



**IN THE COURT OF THE SENIOR CIVIL JUDGE
AND JMFC, AT: PAVAGADA**

PRESENT

SRI. MADESHA V,
BAL.,LL.B.,
SENIOR CIVIL JUDGE AND JMFC,
PAVAGADA.

R.A. No. 13/2020

Dated this the 13th day of November 2024.

Appellants :

- 1. Sri. E.N.Srinivas**
S/o late E.V.Narayana Duth
Aged about 54 years.
- 2. Sri. E.G.Sathyanarayana**
S/o Late E.V.Gururaj
Aged about 46 years.

Both are R/o Megalapalya Road,
Y.N.Hosakote Town and Hobli,
Pavagada Taluk.

(By Sri M.N., Advocate)

V/s

Respondents :

- 1. Smt. Obamma**
W/o Late Kariyappa
Aged about 72 years.
- 2. Smt. Rangamma**
D/o Obamma,
W/o Kariyappa
Aged about 52 years



Both are R/o Megalapalya Road,
Y.N.Hosakote Town and Hobli,
Pavagada Taluk.

(R1 By Sri M.B., Advocate)
(R-2 Placed Exparte)

JUDGMENT

Being aggrieved by the Judgment and Decree dated :
12-11-2019 passed by the Addl. Civil Judge and JMFC, Pavagada,
in O.S.No.196/2016, decreeing the suit filed for Permanent
Injunction in respect of Suit Schedule Property, the appellants
have filed the present appeal Under Order 41 Rule 1 R/w Section
96(1) of CPC.

2. The Appellants are defendants and respondents
are the plaintiffs before the Trial court. Therefore, the parties
hereinafter would be referred to as per their rank assigned to
them in the Trial court.

3. The facts of the instant case sufficient for
disposal of the appeal if briefly stated are as under :-



4. The plaintiffs have filed O.S.No.196/2016 against the defendants in the Trial court seeking the relief of Permanent Injunction and such other reliefs.

5. The property involved in the dispute is part and parcel of vacant site property bearing assessment katha No.2192/2/1448/2 measuring East-West 12 feet, North-South 20 feet, situated at Y.N.Hosakoate Hobli, Pavagada Taluk as shown in schedule of the plaint. The said property hereinafter would be referred to as “suit property” for the sake of brevity and convenience.

6. It is the case of plaintiffs that, originally the suit schedule property was a vacant site property coming under Y.N.Hosakoate Municipality now Grampanchayath. The plaintiff No.1 is the mother of plaintiff No.2 and they were unauthorized occupants and in possession of suit schedule property. The Municipality had issued hakkupathra and also mutated katha and other documents in the name of plaintiff



No.1 long back. The plaintiff No.1 had put up a residential hut in the suit schedule property by investing huge amount and residing there along with her family members by paying regular tax to the concerned Y.N.Hosakoate Grampanchayath. The said Grampanchayath sanctioned financial assistance to the plaintiffs for construction of new house by removing old hut. The old hut was in a dilapidated condition and after availing financial assistance, they had removed hut and laid foundation in the suit schedule property. The plaintiffs have collected men and material for construction of residential house in the suit schedule property by investing huge amount. Except the suit schedule property, they have no any other house for residence. The defendants have no manner of right, title, interest or possession over the suit schedule property and they are nothing to do with suit schedule property. In spite of it, they are unnecessarily denying their rights and title and making unlawful attempts to interfere with plaintiffs' peaceful possession and enjoyment of suit schedule



property since two months. They are also unnecessarily obstructing the plaintiffs from construction of house in the suit schedule property to cause heavy loss and damage. They have no any property all around the suit schedule property. They are doing such illegal acts alleging that, they have filed suit against plaintiffs and others in OS.No.264/2011 which is pending. They have given wrong boundaries towards eastern side in the plaint schedule of O.S.No.264/2011. Taking undue advantage of pending proceedings of said suit, the defendants are giving unnecessarily troubles to them to knockoff the suit schedule property. If they had not constructed the house within a specified time, financial assistance sanctioned to them by Government will be cancelled. There was a fort wall towards western of RVP High school and the suit schedule property is situated towards western side of school building. The defendants are very rich and powerful persons and they are trying to knockoff the suit



schedule property. Hence, left with no alternative, the plaintiffs filed suit against the defendants for the said reliefs.

