



**IN THE COURT OF PRL. CIVIL JUDGE AND
JMFC., KUNIGAL**

Present:

Smt. Sujatha A.B B.A.L., L.L.B.,
Prl. Civil Judge & JMFC., Kunigal.

DATED THIS THE 2nd DAY OF JULY 2026

ORIGINAL SUIT.NO.423/2017

Plaintiff:

Smt. Jayamma

W/o Ramanna,
Aged about 45 years,
R/at: Honnegowdana Doddi Village,
Hamelt of Handalagere,
Huliyurudurga Hobli,
Kunigal Taluk.

[Rep. by Sri.LVV, Advocate]

-V/s-

Defendants:

1. Sri. Chandraiah

S/o. Late Mugappa @
Sannananjaiah,
Aged about 40 years,
R/at: Bommenahalli Village,
Huliyurudurga Hobli,
Kunigal Taluk.

**2. Sri. Nagaraju**

S/o. Nanjundaiah,
Aged about 48 years,
R/at: Handalagere Village,
Huliyurudurga Hobli,
Kunigal Taluk.

(Rep. By Sri BGR, Advocate)

Date of Institution of Suit	26.11.2017
Nature of the Suit	Permanent injunction
Date of Commencement of Evidence	15.09.2022
Date of pronouncement of Judgment	02.07.2026.
Total Duration	Years Months Date
	08 07 06

J U D G M E N T

The plaintiff has filed the present suit for the relief of permanent injunction against the defendants and their agents, servants, attorney or anybody on behalf them from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property.

**2. Description of the suit schedule property:**

Landed property bearing Old Sy.No.15/15 New Sy.No.14/20, measuring 0.02 guntas, situated at Handalagere village, Huliurdurga Hobli, Kunigal Taluk bounded by

East by : Road
West by : Block No.1 Remaining land in the same survey number
North by : Block No.1
South by : Road.

3. The brief facts of the plaintiff case are as under:

It is the case of the plaintiff that, she is the absolute owner and in possession and enjoyment of the suit schedule property, she has purchased the suit schedule property from its lawful owner by name Puttaswamy S/o Nanjundaiah, Lakshamma W/o Puttaswamy and Nandeesh S/o Puttaswamy of Honnegowdana Doddi Village, Hamlet of



Handalagere, Huliurudurga Hobli, Kunigal Taluk., through registered sale deed dated 16.09.2016 for consideration of Rs.55,000/-. The plaintiff stated that since the date of purchase she is in lawful possession and enjoyment of the suit schedule property as absolute owner and on the basis of registered sale deed revenue authorities have mutated the khatha of the suit schedule property in her name as per MR.No.H8/2016-17 and her name find place in RTC extract in column No.9 as well as in 12 and she used to pay the tax to the revenue authorities regularly in respect of suit schedule property.

4. Plaintiff stated that defendants are utter strangers to the suit schedule property as well as to her family and they are not at all having any right, title, interest and muchless possession over the suit schedule property. In spite of that defendants are often and often trying to interfere with her peaceful



possession over the suit schedule property by trespassing the same. When plaintiff questioned the illegal act of the defendants, then they scold and abused her in filthy language. The plaintiff stated that cause of action for suit arose about 2 days back when the defendants and their henchman came near the suit schedule property and trying to interfere lawful peaceful possession and enjoyment over the suit schedule property. Hence plaintiff constrained to file the suit and prayed to decree the same.

5. In pursuance to the suit summons the defendants have appeared through their counsel and they have filed written statement. In the written statement defendants have denied the contentions of the plaintiff and denied the sale deed of the plaintiff along with cause of action. The defendants stated that defendant No.1 is the absolute owner of the written statement schedule item No.1 property and



he purchased the same from its lawful owner under registered sale deed dated 08.11.1996 and since then he is in written statement schedule item No.1 of the property as absolute owner. The khatha stands in the name of defendant No.1, he is paying tax to the panchayath. Previously there was old house in the written statement schedule item No.1 property and the same was fallen down and now it is vacant site. When the plaintiff and her husband Ramanna tried to interfere with the defendant No.1 peaceful possession and enjoyment of the item No.1 of the written statement schedule property, then the defendant No.1 has filed the suit against them before Additional Civil Judge Kunigal., in OS No.478/2017 and obtained injunction order and suit is still pending.

