

KATK800001762017



Govt. of Karnataka

Form No.9(Civil)
Title Sheet for
Judgment in Suits
(R.P.91)

**IN THE COURT OF PRL. SENIOR CIVIL JUDGE AND
J.M.F.C., AT SIRA.**

Dated this the 21st day of July 2026

PRESENT

Smt. ZARIFA BANU A.R.,

B.A.L., LL.M.,

**PRL. SENIOR CIVIL JUDGE AND J.M.F.C.,
SIRA.**

ORIGINAL SUIT No.18/2017

Plaintiffs:

1. Kariyanna,
S/o late Chikkellappa.

Dead by his Lr's.

a. Eramma,
D/o late Kariyanna,
W/o Ninganna,
Aged about 57 years.



- b. Renukamma,
D/o late Kariyanna,
W/o Bhutharaju,
Aged about 50 years.
Both are R/at Badakanahalli,
Gowdagere Hobli,
Sira Taluk,
Tumakuru District.
 - c. Shanthakumara,
S/o late Kariyanna,
Aged about 44 years,
R/at Ganadahunase,
Bukkapattana Hobli,
Sira Taluk,
Tumakuru District.
 - d. Kavya K.,
D/o late Kariyanna,
W/o Srinivas,
A/a 41 years,
R/at Mekerahalli,
Kasaba hobli,
Sira Taluk,
Tumakuru District.
- 2.K.Someshappa,
S/o Kariyanna,
Aged about 47 years.
- 3.Parashuramaiah,
S/o Kariyanna,
Aged about 44 years.



R/at Ganadahunase,
Bukkapattana Hobli,
Sira Taluk,
Tumakuru District.
(By Sri.B.M.,Advocate)

V/s

Defendants:

Shanthanna,
S/o late Kariyanna,
Aged about 50 years,
R/at Behind the house of
S.K.Dasappa, Ex-MLA,
Kalidasanagara,
Sira Town.

(By Sri.V.S.R. Adv.,)

Date of Institution of the suit : 01.02.2017

Nature of the suit : Declaration and permanent Injunction

Date of recording of evidence : 12.10.2022

Date of Judgment Pronounced : 21.07.2026



Duration of the suit: Year/s Month/s Day/s
 09 05 20

(ZARIFA BANU A.R.)

Prl. Senior Civil Judge and
J.M.F.C., Sira.

J U D G M E N T

The plaintiffs have filed this suit for the relief of Declaration of title with consequential relief of permanent injunction.

2. Case of the plaintiffs in brief:-

The land bearing Sy.No.50/3 totally measuring 9 acres 7 guntas excluding kharab of 0-39 guntas of Ganadahunase village, Bukkapattana Hobli, Sira Taluk originally belonged to one Ramegowda S/o Basavegowda. The said Ramegowda S/o Basavegowda sold an extent of 3-00 acres in the said survey



number in favour of Chikkellappa S/o Parashuramanna under a registered sale deed dated 17-07-1963 for valuable consideration. The said Chikkellappa is the father of the 1st plaintiff and grandfather of 2nd and 3rd plaintiff and he was in possession and enjoyment of the said land till his death. By virtue of the said Registered sale deed katha and pahani was also mutated in the name of said Chikkellappa under MTN. SR. No.43/93-94. The said Ramegowda has sold another extent of 2-00 acres in the said survey number in favour of defendant's father Kariyanna S/o Durgappa under a registered sale deed dated 17-07-1963. Mutation was also accepted in the name of said Kariyanna vide M.R. No.40/93-94 and was in possession and enjoyment of the said land and subsequently, the said Kariyanna sold the extent of land in favour of Parashuramaiah



S/o Kariyanna, who is non other than the 3rd plaintiff under a Registered Sale deed dated 25-12-2006 and mutation was also accepted in the name of said Parashuramaiah and now he is in possession and enjoyment of the said land. That the defendant's father Kariyanna or the defendant has no land in Sy. No. 50/3. The land purchased by the 1st and 2nd plaintiffs' father Kariyanna has been separately phoded as Sy.No.50/3B showing the measurement as 3-05 guntas and also kharab of 0-12 guntas **(Herein after referred as suit schedule property)**. At the time of giving phode numbers and while entering the names of the parties in the revenue records, the name of Kariyanna S/o Durgappa, who is the father of the defendant was wrongly incorporated in the suit schedule property bearing Sy.No. 50/3B, though the said Kariyanna was not in possession and enjoyment of any bit of land