7. The trial court record indicates that, the defendants appeared through their counsel and filed written statement denying all the averments made in para Nos.2 to 7 of the plaint as false and incorrect and cause of action as well. They have contended that, the suit is not maintainable either in law or on facts of the case. The plaintiffs filed suit by suppressing the real facts with an intention to harass them. The hakkupathra issued by TMC is a created and concocted one. These plaintiffs were and are not at all in unauthorized possession of suit schedule property. The suit schedule property is situated well within the land of defendants bearing Sy.No.233 which is of the defendants. There is no gramatana in between RVP High school building and the Sy.No.233 of Y.N.Hosakoate. The plaintiffs have illegally put up hut in the land of defendants and the same is liable to demolished. There is a suit pending between the plaintiffs and defendants in respect of the suit



property in O.S.No.264/2011 on the file of this court. The plaintiffs have no rules and sense to trespass into others properties. The plaintiffs high highhandedly trespassed the land property and put up hut illegally and the motive will not be considered in the society run by the rule of law. The plaintiffs taken law into their hands and by overnight they put up hut and same is liable to be demolished. The plaintiffs fully aware of fact that, the suit schedule property is situated in Sy.No.233 of defendants and the fact was also very well known to the Town Municipality now Village Panchayath. They got created and concocted all the documents in favour of plaintiffs. The documents which are in the name of plaintiffs are opposed to law and hence, they cannot be relied upon. Hence, the suit of the plaintiffs is to be dismissed. There is no cause of action in the suit and suit in its present form is not at all maintainable. On the said grounds, they prayed to dismiss the suit.

8. Based on the rival pleadings of the parties, the Trial Court has framed the following :



ISSUES

1. Whether the plaintiffs proves that, they are in peaceful possession and enjoyment of the suit property as on the date of institution of the suit ?
2. Whether the plaintiffs further prove alleged interference of the defendants ?
3. Whether the plaintiffs are entitled for relief of permanent injunction ?
4. What order or decree ?

9. During pendency of the suit, the plaintiff No.2 got examined herself as P.W.1 and ExP-1 to ExP-12 were marked. In support of their case, they have also examined another witness as PW2. On the other hand, the defendant No.2 got examined himself as DW1 and ExD1 to ExD34 were marked. Defendants had also examined another independent witness as DW2.

10. The Trial Court after having heard the arguments of plaintiffs and defendants and on perusal of the materials on



record has answered Issues No.1 and 3 in the Affirmative and and ultimately, decreed the suit of plaintiffs.

11. Thus, being aggrieved by the said judgment and decree of the Trial Court, the defendants have filed the present appeal on the following among other grounds.

GROUND OF APPEAL

12. That the judgment and decree passed by the Trial Court decreeing the suit filed for Permanent injunction, impugned in the present appeal is illegal and contrary to the law and facts applicable to the case. The trial court failed to come to the correct decision with regard to the existence of gramatana and its identity. The lower court has erred in not properly appreciating the documents of plaintiffs/ respondents and the defendants / appellants. The documents of appellants are of most ancient and the documents of respondents are of recent in origin and the said documents are created and concocted for no property. The trial court failed to consider



the location of gramatana. There is no gramatana in between the Sy.No.233/1B of appellants / defendants and the RVP High school building, hence decreeing the suit does not arise for consideration. The trial courts findings on issues No.1 to 4 are erroneous and the same findings are to be reversed as the documents of plaintiffs / respondents are concocted and created for no place of gramatana. The ExD3 and D4, ExD14 to D18 which are more sufficient to prove the case of lawful possession of the appellant for suit schedule property.

