date of sale deed executed by his vendor inducted the plaintiff in physical at the time of purchase the suit schedule property was barren land consisting of rocky hilly area and the same was unfit for cultivation. The plaintiff after purchasing the said land spent huge some of amount for leveling, removing boulder stones from the suit schedule property and also for developing the same. Plaintiff submits he has raised mango, coconut, teak and other valuable trees in the suit schedule property. The said plaintiff at the time of purchasing the suit schedule property he was residing at Achalu Village, Sathanur Hobli, Kanakapura Taluk, but for giving education to his children he shifted his family to Bangalore city. The defendant taking undue advantage of the fact plaintiff residing at Bangalore illegally, tress pass the suit schedule property and destroy gate put up by the plaintiff towards the northern side of the suit schedule property. Due to the said illegal act of the

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defendant the plaintiff has sustaining a great loss amounting to Rs.1,00,000/-.

The plaintiff further submits he appointed supervisor in the suit schedule property, while the defendant destroyed the gate put up by the plaintiff, he requested to defendant not to demolish the gate but the defendants did not care about his words all of them trying to assault him. Due to the said act the supervisor of plaintiff Veerabhadregowda ran away from the spot, the defendant again tress pass to the suit schedule property. The plaintiff at the time filed a suit before the court under O.S. No.147/2015 before the Hon'ble Civil Judge Junior Division, Kanakapura. In the said suit the defendant appear through their counsel and filed written statement. At the time plaintiff came to know about the fact that, the said court has not having pecuniary jurisdiction to try the matter. Hence plaintiff filed not press memo before the same court and is allowed. The plaintiff

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repaired damage which was caused by the defendant to his property on 05.02.2020 but all the defendant came near to the suit schedule property and trying to obstruct the plaintiff and his labor to put up compound wall.

9. The defendants denied allegation made by the plaintiff and taken contention that, plaintiff is given wrong boundaries to the suit schedule property, the averments made in the plaint are false. The defendants submits the plaintiff is not resident of Achalu Village and permitted resides at J.P. Nagar Bangalore.

The defendant further submits that, the government i.e., P.W.D has form the road from Jakkegowdanadoddi Village to Hulibele Village, Jakkegowdanadoddi Village is situated in Kanakapura Mysore Road, Hulibele situated between Kanakapura and Sangam Road. The said road is interlinked road, in the said road the P.W.D is formed another road after 1.2 KM to Vadlegowdanadoddi Road, nearly the

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said road is only 1.2 KM in between the interlinked road, there are so many lands are coming all the said land are bifurcated by road including the plaintiff's suit schedule property, hence all the land owners and villagers are using the said road including the plaintiff. But the plaintiff is not stated anywhere in the plaint with regard to the existence of road, hence the plaintiff is coming with unclean hand filed this false suit giving unnecessary trouble to the all the villagers and the adjacent land owners.

The defendant further submits that, the P.W.D has form the road from Jakkegowdanadoddi to Vadlegowdanadoddi Village more than 40 years back. Earlier it was mud road and recently P.W.D has formed the tar road. The all the villagers and Achalu Villagers Vadlegowdanadoddi they are using the road more than 40 years. The vendors of the plaintiff one Thibbegowda @ Kullegowda was not questioned at the time of forming the road, the said road is using by the plaintiff also.

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The defendant further submits that, the plaintiff property i.e., the suit schedule property was bifurcated by road on both sides of the road the plaintiff's suit schedule property was situated when the P.W.D officials are forming the road at that time the plaintiff himself is not questioned the P.W.D officials after forming the taar road. The plaintiff himself trying to block the road all the residents of Achalu village and Vadlegowdanadoddi are questioning the plaintiff why you are closing the road at at that time the plaintiff without alternative he has filed the wrong complaint against the present defendants and filed the false suit against the defendants. These defendants never interference with the suit schedule property at no point of time.

The defendants further submits that, the plaintiff deliberately filed false suit against the defendant and not given proper information with regard to suit schedule property and unnecessarily giving trouble to the all the

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villagers and neighbors. The plaintiff has not having locostandy to file the suit against the defendants. Plaintiff not approached this court with clean hand, hence prays to dismiss the suit with cost.

10. To prove the case, of the plaintiff by name A.C. Shivalingegowda he examined as P.W.1 and filed affidavit in lieu of chief examination and got marked Ex.P.1 to Ex.P.16. Ex.P.1 is the certified copy of sale deed dated 21.03.1998, Ex.P-2 and Ex.P-3 are the two old handwritten of RTC extracts, Ex.P-4 and Ex.P-5 are the two computerized RTC extracts, Ex.P-6 is the certified xerox copy of Mutation registrar, Ex.P-7 to Ex.P-13 are the 7 photos it related to the sale deed, Ex.P-14 is the C.D.

Further the plaintiff examined two witnesses by name Veerabhadregowda and Puttaswamygowda as P.W.2 and P.W.3 in support of his case and produced Ex.P-15 is the

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computerized RTC extract of Sy No.438 and Ex.P-16 is the computerized RTC extract of Sy No.438.

