



Dated this the 16th Day of June 2026

O.S. No.99/2023

(By Sri. S.H.B., Advocate)

V/S

DEFENDANTS: 1. K.H. Thimmabhovi
S/o Hanumanthabhovi,
Aged about 65 years,
2. Ramabhovi S/o Hanumanthabhovi,
Aged about 60 years,



3. Jayaramabhovi S/o Hanumanthabhovi,
Aged about 55 years,
4. Basavaraju S/o Hanumanthabhovi,
Aged about 50 years,

All are R/at Huyildore Kaval,
Bukkapatna Hobli, Sira Taluk,
Tumakuru District.

(By Sri. S.B., Advocate)

Date of Institution of suit	:	04.03.2023
Nature of suit	:	Declaration and Permanent Injunction
Date of commencement of Recording of evidence	:	18.10.2025
Date on which Judgment was Pronounced	:	16.06.2026
Total duration taken for Disposal of the suit	:	Day/s Month/s year/s
		12 03 03

Sd/-
(NARASIMHAMURTHY.A)
Prl. Civil Judge & JMFC.,
Sira.



J U D G M E N T

The plaintiffs have filed this suit against the defendants seeking the relief of Declaration and Permanent injunction and for costs and such other reliefs.

2. Case of the plaintiffs in brief is as under;

The plaintiffs are the absolute owners and possessors of the suit schedule land bearing Sy.No.3/22 measuring 0.35.08.00 (35½ Guntas) situated at Kilaradahalli Village, Bukkapatna Hobli, Sira Taluk. The plaintiffs submits that the suit schedule property is acquired by the father of the plaintiff under partition and the Khatha has been accepted in his name as per M.R.No.7/85-86. As per partition father of the plaintiffs and his brother were in lawful possession enjoyment of the suit schedule property along with his sons, as an absolute owner of the same. The father of the plaintiffs has died on:14.01.1993 leaving behind the plaintiffs as his Legal heirs.



After his death, the plaintiffs were in possession and enjoyment of the suit schedule property by raising various crops in the suit schedule property and also avail loan at SBM (SBI) Bukkapatna Branch and they are also paying Kandayam to the government.

3. The plaintiffs further submits that the defendants father name was Hanumanthabhovi and their father's name was also Hanumanthabhovi and the RTC of the suit schedule property stands in the name of the father of the plaintiffs which is also in similar name. Taking undue advantage of the same the defendants without having any right, title or interest are making attempts to interfere and to change the khatha of the suit schedule property into their names. Hence, the effort of the defendants is illegal one. Hence, this suit.

4. On service of summons defendant No.1 to 4 have appeared before the court, but failed to file the written statement.



5. On perusal of pleadings, the following points were framed:

POINTS

1. Whether the plaintiffs proves that they are the absolute owners and possessors and in peaceful possession and enjoyment of the suit schedule property ?
2. Whether the plaintiffs are entitled for the relief sought for?
3. What Order or Decree?

6. In order to prove the case, plaintiff No.1 himself examined as PW.1 and not produced any documents.

7. Having heard the arguments from both the counsels. Considering the pleadings and evidence on record, facts and circumstances of the case and law applicable to the case, my answer to the above Points are as under;

POINT No.1 : In the Negative

POINT No.2 : In the Negative

POINT No.3 : As per Final Order for the following;



REASONS

8. **POINT No.1 AND 2:** In order to avoid repetition of facts, I have taken these points together for common discussion.

The whole facts of the case are already narrated at the inception of this judgment. Therefore, repetition of the same is avoided here.

9. In order to prove the case, plaintiff No.2 himself examined as PW.1 and filed his chief examination affidavit by reiterating the averments of the plaint and produced RTC and Endorsement of the suit schedule property standing in the name of Hanumanthabhovi S/o Thimmabhovi.

10. Further to show that whether the suit schedule property is their absolute property and plaintiffs are the absolute owners, they have not produced any authenticated documents. Except the RTC and endorsement, plaintiffs have not produced any other piece of evidence to show the title and



possession over the suit schedule property. It is well settled law that one who seeks declaration in respect of any property there should be a title over the same. In the absence of title over the suit schedule property the relief sought by the plaintiffs is not entertainable. In such situation, it can be held that plaintiffs have failed to prove their possession over the suit property. When possession of plaintiffs over the suit property is not established, then the question of alleged interference does not arise at all. Hence, in view above discussion, I hold that plaintiffs failed to establish that they are in possession of the suit schedule property and the defendants have interfered with their lawful possession of the same. Hence, **Point No.1 and 2 are answered in the Negative.**

11. **POINT No.3:** In view of my findings on the above points, I proceed to pass the following;

**ORDER**

Suit of the plaintiffs is dismissed with cost.

Draw decree accordingly.

(Directly dictated to the stenographer on computer, typed and printout taken by her, then corrected and pronounced by me in the open court on 16th Day of June 2026)

Sd/-
(NARASIMHAMURTHY.A)
Prl. Civil Judge & JMFC.,
Sira.

ANNEXURE**List of witnesses examined on behalf of the Plaintiffs:**

PW.1 Thimmabhovi

List of documents marked on behalf of the Plaintiffs:

-Nil -

List of witnesses examined on behalf of the Defendants:

-Nil -

List of documents marked on behalf of the Defendants:-

-Nil-

Sd/-
Prl. Civil Judge & JMFC.,
Sira.