13. The lower court has erred in coming to the conclusion that it is very difficult to believe that the defendants / appellants are in possession of the suit schedule property even though the defendants had establish their case by producing all old documents and examining witnesses. Hence, the plaintiffs have no proper title over the suit schedule property and they failed to establish possession. Hence, the lower court erred in not properly appreciating oral and documentary evidence of defendants. The judgment and



decree is not based on sound principles of law and same is capricious, perverse and not in accordance with law. The Trial court misconceived the facts and accepted the version of plaintiffs and wrongly decreed the suit. In fact, the defendants have got good case on merits and the trial court failed to appreciate the same. Therefore, the judgment and decree of the trial court requires interference at the hands of this court and liable to be set aside. On the said grounds, the appellants have prayed for allowing the appeal by setting aside the judgment and decree of the trial court impugned in the present appeal.

14. In response to the notice of appeal, the respondents have not appeared and placed exparte.

15. I have secured the Trial Court records. Heard the arguments of learned counsel for the appellants and learned counsel for the respondents. Perused the materials placed on record.



16. The following points arise for my consideration :

- 1) Whether the plaintiffs have established that, they are in possession and enjoyment of the suit property ?
- 2) Whether the plaintiffs have proved the alleged interference by the defendants ?
- 3) Whether the trial court has committed any error in decreeing the suit in respect of the suit schedule property ?
- 4) Whether the judgment and decree of the trial court impugned in the present appeal requires interference at the hands of this court ?
- 5) What order or decree?

17. My findings to the aforesaid points are as under:

Point No. 1 : In the Affirmative

Point No. 2 : In the Affirmative

Point No. 3 : In the Negative

Point No. 4 : In the Negative

Point No. 5 : As per final order,
for the following:

REASONS

18. **Points No.1 to 4:** Since these points are interlinked and they are taken together for common



discussion to avoid repetition of reasoning and facts. As noted above, the plaintiffs have filed the aforesaid suit before the court below seeking the relief of Permanent injunction and such other reliefs in respect of suit schedule property. The Trial court decreed the suit with costs and consequently, by an order of permanent injunction, the defendants, their agents, servants or anybody claiming under them are restrained from interfering or obstructing or meddling with plaintiff's peaceful possession over the suit property.

19. It is the case of plaintiffs that, the suit schedule property originally belonged to the then Y.N.Hosakoate Municipality now Grampanchayath. They were in unauthorized occupation and in possession of suit property. The Municipal authorities have issued hakkupathra and mutated katha and other documents in the name of plaintiff No.1. They had constructed hut in the suit schedule property and residing there with family members. Since, hut was in a dilapidated condition and they were sanctioned financial assistance from



the Grampanchayath. Hence, they removed old hut and put up construction of residential house. The defendants have no manner of right, title, interest and possession over the suit schedule property. In spite of it, they are causing obstruction and interfere with their possession. On the other hand, the defendants contended that, they are the owners of Sy.No.233 of Y.N.Hosakoate and the suit schedule property comes within the said survey number belongs to them. The plaintiffs wrongly put up hut and now making efforts to put up illegal construction. They have colluded with Municipal authorities and panchayath authorities and got created documents into their names. They have filed suit in O.S.No.264/2011 against the plaintiffs and the said suit is pending for adjudication. On the basis of illegal documents, they are trying to knockoff the suit schedule property of defendants.

