

KARN320026482020



Presented on:13-03-2026

**IN THE COURT OF THE II ADDL. CIVIL JUDGE & JMFC.,
AT KANAKAPURA**

Dated this the 13th Day of March 2026

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

O.S. No.393/2020

PLAINTIFF : Sri. Kempegowda
S/o Late Kempaurugegowda,
Aged about 50 years,
R/at: Hosahonaganahadoddi,
Allimaranahalli Dakle,
Kasaba Hobli,
Kanakapura Taluk,
Ramanagara District.

(By Sri.S.Y.G., Advocate)

-Vs-

DEFENDANTS : 1. Sri. Maddamma
W/o Late Doddamarigowda,
Aged about 50 years,



2. Sri. Chikkamarigowda
S/o Late Sambegowda,
Aged about 55 years,

3. Sri. Chikkamasanamma
W/o Late Chikkalingaiah,
Aged about 53 years,

All are residing at:
Hosahonaganahadoddi,
Allimaranahalli Dakle,
Kasaba Hobli,
Kanakapura Taluk,
Ramanagara District.

(Exparte)

Date of institution of the suit : 01-12-2020

Nature of the suit : Declaration & Permanent
Injunction

Date of commencement : 29-10-2025
of recording of evidence

Date of closure of : 13-01-2026
recording of evidence

Date on which the Judgment : 13-03-2026
was Pronounced



Total duration	:	Year/s	month/s	Day/s
		05	03	12

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

This suit is filed by the plaintiff against the defendants for the relief of declaration and permanent injunction, he is the absolute owner of the suit schedule properties and directed to restraining the defendant, his agents, servants or anybody acting on his behalf from interfering with the plaintiff peaceful possession and enjoyment over the suit schedule property and for cost and such other reliefs.

DESCRIPTION OF THE SUIT SCHEDULE PROPERTY

1. All the part and parcel of the agricultural land bearing Sy No.37/2, measuring 0.10 guntas situated at Allimaranahalli



Village, Kasaba Hobli, Kanakapura Taluk, Ramanagara District

and the same is bounded on:

East by : Land of Venkategowda

West by : Land of Chikkabasavegowda

North by : Land of Marigowda

South by : Remaining land of defendants

2. All the part and parcel of the agricultural land bearing Sy No.37/9, measuring 0.09 guntas out of 0.12.08 guntas, situated at Allimaranahalli Village, Kasaba Hobli, Kanakapura Taluk, Ramanagara District and the same is bounded on:

East by : Land of Lingegowda

West by : Land of Marigowda

North by : Land of Channegowda

South by : Land of Venkategowda

**2. The brief facts of the case of the plaintiff is as follows:-**

As per the plaint, plaintiff submits that, he is the absolute owner in possession and enjoyment of the agricultural lands bearing Sy No.37/2 measuring 0.10 guntas and Sy No.37/9, measuring 0.09 guntas, out of 0.12.08 guntas both are situated at Allimaranahalli Village, Kasaba Hobli, Kanakapura Taluk, Ramanagara District, which are morefully described in the schedule properties. The suit schedule properties earlier belonged to one Sambegowda, who is the father of the defendant No.2 and father-in-law of the defendants No.1 and 3. After his death, the katha of the suit schedule properties were made out in the name of Smt. Kempamma W/o Sambegowda. The above said Smt. Kempamma and defendant No.2 have sold the suit schedule properties infavour of the plaintiff through registered sale deed dated 18.03.1997, which is duly registered in the office



of Sub-Registrar, Kanakapura and they have inducted me in possession of the same. The plaintiff is an illiterate, and ignorant person and he is not having worldly knowledge as such he has not changed the katha of the suit schedule properties in his name.

The plaintiff further submits that, he recently came to know that, in the recital of the registered sale deed dated 18.03.1997 in respect of the suit schedule properties executed by Smt. Kempamma and the defendant No.2 infavour of the plaintiff, due to oversight and inadvertence mistake, the survey number has been wrongly entered as Sy Nos. 54/6 and 116/2 instead of Sy Nos. 37/2 and 37/9. The same is not intentional one, but for the above said bonafide reason. The extent and boundaries of the survey number Nos. 37/2 and 37/9 is correctly mentioned in the said registered sale deed. The plaintiff is knowing that, the above said Smt. Kempamma,



who is one of vendor of the plaintiff is dead. After her death, the defendants have illegally got changed the katha of the suit schedule properties in their favour. The very act of the defendants are illegally, high handed and opposed to law.

