



**IN THE COURT OF ADDL. CIVIL JUDGE AND JUDICIAL
MAGISTRATE FIRST CLASS, AT SIRA**

Dated on this 1st day of June 2026

PRESENT :

Sharmila E.J., *B.A LL.B., LL.M,*
Addl. Civil Judge & JMFC.,
Sira.

O.S. No.60/2016

Plaintiff:		Smt.Kariyamma W/o B.Dyamanna, Aged about 75 Years, R/o Jyothinagara, Sira Town.
		(By Sri.P.B.S., Advocate)

-V/s-

Defendant:	1.	Sri.Shakunappa, Dead by his Lrs.,
	1a.	Smt.Gangamma W/o Late.Shakunappa, Aged about 70 years,
	1b.	Sri. Venkatesha S/o Late.Shakunappa, Aged about 50 years,
	1c.	Smt. Jayalakshmi D/o Late.Shakunappa, Aged about 46 years,



	1d.	Smt. Shanthamma D/o Late.Shakunappa, Aged about 44 years,
	1e	Smt.Sannathayamma D/o Late.Shakunappa Aged about 42 years, All R/o Ranganathanagara (Maddiganahatti) Sira Town, Tumkuru District.
	2.	Sri. Durgappa, aged about 60 Years, both are sons of Dyavarirangappa, Both are residents of Ranganathanagara, (Maddiganahatti), Sira Town.
		(By Sri.H.W.A., Advocate)

Date of institution of the suit	:	25.02.2016		
Nature of the suit	:	Permanent injunction.		
Date of commencement of recording of evidence	:	14.11.2024		
Date on which the judgment was pronounced	:	01.06.2026		
Total duration	:	Year/s	Month/s	Day/s
		10	03	06



JUDGMENT

This suit is filed by the plaintiff seeking the relief of permanent injunction restraining the defendants from interfering with the plaintiff's peaceful possession and enjoyment over the suit schedule property.

SCHEDULE PROPERTY

Site bearing Sira Municipal assessment No.(Old No:811/780/774 and new No:846/811/780 measuring 29.8 feet X 39.6 feet situated at Ranganathanagara (Maddiganahatti) Sira Town and bounded by;

East: Municipal Site of Banderanganatha

West: Road

North: Municipal Road

South: Galli

2. The brief facts averred by the plaintiff in the plaint are as follows:

The plaintiff contends that the suit schedule property originally belonged to her husband, who acquired the same under a registered sale deed dated 01.02.1965 from its lawful owner for valuable consideration. After the purchase, the plaintiff's husband was in lawful possession and enjoyment of the suit property as its absolute owner during his lifetime. The



khatha of the suit property was transferred to his name and he had been regularly paying tax to the concerned authorities. It is further stated that after the death of the plaintiff's husband in the year 2007, the plaintiff, being his legally wedded wife, succeeded to the property and has been in continuous possession and enjoyment of the same as owner. Though the revenue records continue to stand in the name of her husband, the plaintiff asserts that she has been paying taxes and exercising all rights of ownership over the suit property. Due to her illiteracy, she has not taken steps to get the khatha transferred to her name. The plaintiff further contends that the defendants are strangers to her family and have no manner of right, title, or interest in the suit schedule property. In spite of the same, they have attempted to interfere with her peaceful possession and enjoyment by entering the property, storing construction materials, and attempting to put up structures over the same. Hence, the present suit is filed seeking the relief of permanent injunction.

3. After the institution of the suit, summons were duly served on all the defendants. Upon appearance through their learned counsel, defendant Nos.1 and 2 filed their written statement.



4. The brief facts averred in the written statement are as under:

The defendants contend that the suit schedule property is not that of the plaintiff, but belongs to their mother, late Bhuthamma, who had purchased Site No.812 measuring East-West 21 feet and North-South 32 feet under a registered sale deed dated 07.10.1996 from V.S. Thyagaraju, the then Chairperson of Sira Municipality. Since the date of purchase, their mother was in lawful possession and enjoyment of the property, and after her death on 24.02.1998, the defendants, being her legal heirs, have continued in possession and enjoyment of the same. It is further contended that the plaintiff has no manner of right, title, or interest over the suit schedule property. According to the defendants, the plaintiff's property is Site No.811, whereas the defendants' property is Site No.812, and the plaintiff has wrongly claimed the defendants' property. The measurements and boundaries mentioned in the plaint are incorrect and do not tally with the actual property or the registered documents. The defendants also assert that the plaintiff has not produced any document to establish her possession over the suit schedule property and has suppressed material facts. They contend that in a suit for permanent injunction, the plaintiff must prove possession as on the date of



the suit, which she has failed to do. Accordingly, they pray that the suit be dismissed.