in the suit schedule property. Consequent upon the death of said Kariyanna the name of the defendant has been entered in the RTC Colum No.9 and 12(2) under inheritance vide MR No.H.5/2016-17. He was also not in possession of any bit of land in the suit property at any point of time, much less 2-00 acres. By reducing the extent of 2-00 acres which is shown in the name of defendant, the remaining extent of 1-05 guntas has been shown in the name of Chikkellappa S/o Parashuramanna who is none other than father of 1^a plaintiff and grand father of 2nd and 3rd plaintiffs. The Suit schedule property measuring 3 acres 05 guntas has been divided between the 2nd plaintiff and his brothers under an oral partition and an extent of 2-00 acres has been fallen to the share of 2nd plaintiff and the remaining extent of 1-05 guntas has been fallen to the share of 3rd plaintiff



and his brother of the 2nd plaintiff and now the 2nd plaintiff and his brother Parashuramaiah, 3rd plaintiff are in exclusive possession and enjoyment of their respective shares in the suit schedule property. The defendant has no manner of right, title or interest much less possession over the suit schedule property. In spite of it taking advantage of the revenue entries in the RTC the defendant is attempting to interfere with the plaintiff's possession and enjoyment of suit schedule property. The act of the defendant is illegal and high handed the plaintiffs have also preferred revenue appeals challenging the mutation entries in the name of defendant and his father. Hence this suit.

3. After service of summons, defendant has appeared through his counsel and filed the written statement and contended that,



on 17.07.1963 defendant's father Kariyanna first son of Durganna purchased an extent of 2 acres land northern side plot in old Sy.No.50 New Sy.No.50/3A Ganadahunase village, Bukkapatna Hobli, Sira Taluk bounded by East: Doddaiah and Bheemaiah's land. By West: Kengamallaiah's land. BY North: Doddaiah's land. By South: Chikkayellappa's land from one Ramegowda son of Basavegowda of Ganadahunase village, Bukkapatna Hobli, Sira Taluk for valuable consideration of Rs.300/- accompanied by delivery of possession in his favour. Again on 06.12.1968 the defendant father Kariyanna first son of Durganna purchased an extent of 2 acres land east side plot in Sy.No. 50/2 of Ganadahunase village, Bukkapatna Hobli, Sira Taluk bounded By East: Own land. By West and South: Remaining land. By North: Doddaiah's land from one Kongamallappa son of SajjeMallappa



Valmiki by caste Resident of Ganadahunase village, Bukkapatna Hobli, sira taluk for valuable consideration of Rs.2000/- accompanied by delivery of possession in his favour. But the first plaintiff got illegal katha and pahani into his name vide M.R.No. 32/2003-04 of Ganadahunase village and defendant came to know it very recently and he has challenged the same before competent authority and is pending for adjudication. The defendant and his father Kariyanna on 3-11-2006 sold an extent of 1 acres 25 guntas in Sy.NO: 50/3A (Old Sy.No.an extent of 1 acre 25 guntas of land in Sy.No.50/3A[old Sy.No.50] in favour of Parashuramaiah son of Kariyanna I.e. third plaintiff of this suit under registered sale deed out of 2 acres land which was purchased by defendant's father Kariyanna on 17.7.1963 under registered sale deed NO: 923/63-64 from Ramegowda son



of Basavegowda and the remaining extent of 15 guntas land in Sy.No.50/3A[Old Sy.No.50] is in possession of defendant. But plaintiffs are laying false claim over above said 15 guntas of land in Sy.No.50/3A[Old Sy.No.50] by including the same in suit schedule property even though they have no right, title, nor possession over the same and the same is liable to be dismissed as not maintainable on facts and also in law. By way of counterclaim defendant prays this court to pass Judgment and decree declaring defendant title over written statement schedule property and consequently for injunction restraining plaintiffs, Hence, prays to dismiss the suit of the plaintiff and decree the counter claim.



4. On the basis of the above pleadings, learned predecessor of this court framed Issues as follows:

I S S U E S

1. Whether the plaintiffs prove that, they are the owners in possession of the suit property?

2. Whether the plaintiffs prove that, defendant has denied their title and interfered with their possession over the suit property?