6. Defendants further stated that defendant No.2 is the absolute owner of the written statement schedule item No.2 property and he purchased the



same from its lawful owner under registered sale deed dated 17.07.1987 and since then he is in written statement schedule item No.2 of the property as absolute owner. The khatha stands in the name of defendant No.2, he is paying tax to the panchayath. Previously there was an old house in the written statement schedule item No.2 property and the same was fallen down and now it is vacant site. When the plaintiff and her husband Ramanna tried to interfere with the defendant No.1 peaceful possession and enjoyment of the item No.2 of the written statement schedule property, then the defendant No.2 has filed the suit against them before Prl. Civil Judge Kunigal., in OS No.477/2017 and obtained injunction order and suit is still pending.

7. Defendants stated that previously above said 2 items of the written statement schedule property were in Sy.No.14/15 and plaintiff is not in possession



and enjoyment of suit schedule property. Defendants stated that suit is not at all maintainable and she has filed suit with an intention to knock off the written statement schedule property of the defendants. When she is not in possession and enjoyment of the suit schedule property the question of interfering with her alleged possession does not arise at all and she has not approached the court with clean hands. Among these grounds they prayed to reject the suit with cost.

8. Based on the pleadings, my predecessor in office has framed the following issues;

ISSUES

1. Whether the plaintiff proves he is in lawful possession and enjoyment of the suit schedule property, as on the date of suit ?
2. Whether the plaintiff proves the alleged interference by the defendants?
3. Whether the plaintiff is entitled



for the relief as sought for?

4.What decree or order ?

9. In order to prove the contentions, the SPA plaintiff got examined as Pw.1 and got marked documents at Ex.P1 to Ex.P.6 and examined one more witness as PW.2. On the other hand, defendant No.1 has examined as DW.1 but he has not marked any documents on his behalf.

10. Heard agreements from the plaintiff. In spite of granting sufficient time, the defendants have not addressed their arguments.

11. My answer to the aforesaid issues is 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::



12. Issue No.1 :- Admittedly the plaintiff has filed for the relief of permanent injunction. It is the case of the plaintiff that she is the owner of the suit schedule property and same was purchased by her and she is in possession of suit schedule property but the defendants are strangers and trying to interfere with her possession. On the other hand, the defendants claimed that the plaintiff has filed this false suit against them to grab their property.

13. In order to support her case the plaintiff has produced sale deed dated 16.09.2016 at Ex.P.2 and same goes to show that plaintiff has purchased the suit property from one Puttaswamy and his wife and son and she has also produced RTC of Sy.No.14/21 at Ex.P.3 and same goes to show that based on Ex.P.2 sale deed the plaintiff name came to be entered as per MR No. H8/2016-17. The plaintiff has also



produced RTC extract of Sy.No.14/20 and Sy.No.14/15 at Ex.P.4 and P.5 and same goes to show that in the above survey number vendor of the plaintiff had 1.7.12 guntas and 13.12 guntas respectively in his name. Plaintiff has also produced certified copy of encumbrance certificate at Ex.P.6 and same goes to show that plaintiff name came to be shown as purchaser in old Sy.No.14/15 and new Sy.No.14/20. Further it is noticed that the boundaries mentioned in the suit schedule property as well as sale deed are appears to be one and the same. So as a result at this stage the plaintiff has proved that, she is in peaceful possession and enjoyment of the suit schedule property as on the date of suit. Hence I answer issue No.1 in the **Affirmative**.

