

KATK810022692019



IN THE COURT OF PRL. CIVIL JUDGE & JMFC., AT SIRA.

Dated this the 16th Day of July 2026.

PRESENT: NARASIMHAMURTHY.A
B.A. LL.B.,
Prl. Civil Judge & JMFC., Sira

O.S.No.283/2019

PLAINTIFF: Smt. Narasamma
 W/o R. Thimmaiah,
 Aged about 55 years,
 R/at Kerehindalahatti (KOTE),
 Sira Town.

(By Sri. J.A., Advocate)

V/s

DEFENDANTS: 1. Rangaraju @ Guddi
 S/o Guddadarangappa,
 Aged about 35 years,
 R/at Kerehindalahatti (KOTE),
 Sira Town.

2. Ranganatha @ Tailor Ranganatha,
 S/o Guddadarangappa,
 Aged about 32 years,
 R/at Kerehindalahatti (KOTE),
 Sira Town.

3. Guddadarangappa
 S/o Poojar Rangappa,



Aged about 70 years,
R/at Kerehindalahatti (KOTE),
Sira Town.

4. Thimmakka W/o Guddadarangappa,
Aged about 62 years,
R/at Kerehindalahatti (KOTE),
Sira Town.

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

Date of Institution of suit	:	12.11.2019
Nature of suit	:	Permanent Injunction
Date of commencement of Recording of evidence	:	16.08.2022
Date on which Judgment was Pronounced	:	16.07.2026
Total duration taken for Disposal of the suit	:	Day/s Month/s years
		04 08 06

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



J U D G M E N T

The plaintiff has filed the present suit against the defendants seeking the relief of Permanent Injunction, for costs and such other reliefs in respect of suit schedule property.

2. Case of the plaintiff's in brief is as under:-

The plaintiff submitted that she is the absolute owner in possession and enjoyment of the suit schedule property. Originally the suit schedule property belonged to one Lakshmmma and her legal heirs. The said Lakshmma and her legal heirs have executed registered sale deed dated 01.08.2016 in respect of suit schedule property in favour of daughter of plaintiff by name Yashoda for sale consideration of Rs.1,50,000/-. Since from the date of sale deed said Yashoda was in peaceful possession and enjoyment of the suit schedule property by paying tax to the CMC, Sira regularly.



3. The plaintiff further submitted that on account of love and affection towards her mother, the daughter of the plaintiff has executed registered Gift deed dated 04.09.2019 in favour of her mother in respect of suit schedule property. On the same day the donee has delivered the possession in favour of donor i.e., plaintiff. Accordingly, the khata stands in the name of plaintiff in respect of suit schedule property.

4. The plaintiff further submitted that defendants are strangers to the suit schedule property inspite of it, they are obstructing the plaintiff in constructing residential house in the suit schedule property. Thereby the defendants are interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property. The khata of the suit schedule property stands in the name of plaintiff and possession of the suit schedule property also in favour of plaintiff. The defendants are trying to obstruct the plaintiff in constructing a residential



house in the suit schedule property. Hence, this suit.

5. After serving of summons the defendants have appeared through their respective counsel and filed the written statement, wherein they have denied the plaint averments and further submitted that the suit schedule property belongs to the municipal authority, Sira. That one Late Rangamma W/o Late Narasajja has illegally occupied the suit schedule property and colluding with revenue officials she has created the false certificate in respect of suit schedule property, since the suit schedule property was used by the defendants and public. After the death of said Rangamma her daughters by name Lakshamma, Lakkamma and Puttamma have got their names jointly in the Demand Register Extracts in respect of suit schedule property by colluding with municipal authorities. Thereafter, they have sold the suit schedule property in favour of daughter of plaintiff by name Yashoda W/o Rajashekara. B.



under registered sale deed dated 01.08.2016. The defendants have also filed the suit against Yashoda in O.S.43/2017.