3. Whether the defendant proves that, he is the owner in possession of written statement schedule property?

4. Whether the defendant proves that, plaintiffs have denied his title and interfered with his possession over the written statement schedule property?

5. Whether the plaintiffs are entitled to the relief of



declaration of title and permanent injunction as prayed?

6. Whether the defendant is entitled to the relief of declaration of title and permanent injunction as prayed?

7. What Order or Decree?

5. In order to substantiate their case, the plaintiff No.2 by name Someshappa examined himself as P.w.1 and got marked documents at Ex.P.1 to P.22. On the other hand, the defendant by name Shanthanna examined himself as D.W.1 and got marked Ex.D.1 and closed their side evidence.

6. Heard the arguments of both sides. Perused entire material on record.

7. My answers to the above issues are as follows;

ISSUE NO.1 to 6 : In the Negative;



**ISSUE No.7 : As per final order
for the following:**

R E A S O N S

8. ISSUE No.1 to 6:- Since these issues involved common discussion, to avoid repetition of fact taken up together for consideration.

9. In order to prove their case, the plaintiff No.2 examined himself as PW-1 and got produced Ex.P-1 to 22 documents. Ex.P-1/Original sale deed dated:17.07.1963, Ex.P-2/Mutation register extract, Ex.P-3 to 6/RTC extracts, Ex.P-7/Registered sale deed, Ex.P-8/Mutation register extract, Ex.P-9/RTC, Ex.P-10/Mutation register extract, Ex.P-11/RTC extract, Ex.P-12/Mutation, Ex.P-13/Sale deed dated:03.11.2006, Ex.P-14/RTC extract,



Ex.P-15/Mutation, Ex.P-16/Certified copy of order in RRT95/2019-20, Ex.P17 & 18/RTC extract, Ex.P-19/Mutation extract, Ex.P-20/Hissa tippani, Ex.P-21/Patta book, Ex.P-22/Registered Panchayathi Palu Vibhaga patra.

10. On the other hand, defendant examined himself as DW-1 and got marked Ex.D-1/G.Tree.

11. On going through the oral as well as documentary evidence, since the suit and counter claim suit is one for declaration of title over the immovable suit schedule properties, as such the burden lies on the plaintiffs and the defendant to prove their case with cogent evidence.

12. According to the plaintiffs he land bearing Sy.No.50/3 totally measuring 9 acres 7 guntas excluding kharab of 0-39



guntas of Ganadahunase village, Bukkapattana Hobli, Sira Taluk originally belonged to one Ramegowda S/o Basavegowda. The said Ramegowda S/o Basavegowda sold an extent of 3-00 acres in the said survey number in favour of Chikkellappa S/o Parashuramanna under a registered sale deed dated 17-07-1963. The said Chikkellappa is the father of the 1st plaintiff and grandfather of 2nd and 3rd plaintiff and he was in possession and enjoyment of the said land till his death. By virtue of the said Registered sale deed katha and pahani was also mutated in the name of said Chikkellappa under MTN. SR. No.43/93-94. The said Ramegowda has sold another extent of 2-00 acres in the said survey number in favour of defendant's father Kariyanna S/o Durgappa under a registered sale deed dated 17-07-1963. Mutation was also accepted in the name of said Kariyanna vide M.R.



No.40/93-94 and he was in possession and enjoyment of the said land and subsequently, the said Kariyanna sold the extent of 1 acre 25 guntas in favour of Parashuramaiah S/o Kariyanna, who is non other than the 3rd plaintiff under a Registered Sale deed dated 25-12-2006 and mutation was also accepted in the name of said Parashuramaiah and now he is in possession and enjoyment of the said land. The land purchased by Kariyanna and 3rd plaintiff has been separately phoded as Sy.No.50/3A and Sy.No.50/3B. The said fact is undisputed as per the documents marked at the instances of Ex.P-1/Original sale deed dated:17.07.1963, Ex.P-2/Mutation register extract No.43.93-94, Ex.P-3 to 6/RTC extracts, Ex.P-7/Registered sale deed dated 17.07.1963, Ex.P-8/Mutation register extract No.40/1993-94, Ex.P-13/registered sale deed dated 03.11.2006, Ex.P-14/RTC



Extract and Ex.P-15/Mutation register extract No.40/1993-94.