The plaintiff further submits that, the defendants have no manner of any right, title, interest nor possession over the suit schedule properties. They are strangers to the suit schedule property. Taking advantage of the alleged katha stands in the name of the defendants they often and often trying to interfere with the plaintiff's peaceful possession and enjoyment of the suit schedule properties.

Plaintiff further submits that, while such is facts, on 26.10.2020 at about 10.30 AM the defendants and their henchmen illegally trespassed into the suit schedule properties and trying to interfere with the plaintiff's peaceful possession and enjoyment of the suit schedule properties and



also try to dispossessing the plaintiffs from the suit schedule properties, by the timely intervention of the well wishers in the locality the defendants have not succeeded in their illegal act. So, the plaintiff has requested the defendants not act illegally and also come and execute Registered Rectification Deed in respect of the suit schedule properties infavour of the plaintiff, but the defendants have not cared the requests of the plaintiff. In this regard, the plaintiff has convened panchayath, the panchayathdars are also advised the defendants to execute registered rectification deed infavour of the plaintiff, but are all went in vain. The plaintiff has also given complaint against the defendants before the jurisdictional police, but jurisdictional police have rendered the protection, they have directed the plaintiff that the above said matter is civil in nature. The defendants are very powerful person in the locality having men, money, might and



influence. On the other hand, the plaintiff is poor and helpless person in the locality. So, there is no other alternative way available to the plaintiff except to approach this Hon'ble Court. Hence, the plaintiff is obliged to file the present suit for declaration.

3. Inspite of service of summons and sufficient opportunities, defendants have not appeared before this Court, hence they placed as ex-parte.

4. On the basis of the plaint averments, the points that would arise for consideration as under:

1. Whether the plaintiff proves that he is the absolute owner of the suit schedule properties?
2. Whether plaintiff proves alleged interference by the defendants ?
3. Whether the plaintiff is entitled for the reliefs as claimed in the plaint?
4. What order or decree?



5. The plaintiff in order to prove his case, plaintiff got examined himself 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 6 documents as per Ex.P-1 to Ex.P-6.

6. I heard the arguments of the plaintiff counsel & proceed to pass the judgment.

7. On the materials available on record, this court answered the above points as follows:

Point No.1: In the Negative

Point No.2: In the Negative

Point No.3: In the Negative

Point No.4: As per final order

for the following:-



: REASONS :

8. Point No.1 to 3:- These points are interlinked with one another, they are taken up together for common consideration in order to avoid repetition of facts.

This suit is of the plaintiff against the defendants seeking the relief of declaration and permanent injunction and such other reliefs. As per the plaint the plaintiff submits that, he is the absolute owner in possession and enjoyment of the agricultural lands bearing Sy No.37/2 measuring 0.10 guntas and Sy No.37/9, measuring 0.09 guntas, out of 0.12.08 guntas both are situated at Allimaranahalli Village, Kasaba Hobli, Kanakapura Taluk, Ramanagara District, which are morefully described in the schedule properties. The suit schedule properties earlier belonged to one Sambegowda, who is the father of the defendant No.2 and father-in-law of the defendants No.1 and 3. After his death, the katha of the



suit schedule properties were made out in the name of Smt. Kempamma W/o Sambegowda. The above said Smt. Kempamma and defendant No.2 have sold the suit schedule properties infavour of the plaintiff through registered sale deed dated 18.03.1997, which is duly registered in the office of Sub-Registrar, Kanakapura and they have inducted me in possession of the same. The plaintiff is an illiterate, and ignorant person and he is not having worldly knowledge as such he has not changed the katha of the suit schedule properties in his name.