5. On the basis of the pleadings and the material on record, the following issues were framed for consideration:

ISSUES

1. Whether the plaintiff proves that she is in lawful possession over the suit 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 order or decree?

6. During the pendency of the suit, defendant No.1 died, and his legal representatives were brought on record in accordance with law. In order to establish her claim, the power of attorney holder of the plaintiff was examined as PW-1 and got marked documents as Ex.P-1 to Ex.P-13. He was duly cross-examined by the counsel for defendants. Thereafter, the plaintiff closed her side of evidence. However, despite affording sufficient opportunities, the defendants did not lead any



evidence. Hence, the defendants' evidence was taken as nil.

7. Heard arguments from the learned counsel for the parties. Upon perusal of the materials placed before this Court, the aforesaid issues are answered as hereunder:-

Issue No.1 - In the Affirmative

Issue No.2 - In the Affirmative

Issue No.3 - In the Affirmative

Issue No.4 - As per Final Order, for the following:-

REASONS

8. **Issue No.1:** The plaintiff has instituted the present suit seeking the relief of permanent injunction in respect of the suit schedule property against the defendants. In order to prove her claim, the power of attorney holder of the plaintiff has filed his affidavit in lieu of chief-examination and was examined as PW-1. In his evidence, PW-1 has reiterated all the averments made in the plaint and has produced documents marked as Ex.P-1 to 13. Ex.P-1 is the house tax assessment extract, Ex.P-2 to Ex.P-5 are the property tax declarations, Ex.P-6 is the demand register extract, Ex.P-7 to Ex.P-9 are the tax paid receipts, Ex.P-10 is the death certificate, Ex.P-11 is the original



sale deed dated:01.02.1965, Ex.P-12 is the tax paid receipt and Ex.P-13 is the form No-2.

9. It is the contention of the plaintiff that the suit schedule property was purchased by her husband through a registered sale deed dated 01.02.1965. To establish the same, the plaintiff has produced the original sale deed dated 01.02.1965, marked as Ex.P-11. On perusal of Ex.P-11, it discloses that one Dyamanna, the husband of the plaintiff, had purchased a vacant site bearing Khaneshumari No.2407. However, it is pertinent to note that no Khaneshumari number is mentioned in the suit schedule of the plaint. Nevertheless, a careful comparison of the recitals in Ex.P-11 with the suit schedule reveals that the measurements and the boundaries described therein are one and the same. Though the defendants have contended that the suit schedule property is Site No.812, no document whatsoever has been produced to establish either the existence of Site No.812 in their favour or that the suit schedule property corresponds to the said site. Mere pleading without evidence cannot displace the documentary evidence produced by the plaintiff. Ex.P-11 establishes that the suit schedule property corresponds to the property described in Ex.P-11. Apart from Ex.P-11, the plaintiff has also produced revenue



and tax-related documents such as house tax assessment extract, property tax declarations, demand register extract and tax paid receipts marked as Ex.P-1 to Ex.P-10 and Ex.P-12. These documents disclose that the suit property stands in the name of the plaintiff's husband and that taxes have been paid from time to time. Ex.P-10, the death certificate, establishes that the husband of the plaintiff died in the year 2007. Though the plaintiff has not produced documentary evidence to establish her relationship with the deceased Dyamanna, the said relationship has not been seriously disputed by the defendants either in the written statement or during the course of cross-examination. Hence, the relationship between the plaintiff and the deceased Dyamanna can be accepted. Further, Ex.P-6 pertains to the year 2015–16, which is proximate to and reflects the position as on the date of the suit, thereby supporting the claim of the plaintiff regarding her possession over the suit schedule property at the relevant point of time. Also there is no material placed on record to show that the plaintiff was ever dispossessed from the suit schedule property or that the defendants were in actual possession thereof. Moreover, in the written statement, the defendants have themselves admitted that the plaintiff's property is Site No.811. This admission lends support to the case of the plaintiff



regarding her possession over the suit schedule property. The oral evidence of PW-1 is consistent with the documentary evidence placed on record. Though PW-1 was subjected to cross-examination, nothing substantial has been elicited to discredit his testimony regarding the possession of the plaintiff over the suit schedule property.