20. The learned counsel for the appellants submitted his argument reiterating the averments made in the written statement and also grounds of appeal. It is argued that, the



plaintiffs and other villagers have illegally put up huts in the suit schedule property which is part and parcel of Sy.No.233 belongs to the defendants. They were not sanctioned the financial assistance from the Municipalities and Grampanchayath. They have illegally created the documents for wrongful gain. The defendants have already filed the suit in OS.No.264/2011 for declaration and mandatory injunction for demolition of illegal construction put up by plaintiffs and others. The said suit is pending before this court for adjudication. The plaintiffs are trespassers of the suit schedule property and they have no manner of right to put up construction. The said illegal construction liable to the demolished by the order of mandatory injunction. If the order of injunction is granted in favour of plaintiffs they would take undue advantage to knockoff the suit schedule property of the defendants.

21. It is argued that, the plaintiffs have not produced sufficient documents to establish their right over the suit



schedule property. Without establishing their right over the suit schedule property, the suit for permanent injunction is not maintainable and they ought to have filed suit for declaration. Hence, the suit for permanent injunction is not maintainable it should have been dismissed. On the other hand, the defendants have established that, they are the owners of suit schedule property. The evidence of DW1 corroborated by the evidence of DW2, who has clearly deposed about the right of defendants in respect of suit schedule property and also Sy.No.233. The trial court failed to appreciate the said facts and come to the wrong conclusion which erroneous and not based on sound principles of law. On the said grounds, the learned counsel for appellants prayed to allow the appeal and to set aside the judgment and decree dated 12-11-2019 and dismiss the suit.

22. The learned counsel for respondents has also submitted his arguments reiterating the contentions taken in the plaint. It is argued that, the appeal preferred by the



appellants is not maintainable either in law or facts of the case. The plaintiffs have produced sufficient documents to establish that, they are in possession and enjoyment of suit schedule property. They have produced ExP1 to P3 and P5, assessment register extracts and demand register extracts which are standing in the name of plaintiff No.1. ExP6 and P7 documents show that, the plaintiff No.1 granted financial assistance for construction of house accordingly, she executed executed document infavour of the concerned panchayath. She has also produced ExP4 and P8 tax paid receipts for having paid tax in respect of suit schedule property. The photographs show that, there existing old hut in the suit schedule property and subsequently, they removed the same and constructed new house. The plaintiffs have also examined PW2 who has also clearly deposed that, the plaintiffs are in possession and enjoyment of the suit schedule property. The trial court upon considering of the materials available on record rightly decreed the suit that requires no



interference at the hands of this court. On the said grounds, the learned counsel for respondents prayed to dismiss the appeal with costs.

23. The plaintiffs/respondents have filed the suit for Permanent injunction against defendants in respect of suit vacant site property bearing assessment katha No.2192/2/1448/2 measuring East-West 12 feet, North-South 20 feet, and within the boundaries as shown in the plaint. It is the initial burden of plaintiffs to prove their case by adducing, convincing and cogent evidence. It is well settled law that, admission of the defendants is not material, the plaintiffs have to prove their case independently to the satisfaction of the court with convincing, cogent and legal evidence. Since the suit is for Permanent and injunction and the burden heavily rests on the plaintiffs to prove their possession. Further, weakness of the defendants' case would not strengthen plaintiffs case. If the burden is discharged, then only the onus shifts on the defendants to establish the



plaintiffs case as false and on the other hand, their case is probablized on the basis of the material on record.

24. In order to prove their case, the plaintiffs No.2 Rangamma got examined herself as PW1. In her examination-in-chief affidavit, she almost reiterated the contentions taken in the plaint. In support of their case, the plaintiffs produced ExP1 to P12. During cross-examination also she has clearly deposed that, the panchayath authorities given suit property to her and also issued tax paid receipt and hakkupathra in her name. She doesn't know since how many years back she was given hakkupathra. The tax paid receipts issued about 15 to 20 years back. She denied that, the suit property doesn't belong to the panchayath and she deposed falsely. It is denied that, the suit property belongs to one Narayana Duth. She has constructed house in the suit property and also got electricity supply under Bhagyajyothi scheme. It is admitted that, one more suit filed by the defendants against them is pending. It



is denied that, they have created documents and deposing falsely.