The plaintiff further submits that, he recently came to know that, in the recital of the registered sale deed dated 18.03.1997 in respect of the suit schedule properties executed by Smt. Kempamma and the defendant No.2 infavour of the plaintiff, due to oversight and inadvertence mistake, the survey number has been wrongly entered as Sy Nos. 54/6 and



116/2 instead of Sy Nos. 37/2 and 37/9. The same is not intentional one, but for the above said bonafide reason. The extent and boundaries of the survey number Nos. 37/2 and 37/9 is correctly mentioned in the said registered sale deed. The plaintiff is knowing that, the above said Smt. Kempamma, who is one of vendor of the plaintiff is dead. After her death, the defendants have illegally got changed the katha of the suit schedule properties in their favour. The very act of the defendants are illegally, high handed and opposed to law.

The plaintiff further submits that, the defendants have no manner of any right, title, interest nor possession over the suit schedule properties. They are strangers to the suit schedule property. Taking advantage of the alleged katha stands in the name of the defendants they often and often trying to interfere with the plaintiff's peaceful possession and enjoyment of the suit schedule properties.



Plaintiff further submits that, while such is facts, on 26.10.2020 at about 10.30 AM the defendants and their henchmen illegally trespassed into the suit schedule properties and trying to interfere with the plaintiff's peaceful possession and enjoyment of the suit schedule properties and also try to dispossessing the plaintiffs from the suit schedule properties, by the timely intervention of the well wishers in the locality the defendants have not succeeded in their illegal act. So, the plaintiff has requested the defendants not act illegally and also come and execute Registered Rectification Deed in respect of the suit schedule properties infavour of the plaintiff, but the defendants have not cared the requests of the plaintiff. In this regard, the plaintiff has convened panchayath, the panchayathdars are also advised the defendants to execute registered rectification deed infavour of the plaintiff, but are all went in vain. The plaintiff has also



given complaint against the defendants before the jurisdictional police, but jurisdictional police have rendered the protection, they have directed the plaintiff that the above said matter is civil in nature. The defendants are very powerful person in the locality having men, money, might and influence. On the other hand, the plaintiff is poor and helpless person in the locality. So, there is no other alternative way available to the plaintiff except to approach this Hon'ble Court. Hence, the plaintiff is obliged to file the present suit for declaration.

9. The plaintiff in order to prove his 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 6 documents as per Ex.P-1 to Ex.P-6. Ex.P-1 is the registered sale deed dated 18-03-1997, Ex.P-2 is the RTC extract Sy No.37/2, Ex.P-3 is the RTC extract Sy No.37/9,



Ex.P-4 is the RTC extract Sy No.37/2, Ex.P-5 is the RTC extract Sy No.37/2 and Ex.P-6 RTC extract Sy No.37/9.

10. Looking to the plaint averments, plaintiff submits that, he is the absolute owner in possession and enjoyment of the agricultural lands bearing Sy No.37/2 measuring 0.10 guntas and Sy No.37/9 measuring 0.09 guntas, out of 0.12.08 guntas, both are situated at Allimaranahalli Village, Kasaba Hobli, Kanakapura Taluk, Ramanagara District. The suit schedule properties earlier belonged to one Sambegowda, who is the father of the defendant No.2 and father-in-law of the defendants No.1 and 3. After his death, the katha of the suit schedule properties were made out in the name of Smt. Kempamma W/o Sambegowda vide M.R.No.6/1983-84 and pahani got written in her name. The plaintiff is an illiterate, an ignorant person and he is not having worldly knowledge as



such he has not changed the katha of the suit schedule properties in his name.

11. Such being the case, when the plaintiff has failed to prove his right, title, interest, over the suit schedule property under that circumstances invariably plaintiff is not entitled for the relief of declaration, based on documentary evidence. Hence this Court answers **point No.1 to 3** in the **Negative**.

12. Point No.4: In view of the findings on point No.1 to 3, this Court proceed to pass the following:

ORDER

The Suit of the plaintiff is hereby dismissed.

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 13th 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 : Kempegowda

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

Ex.P-1 : Registered sale deed dated 18-03-1997

Ex.P-2 : RTC extract Sy No.37/2

Ex.P-3 : RTC extract Sy No.37/9

Ex.P-4 : RTC extract Sy No.37/2

Ex.P-5 : RTC extract Sy No.37/2

Ex.P-6 : RTC extract Sy No.37/9

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.





Judgment not ready
Call On:13.03.2026

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

(Judgment pronounced in open
court vide separate order)

ORDER

The Suit of the plaintiff is hereby
dismissed.

No order as to cost.

Draw decree accordingly.

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