11. After chief examination the defendant counsel not appear before the court and not cross-examine the plaintiff and plaintiff side witness and not lead his side evidence. Hence the matter posted for arguments.

12. On perusal of the documents produced by the plaintiff which clearly goes to shows that, plaintiff is in possession and enjoyment of the suit schedule property. Further more witnesses by name Veerabhadregowda and Puttaswamygowda has examined as P.W.2 and P.W.3 they also submits before the court that:

"... A.C. Shivalingegowda is the absolute owner of land bearing Sy. No. 298 measuring 5.15.00 acres excluding 0.02.00 guntas of kharab situated at Achalu Village, Sathanur Hobli, Kanakapura Taluk. The plaintiff purchased the suit schedule property under a registered sale deed dated 21.03.1998 from its previous vendor

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viz., Thibbe Gowda @ Kullegowda and his daughter Smt. Honnamma and others for valuable sale consideration. By virtue of registered sale deed katha has been transferred in his name and written RTC also. Since the, the said A.C. Shivalingegowda will become the absolute owner and in lawful physical possession and enjoyment over the suit schedule property.

Further he submit that, the defendants are absolutely strangers and they do not have any manner of right, title and interest whatsoever over the suit schedule property and even though intentionally and deliberately with dishonest intention to harass and give trouble to the plaintiff trying to interfere very often and often with the peaceful possession and enjoyment of the suit schedule property. Towards west of the suit schedule property the properties of Syed Amjad, Syed Mustaid, Syed Amit, Siddegowda lands are comes and after their lands my land Sy No.438/P6 measuring 0.10.00 guntas is situated and the said land is in my name..."

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The evidence of P.W.2 and P.W.3 is not disputed by the defendants.

So on perusal of the documents produced by the plaintiff Ex.P.2 and Ex.P.3 are the RTC extracts pertaining to the suit schedule property. Ex.P.1 is the sale deed dated: 21.03.1998 it clearly discloses the fact that, the plaintiff is in peaceful, lawful possession and enjoyment over the suit schedule property. Moreover the defendant himself not disputed averments made in the plaint with cogent material before the court. Hence considering the evidence of P.W.1 to P.W.3 this court answered **Issue No.1 and Issue No.2 in the Affirmative.**

13. Issue No.3: The plaintiff claims for permanent injunction restraining the defendants from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property. For the reasons stated in issue No.1 and 2 the plaintiff has proved his possession over the suit schedule

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property and also proved the interference by the defendants.

Therefore, in view of the above discussion this court is of the considered view that, the plaintiff is entitled to the reliefs claimed. Hence this Court proceed to answer **Issue No.3 in the Affirmative.**

14. Issue No.4: For the reasons stated above and in view of findings given on Issue No.1 to 3, I proceed to pass the following;

ORDER

The suit of the plaintiff is hereby decreed.

The defendants, their agents, servants, henchmen or anybody claiming right under them are hereby restrained from interfering with the plaintiff peaceful possession and enjoyment over the suit schedule property.



**Under the circumstances of the
case, no order as to cost.**

Draw decree accordingly.

*(Dictated to the stenographer directly on the computer, print out taken by her then corrected, signed and pronounced by me in the open court on this the **26th Day of March 2026**).*

**Sd/-
(Vinay .V. Kundapur)
II Addl Civil Judge & JMFC,
Kanakapura.**

ANNEXURE

1. List of witnesses examined on behalf of the plaintiff:

P.W-1 : A.C. Shivalingegowda
P.W-2 : Veerabhadregowda
P.W-3 : Puttaswamygowda

2. List of documents marked on behalf of the plaintiff:

Ex.P-1 : Certified copy of sale deed dated 21.03.1998
Ex.P-2 & 3 : Two old handwritten of RTC extracts
Ex.P-4 & 5 : Two computerised RTC extracts
Ex.P-6 : Certified xerox copy of Mutation registrar
Ex.P-7 to 13 : 7 photos related to the sale deed

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Ex.P-14 : C.D

Ex.P-15 : Computerized RTC extract of Sy No.438

Ex.P-16 : Computerized RTC extract of Sy No.438

3. List of witnesses examined on behalf of the defendants:

-Nil-

4. List of documents marked on behalf of the defendants:

-Nil-

Sd/-
(Vinay .V. Kundapur)
II Addl Civil Judge & JMFC,
Kanakapura.

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Judgment not ready
Call on: 26.03.2026

**II Addl Civil Judge & JMFC,
Kanakapura.**

(Judgment pronounced in open
court vide separate order)

ORDER



The suit of the plaintiff is hereby decreed.

The defendants, their agents, servants, henchmen or anybody claiming right under them are hereby restrained from interfering with the plaintiff peaceful possession and enjoyment over the suit schedule property.

Under the circumstances of the case, no order as to cost.

Draw decree accordingly.

**II Addl Civil Judge & JMFC,
Kanakapura.**