25. In support of their case, the plaintiff examined a witness by name Gajula Budensab as PW2. PW2 has also deposed that, suit property belonged to Y.N.Hosakote Municipality and the said property given to the plaintiffs long back. Since then, the plaintiffs constructed house and residing in suit property and they are the owners and in possession of the property. They have no any other house property for their residence. They have been in possession of the property since more than 30 years and he has also been visiting their house and in that location for selling bangles. The suit property is not belongs to the defendants or their father Narayana Duth and they are not in possession of the property. During cross-examination of PW2 deposed that, the plaintiffs constructed house in the Government property. He doesn't know that the katha number of the suit property but he knows the schedule. He had not come across the documents of suit property which



are standing in the name of plaintiffs, but he had seen that the plaintiffs are in possession of the property and paying tax. It is denied that, he has been deposed falsely at the instance of plaintiff No.1.

26. On the other hand, the defendant No.2 by name E.V. Sathyanarayana got examined himself as DW1 and in his examination-in-chief affidavit, he almost reiterated the contentions taken in the written statement and ExD1 to ExD34 got marked. During cross-examination DW1 deposed that, his grandfather purchased suit schedule property and he has produced said sale deed. It is admitted that, Exp5 is the sale deed executed by Sheshagirirao in favour of Narayanachar. He sold his half extent out of 13 acre 19 guntas. It is admitted that, his grandfather purchased suit property under sale deed dated 15-02-1952 and he purchased 16 acre 29 guntas. He doesn't know about sub-division of Sy No.233. His grandfather purchased eastern side share from



Sheshagirirao, they never sold western side 1 acre property in favour of anybody. As per the court order, they have given 10 guntas towards western side in Sy.No.233 and the house of plaintiffs situated in Sy No.233/1B. His elder father constructed house in Sy No.233/1 and they are in joint possession of rest of the property. The plaintiffs put up huts during the year 2010-11. He deposed that, the Y.N.Hosakote grampanchayath have issued hakkupathra without their knowledge. It is denied that, on the basis of hakkupathra they have mutated katha in the name of plaintiffs.

27. In response to the suggestion that, the plaintiffs removed hut and constructing house in the suit property, he deposed that, despite resistance and lodging complaint, they had constructed house. It is admitted that, since the date of construction of house the plaintiffs have been in possession of the suit property. They had not preferred appeal questioning the revenue documents. His grandfather died 15 years ago and the revenue documents still continued in the name of his



grandmother. He doesn't know that, the Government sanctioned financial benefits to the plaintiffs for construction of residential house in the suit property.

28. In support of their contention, the defendant examined witness by name A.T.Balaji as DW2, he deposed that, he had seen property of defendants bearing Sy No.233/1B. The plaintiffs illegally constructed house towards eastern side of Sy No.233/1B. During cross-examination deposed that, the plaintiffs constructed house about 7-8 years back. He doesn't know that, the plaintiffs constructed house which granted in their favour by obtaining permission. He had seen the houses constructed by the plaintiffs. The house of plaintiffs existing towards eastern side of High school building. It is admitted that, the plaintiffs are in possession and enjoyment of suit property. He doesn't know that, the suit property is not the landed property and it is a site property.



29. In support of their case, the plaintiffs have also produced 12 documents which marked at ExP1 to ExP12. ExP1 Tax assessment register extract, ExP2 demand register extract clearly shows that, the property bearing assessment katha No.2192/2/1448/2 measuring 12 x 20 feet is standing in the name of plaintiff No.1 Obamma. Wherein the documents plaintiff No.1 Obamma is shown as occupier and owner in possession of the said property. ExP3 demand register extract also shows that, the property bearing assessment katha No.2192/2/1448/2 measuring 12 x 20 feet which is site situated towards western side of RVP High school. ExP4 and P8 are the Tax paid receipts being tax paid by the plaintiff No.1 in respect of suit property. ExP6 is the hakkupathra issued by the PDO Y.N.Hosakote Grampanchayath in favour of plaintiff No.1 for construction of house in the schedule property and she was sanctioned benefit under Rajeevgandhi Grameena Vasati Nigama Niyamitha.