14. Issue No.2: According to plaintiff, defendants are interfering with her possession to that effect



though plaintiff has not produced any documents but she alleged that defendants causing interference with her possession. In my opinion, when this court finds the lawful possession of the plaintiff over the suit property, there is no need for identifying it whether said threat is real or not. Even if, for a moment the threat is taken into consideration is false, then also by granting the injunction in favour of the plaintiff, no harm will be caused to the defendants. In support of my view, I have taken the shelter of a decision of our own Hon'ble High Court of Karnataka reported in **1999 (1) Kar.L.J.536** (Lakshamma -vs- M.P.Krishnappa & others), wherein, it is held like below:-

**“SPECIFIC RELIEF ACT, 1963,
Section 36- Injunctory decree- Basis
for grant of - Threatened invasion
of right can be basis- No need for
finding whether threat is real or
not- Where party seeking
preventive relief of injunction on
basis of possession, has established**



fact of his possession, he is entitled to relief.

HELD: Once the appellate court finds the possessions with the plaintiff, thus rendering a concurrent finding with the trial court, there should not be any hesitation on the part of the appellate court to grant injunction.”

15. Further there is no contrary evidence is placed to the evidence of plaintiff. Further though the defendants claimed that they have purchased the written statement schedule properties respectively, but they have not produced said sale deeds in their evidence to prove the same and though the defendant No.1 has filed his chief examination affidavit but he failed to tender himself for cross-examination. From the above discussed documents and un-challenged evidence, this court is of the opinion that the defendants have tried to interfere with the possession



of the suit schedule property. Hence the possessory rights of the plaintiff has to be protected. Further the plea taken by defendants is not at all set up by them by entering into the witness box. So at this juncture, I would like to refer the citation is as under;

(1999) 3 SCC 573, Vidhyadhar

V/s. Manikrao and another;

“ 1. Evidence Act 1872-S. 114 III.

(g) F presumption- If a party abstains from entering the witness box, an adverse inference would arise against him.

16. It is noted that where a party to the suit does not appear in the witness box and states his own case on oath and does not offer himself to be cross-examined by the other side, a presumption would rise that the case set up by him is not correct as has been held in a series of decisions



passed by various High Courts and the Privy Council beginning from the decision in **Sardar Gurbakhsh Singh V/s Gurdial Singh**. The Allahabad High Court in **Arjun Singh V/s Virendra Nath** held that “if a party abstains from entering into the witness-box, it would give rise to an adverse inference against him. Similarly a division Bench of the Punjab and Haryana High Court in **Bhagawan Dass V/s Bhishan Chand** drew a presumption under Sec. 114 of the Evidence Act 1872 against a party who did not enter the witness-box. In view of citations and discussion made above, the plaintiff is entitled to the relief sought for. Hence this court answered issue No.2 in the **Affirmative**.

17. Issue No.3: In view of my findings on Issue No.1 and 2 and for the reasons stated above, this court of the opinion that the plaintiff has succeeded



to prove her possession over the suit schedule property and also obstruction caused by the defendants. Hence, the plaintiff is entitled to the relief of permanent injunction as sought for in the plaint. Accordingly this court answered issue No.3 in the **Affirmative.**

18. Issue No.4: With the above observations, this court proceed to pass the following;

::ORDER::

The suit of the plaintiff is hereby decreed with costs.

The defendants and their agents, servants, attorneys or anybody acting on behalf of them are hereby permanently restrained from interfering with the Plaintiff's peaceful possession and enjoyment over the suit schedule



property.

Draw decree accordingly.

[Dictated to the stenographer directly on computer and then corrected by me and thereafter pronounced in the open court on this the **2nd day of July 2026.**]

Sd/-
(Sujatha A.B.)
Prl. Civil Judge and JMFC,
KUNIGAL.

::ANNEXURE::

List of witnesses examined for the plaintiff:

PW.1- Sri. Ramanna H.D

PW.1- Sri. Puttaswamy

List of documents exhibited for the plaintiff:

Ex.P.1 - SPA

Ex.P.2 - Sale deed

Ex.P.3 to 5- RTC Extracts

Ex.P.6 - Encumbrance certificate

List of witnesses examined by the Defendants:

DW.1- Sri. Chandraiah

List of documents exhibited by the Defendants:

- Nil-.

Sd/-
Prl. Civil Judge and JMFC.,
KUNIGAL.