13. The aforesaid documents clearly go to show that Chikkellappa S/o Parashuramanna the father of plaintiff No.1 and the grandfather of plaintiff No.2 and 3) had purchased an extent of 3 acre in Sy.No.50 under a registered sale deed dated 17-07-1963 and Kariyanna S/o Durgappa (the father of the defendant) had purchased 2 acre under a registered sale deed dated 17-07-1963 from their common vendor Ramegowda. Subsequently, the said Kariyanna out of 2 acres sold an extent of 1 acre 25 guntas in favour of Parashuramaiah S/o Kariyanna, who is none other than the 3rd plaintiff herein under a Registered Sale deed dated 25-12-2006. There after Sy.No.50 has been separately phoded as Sy.No.50/3A to an extent of 1 acre 25 guntas and Sy.No.50/3B to an extent of 3 acres guntas.



14. It is the specific allegation of the plaintiffs that at the time of phodi work done and while entering the names of the parties in the revenue records, the name of Kariyanna S/o Durgappa, who is the father of the defendant was wrongly incorporated in the suit schedule property bearing Sy.No. 50/3B to an extent of 2 acres and Consequent upon the death of said Kariyanna the name of the defendant has been entered in the RTC Colum No.9 and 12(2) under inheritance vide MR No.H.5/2016-17 and remaining extent of 1 acre 05 guntas has been shown in the name of Chikkellappa S/o Parashuramanna.

15. It is pertinent to note here that said error has been meticulously shown in the RTC/Ex.P5 and 6. However said error has been rectified by the revenue



authorities/AC Madhugiri (sub division) vide order dated 28.07.2021 in RRT No.95:2019-20, which is marked at the instances as Ex.P16 and the name of Kariyanna (the father of the defendant) has been removed and per MR No.43/93-94 an extent of 3 acres 5 guntas inserted in the name of Chikkellappa S/o Parashuramaiah and RTC and Mutation to an extent 3 acres 5 guntas got mutated in his name.

16. It is further pertinent to note here that as per registered sale deed dated 17.07.1963 said Chikkellappa had purchased only 3 acres in Sy. No.50. However, RTC and Mutation to an extent 3 acres 5 guntas got mutated in his name as per Ex.P-16 and the plaintiffs sought for the declaration of title over 3 acres 17 guntas including kharab land of 12 guntas. However as per Ex.P20 Hissa survey tippani and extent of



12 guntas of kharab in Sy No.50/3B has been removed and incorporated extents of land as per the sale deeds. Thus, as aforesaid said Chikkellappa had purchased only 3 acres in Sy No.50 as per Ex.P-1. Thus, in the absence of title deed to the remaining extent of 17 guntas much less to the kharab land, the declaration of ownership cannot be granted. Thus, as discussed supra when the plaintiffs failed to prove their title to an extent of 17 guntas, the question of interference by the defendant does not arise. As such the plaintiffs are not entitled to the relief of declaration and permanent injunction as sought in the plaint.

17. So far as counter claim of the defendant is concerned, as aforesaid Kariyanna S/o Durgappa (the father of the defendant) had purchased 2 acre under a



registered sale deed dated 17-07-1963 from his vendor Ramegowda. Subsequently, the said Kariyanna out of 2 acres sold an extent of 1 acre 25 guntas in favour of Parashuramaiah S/o Kariyanna, the 3rd plaintiff herein under a Registered Sale deed dated 25-12-2006. As per the said sale deed RTC/Ex.P-14 and Mutation to an extent of 1 acre 25 guntas got mutated in the name of 3rd plaintiff. The defendant claimed declaration of title and permanent injunction to the remaining extent of 15 guntas after sale to 3rd plaintiff (Item No.1 of written statement schedule property). In Ex.P-14/RTC out of 2 acres 1 gunta, an extent of 1 acre 25 guntas shown in the name of 3rd plaintiff and 16 guntas shown as Kharab land. However as per Ex.P20 Hissa survey tippani and extent of 16 guntas of kharab in Sy No.50/3A has been removed and incorporated extents of land as