30. ExP7 is true copy of mortgage dated 21-04-2016 executed by the plaintiff No.1 in favour of grampanchayath under Indira Avas Schemes in the year 2016-17. The said documents show that, she was sanctioned financial assistance of Rs.1,19,800/- for construction of house in the schedule property. In the said document also clearly mentioned that, the plaintiff No.1 mortgaged the suit property with specific boundaries which was duly registered in the office of Sub-Registrar, Pavagada. ExP9 to P12 are the photographs of suit property and ExP12(a) is the C.D. On perusal of photographs reveal that, there existing old house and subsequently it was demolished and a new house constructed in the said property. Further there is existing huts in the suit schedule property.

31. On the other hand, ExD1, D2, D32 and D33 certified copies of plaint and written statement in OS.No.264/2011. On perusal of documents show that, E.V.Narayana Duth had filed suit against the plaintiff No.2



herein and others for permanent injunction in respect of Sy.No.233/1B. In the said suit, the defendants filed written statement denying the right and possession of plaintiffs contending that, they had constructed houses in the suit property and they were granted financial assistance from the concerned grama panchayath. ExD3 and D4 are certified copies of record of rights in respect of Sy.No.233/1B standing in the name of Venkatesh Guptha, H.R.Srinivasamurthy, H.R.Venkobarao. ExD5 is the certified copy of sale deed dated 30-08-1947 executed by H.R.Sheshagirirao S/o Venkobarao in favour of H.K.Narayanachar in respect of Sy.No.233 measuring 13 acre 19 guntas, 235, 236 and 237.

32. ExD6 is the certified copy of sale deed dated 14-02-1952 executed by H.K.Narayanachar in favour of Venkateshguptha in respect of Sy.No.233 measuring 6 acres 39½ guntas. ExD7 is the letter given by Narayana Duth to the President and Secretary of Y.N.Hosakote alleging that, they have illegally issued grant certificate in favour of some



beneficiaries. In fact, if any property remained towards eastern side, which belongs to RVP High school and not the property of panchayath. He has also objected for issuance of license in their favour for construction of houses. ExD8 is receipt. ExD9 to 11 are applications given by R.V.Srinivas to the grama panchayath requesting to issue copies of documents with respect to sites granted in favour of some of beneficiaries and also issuance of copies of license issued to them.

33. ExD12 and D13 are receipts, ExD14 is the certified copy of complaint lodged by E.V. Narayana Duth, E.V.Sridhar, E.G.Sathyanarayan before the Police Inspector Y.N.Hosakote alleging that, one Rangamma and others illegally putting up construction in the property purchased by E.S.Venkateshguptha during the year 1947. ExD15 is grant certificate issued by the then Amaldar granting property in favour of Rastriya Vidyapeeta High school. ExD16 is proceedings of granting property in favour of RVP School,



ExD17 is certified copy of Akarband of Sy.No.233/1B standing in the name of Venkateshguptha, ExD18 is certified copy of Pakka book standing in the name of E.V.Narayanaguptha, ExD19 is certified copy of Karnataka revision settlement akarband. ExD20 is certified copy of tax paid receipt.

34. ExD21 to D23 are the certified copies of order sheet, plaint and written statement in OS.No.173/2001. The said documents show that, one Erakka D/o Rangakka filed suit against Thippaiah and others for permanent injunction in respect of katha No.2880/2882 measuring East-West 12 feet and North-South 40 feet situated at Y.N.Hosakote. ExD24 and D25 are the certified copies of order sheet and petition in Mis No.1/2005. The said document show that, the suit in OS.No.173/2001 came to be dismissed for non-prosecution. Hence the said Erakka had filed Mis No.1/2005 for restoration of said suit.