10. On the other hand, though the defendants have taken a specific contention that they are in possession of Site No.812 purchased by their mother under a registered sale deed dated 07.10.1996, they have neither entered the witness box nor produced any documentary evidence to substantiate the same. In the absence of any evidence, the said contention remains unproved. Therefore, in the absence of any rebuttal evidence from the defendants, the oral and documentary evidence produced by the plaintiff establishes her possession over the suit schedule property as on the date of the suit. **Accordingly, this Court answers Issue No.1 in the Affirmative.**

11. Issue no.2: The plaintiff has specifically pleaded that the defendants, having no manner of right, title or interest over the suit schedule property, are attempting to interfere with her peaceful possession and enjoyment of the property without any lawful authority.



12. In order to substantiate the said contention, PW-1 in his evidence has reiterated the averments made in the plaint and has deposed that the defendants came near the suit property, interfered with the possession of the plaintiff and attempted to put up construction by storing building materials. The said testimony has remained consistent throughout. Though PW-1 was subjected to cross-examination, nothing worthwhile has been elicited to disbelieve his version regarding the alleged interference. The suggestions put to PW-1 denying interference have been specifically denied. On the other hand, the defendants, though have taken a contention in their written statement that they are in possession of a different property bearing Site No.812, have not entered into the witness box to deny the allegations of interference or to substantiate their defence. The oral testimony of PW-1 regarding the acts of interference has remained unshaken in the course of cross-examination. Consequently, the testimony of PW-1 regarding the interference caused by the defendants remains unrebutted. In the absence of any rebuttal evidence from the defendants, there is no reason to disbelieve the version of the plaintiff. **Accordingly, this Court answers Issue No.2 in the Affirmative.**



13. Issue No.3: It is settled proposition of law in a suit filed for injunction simplicitor, it is incumbent upon the party seeking the relief to prove that he is in the lawful possession of the property and there is interference by the other party which is causing him hardship to be in peaceful possession and enjoyment of his property. At this juncture it is pertinent to rely on **Section 38(3) of the Specific Relief Act, 1963** which reads as;

“(3) When the defendant invades or threatens to invade the plaintiff’s right to, or enjoyment of, property, the Court may grant a perpetual injunction in the following cases, namely:—

- (a) Where the defendant is trustee of the property for the plaintiff;***
- (b) Where there exists no standard for ascertaining the actual damage caused, or likely to be caused, by the invasion;***
- (c) Where the invasion is such that compensation in money would not afford adequate relief;***
- (d) where the injunction is necessary to prevent a multiplicity of judicial proceedings.”***



Applying the above provision to the facts of the present suit, there is nothing on record to disbelieve the evidence led by the plaintiff. The plaintiff has proved the factum of possession and obstruction to obtain the equitable relief of permanent injunction. Further, it is to be noted that there is nothing on record to attract any of the bars contemplated under Section 41 of the Specific Relief Act, in relation to the facts of this suit. Hence, the question of refusing the reliefs sought for do not arise. Thus, the plaintiff having proved lawful possession and interference is entitled to the equitable relief of permanent injunction. **Accordingly, this court answers Issue No.3 in the Affirmative.**

14. Issue No.4: In view of the findings recorded on Issue Nos.1 to 3, this Court proceeds to pass the following:

ORDER

The suit filed by the plaintiff is hereby decreed with costs.

The defendants, their agents, servants or anybody claiming through or under them are permanently restrained from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property, except by due process of law.



Draw decree accordingly.

(Dictation given to the Stenographer, transcribed and computerized by him, then corrected, signed by me and pronounced in the open court on this the **1st day of June 2026**)

Sd/-
(Sharmila E.J.)
Addl. Civil Judge & JMFC.,
Sira.

ANNEXURE

List of witnesses examined on behalf of the Plaintiff:	
PW-1	Sri.Krishnamurthy

List of documents marked on behalf of the Plaintiff:	
Ex.P-1	House tax assessment extract
Ex.P-2 to 5	Property tax declarations
Ex.P-6	Demand register extract
Ex.P-7 to 9	Tax paid receipts
Ex.P-10	Death certificate
Ex.P-11	Original sale deed dated 01.02.1965
Ex.P-12	Tax paid receipt
Ex.P-13	Form No-2



List of witnesses examined on behalf of the Defendant:

-NIL-

List of documents marked on behalf of the Defendant:

-NIL-

Sd/-

**Addl. Civil Judge & JMFC.,
Sira.**