per the sale deeds. Furthermore the DW-1 in his cross examination he has meticulously deposed that said remaining 15 guntas is kharab land. The version of DW-1 reproduced here as it is, "ಸದರಿ ಸರ್ವೆ ನಂ.ನಲ್ಲಿ 15 ಗುಂಟೆ ಖರಾಬು ಬಿಟ್ಟು 1 ಎಕರೆ 25 ಗುಂಟೆ ಮಾರಾಟ ಮಾಡಿರುತ್ತೇವೆ ಎಂದರೆ ಸರಿ. ಸದರಿ 1 ಎಕರೆ 25 ಗುಂಟೆ ಮಾರಾಟ ಮಾಡುವಾಗ ನಾವು ಸದರಿ ಸರ್ವೆ ನಂ.ನಲ್ಲಿ ಯಾವುದೇ ಜಮೀನು ಉಳಿಸಿಕೊಂಡಿರುವುದಿಲ್ಲ ಎಂದರೆ ಸಾಕ್ಷಿಯು ಖರಾಬು ಉಳಿಸಿಕೊಂಡಿದ್ದೆವು ಎಂದು ನುಡಿಯುತ್ತಾರೆ." Thus, in the absence of title deed to the remaining extent of 15 guntas much less to the kharab land, the declaration of ownership cannot be granted.

18. So far as Sy.No.50/2 to an extent of 2 acres (Item No.2 of written statement schedule property) is concerned, the defendant contended that his father Kariyanna had purchased 2 acre in Sy No.50/2 under registered sale deed dated 06.12.1968 from his vendor Kongamallappa



and the plaintiffs without his knowledge changed RTC and mutation in their name. In order to substantiate his contention the defendant has not produced said registered Sale deed dated 06.12.1968. Except G-tree/Ex.D-1 the defendant has not produced any documents. Furthermore as per Ex.P-22/Panchayath Palu Parikhath the plaintiff No.1 Kariyanna S/o Chikkellappa and the father of the defendant Kariyanna S/o Duruganna entered in to partition dated 01.12.1999. Wherein Sy.No.50/2 an extent of 2 acres and in Sy. No.50/3A an extent of 2 acres fallen to the share of the plaintiff No.1 Kariyanna S/o Chikkellappa. As such RTC and mutation/Ex.P-9 and 10 got mutated in the name of the plaintiff No.1 Kariyanna S/o Chikkellappa. Said Panchayath palu parikhath and revenue entries has not been challenged by the defendant. Thus, as aforesaid the defendant in order to show



that he is the absolute owner in possession of the written statement schedule properties he has not produced any iota of documents. Thus, as discussed supra when the defendant failed to prove his title to an extent of acres in Sy.No.50/2, the question of interference by the defendant does not arise. As such the defendant is not entitled to the relief of declaration and permanent injunction as sought in the counter claim. Therefore, this court is of the considered view that the suit of the plaintiffs and the counter claim of the defendant is liable to be dismissed. **Accordingly, the issue No.1 to 6 answered in the Negative.**

19. ISSUE NO.7 For the aforesaid reasons, this court proceeds to pass the following:



ORDER

Suit of the plaintiffs is
hereby dismissed with costs.

The counter claim of the
defendant is hereby dismissed with
costs.

Draw decree accordingly.

(Dictated to the Stenographer directly on
computer, typed by her, corrected by me and then
pronounced in the Open Court on 21st day of July
2026).

(ZARIFA BANU A.R.)
Prl. Senior Civil Judge and
J.M.F.C., Sira.

ANNEXURE

List of witnesses examined for the plaintiff/s:

P.W.1 : Someshappa

List of documents got marked for the plaintiff/s:

Ex.P.1 : Registered original sale deed.

Ex.P.2 : Mutation register extract.



Ex.P.3 to 6 : RTC extracts.
Ex.P.7 : Registered Sale deed.
Ex.P.8 : Mutation register extract.
Ex.P.9 : RTC extract.
Ex.P.10 : Mutation register extract.
Ex.P.11 : RTC extract.
Ex.P.12 : Mutation register extract.
Ex.P.13 : Sale deed dated:03.11.2013.
Ex.P.14 : RTC extract.
Ex.P.15 : Mutation register extract.
Ex.P.16 : Certified copy of order in
RRT 95/2019-20.
Ex.P.17 & 18: RTC extracts.
Ex.P.19 : Mutation register extract.
Ex.P.20 : Hissa tippani.
Ex.P.21 : Patta book.
Ex.P.22 : Registered panchayathi Palu
vibhaga patra.

List of witnesses examined for the defendant/s:

D.w.1 : Kanthanna

List of documents marked for the defendant/s:

Ex.D.1 : G.Tree

**Prl. Senior Civil Judge and
J.M.F.C., Sira.**