35. ExD26 and D27 are the certified copies of assessment list of building and lands standing in the name of



Venkateshguptha. ExD28 is the certified copy of of panchayath receipt. ExD29 is the certified copy of application given to the Sridhara requesting the concerned grama panchayath for issuance of katha extracts standing in the name of plaintiff No.2 herein and others. ExD30 is the certified copy of village map, ExD31 is the certified copy of RTC extract of Sy.No.243 standing in the name of President, Arya Visya society and Burial ground of Harijan of Y.N.Hosakote. ExD34 is the certified copy of deposition of Abubakarsiddi the then PDO of Y.N.Hosakote grama panchayath.

36. At this juncture this court relying on a decision reported in **(2018)12 Supreme court cases 647 in the case between Sunkamma V/s Pushparaj**, wherein it is held,

Specific Relief Act 1963-S.38
- Suit for permanent injunction
relating to possession of
immovable property - proof
required on the part of plaintiff -



Held, plaintiff is only required to prove that he is in lawful possession of suit property, as the touchstone upon which such suit has to be decided is “lawful possession” and not “ownership”.

37. In view of the law laid down by the Hon'ble supreme court, in a suit for permanent injunction, essential requirement is to prove possession of the property and not ownership. What is required to be proved is, that the plaintiffs were in possession of the property as on the date of suit. The materials available on record clearly show that, as on the date of filing the suit, the plaintiffs were in possession of the suit schedule property.

38. In the case on hand, the plaintiffs have established their possession over the suit property by producing supporting documents. The defendants have also admitted as to construction of houses in the suit property by the plaintiffs. The conduct of defendants show that, they are



interfering with plaintiffs possession over the suit schedule property and also given threat. Therefore, it can be held that, the defendants caused interference with plaintiffs possession over the suit schedule property. The trial court rightly appreciated the evidence and documents and come to the conclusion that, there is an interference with plaintiffs possession. Therefore, the plaintiffs are entitled for permanent injunction against the defendants restraining them or any other persons claiming through them from causing interference over the suit schedule property. Therefore, in view of the aforesaid reasons, suit of the plaintiffs deserves to be decreed as sought for.

39. In view of the aforesaid detailed discussion and considering the law laid down by the Hon'ble Supreme Court, this court is of the considered the opinion that, the plaintiffs have established that, as on the date of filing the suit, they were in possession and enjoyment of the suit schedule property and the defendants causing interference with their



possession. Therefore, this court is of considered opinion that, the Trial court rightly come to the conclusion that, the plaintiffs have established that, they are in lawful possession and enjoyment of suit property and the defendants causing interference with their possession. Thus, the Trial court did not commit any error or mistake in decreeing the suit of the plaintiffs. Therefore, findings and conclusions arrived at by the Trial court regarding possession of plaintiffs and interference by the defendants requires no inference at the hands of this Court. The appeal filed by the appellants is not maintainable and liable to be dismissed. Accordingly, I answer points No.1 and 2 **in the Affirmative** and Points No.3 and 4 **in the Negative**.

40. **Point No.5**: In the result, I proceed to pass the following:

ORDER

Appeal filed by the appellants Under Order 41 Rule 1 R/w Section 96(1) of CPC is hereby dismissed.



The Judgment and decree passed by the Addl. Civil Judge and JMFC, Pavagada in O.S. No.196/2016, dated 12-11-2019, is hereby confirmed.

Under the facts and circumstances of the case no order as to costs.

Draw decree accordingly.

Send the copy of the Judgment to the Trial Court along with TCR.

(Dictated to the stenographer, transcribed and typed by her on the laptop, then corrected by me, signed and then pronounced in the Open Court on this the **13th day of November 2024**)

Sd/-
(MADESHA. V.)
Senior Civil Judge and JMFC,
Pavagada.