6. The defendants further submitted that the said Yashoda has executed Gift deed with malafide intention in favour of plaintiff who is her own mother knowing fully well about the pendency of O.S.43/2017. The said Gift deed executed in favour of plaintiff is illegal. The plaintiff has filed this suit by suppressing the real facts in respect of suit schedule property. The plaintiff has created the Gift deed to grab the property which is being used by the defendants and public at large. Hence, prayed to dismiss the suit.

7. On the basis of the above pleadings, my learned Predecessor-in-office has framed the following:

ISSUES



1. Whether the plaintiff proves that she is in possession over the suit property as on the date of suit?
 2. Whether the plaintiff proves that alleged interference by the defendants?
 3. Whether the plaintiff is entitled for the relief as sought for?
 4. What Order or Decree ?
8. In order to substantiate the case, the plaintiff herself examined as PW.1 and got marked 8 documents as Ex.P.1 to 8. Per contra, the defendant No.1 himself examined as DW.1 and no documents are produced.
9. Heard the arguments of learned Counsel for plaintiff and defendants. Perused the pleadings, oral and documentary evidence placed on record.
10. My answer to the above Issues are 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 final order
for the following;**

REASONS

11. **ISSUE No.1:** It is the case of the plaintiff that she is in peaceful possession and enjoyment of the suit schedule property. In support of the same, the plaintiff herself has entered into witness box and examined as PW.1 and got marked the documents as Ex.P.1 to 8. The plaintiff stated that she has acquired the suit schedule property by virtue of Gift Deed dated 04.09.2019 which was executed by her daughter on account of love and affection. Since from the date of Gift deed, the plaintiff is in peaceful possession and enjoyment of the suit schedule property. When the plaintiff constructing the residential house in the suit schedule



property, the defendants without having any right over the suit schedule property are causing interference with plaintiff's peaceful possession and enjoyment of the suit schedule property.

12. In order to prove the possession of the suit schedule property, the plaintiff has relied on documentary evidence at Ex.P.1 to 8. On perusal of Ex.P.3 which is registered Gift deed dated 04.09.2019 executed by the daughter of plaintiff in favour of plaintiff. On carefully perusal of the said deed the recitals are clear that the plaintiff has acquired the suit schedule property as per Ex.P.3. The present revenue documents are transferred into the name of plaintiff as per Ex.P.4. Further the plaintiff has relied on Ex.P.5 to 8. Ex.P.8 is the sale deed dated 01.08.2016, on perusal of Ex.P.8 it is clear that daughter of plaintiff by name Yashoda was acquired the suit schedule property from her lawful vendor for sale



consideration amount. On the basis of Ex.P.8 the khata of the suit schedule property was transferred into the name of daughter of plaintiff as per Ex.P.5 to 7.

13. On the basis of above said documents the title transferred into the name of plaintiff as per Ex.P.3 and 4. When the plaintiff has clearly established her contention that she is in peaceful possession and enjoyment of the suit schedule property, the onus of disproving the contention of the plaintiff shifts over the defendants. As contended by the defendants, the suit schedule property being used by the defendants and public of the Kerehindalahatti. In support of the same, the defendants have not produced any supportive documents to corroborate the pleadings of the defendants. Such being the case, when the defendants have utterly failed to rebut the contention of the plaintiff, then the version of defendants is not believable one. Moreover, in the cross



examination of PW.1, defendants have not elicited anything from the mouth of PW.1 to support the case of the defendants. Accordingly, the plaintiff has established her case that she is in peaceful possession and enjoyment of the suit schedule property. Hence, I answer **Issue No.1 in the Affirmative.**

14. **ISSUE No.2:** The plaintiff has seriously alleged that the defendants are interfering with plaintiff's peaceful possession and enjoyment of the suit schedule property by causing obstruction in constructing residential house in the suit schedule property. In support of the same, the plaintiff has relied on Ex.P.1 and 2. As per Ex.P.2 the plaintiff has issued a notice through her counsel to the CMC, Sira stating that defendants are interfering with plaintiff's construction in the suit schedule property without having rights to do so. The said notice was served to CMC, Sira as per Ex.P.1 produced by the plaintiff. In order to rebut Ex.P.1 and 2, defendants have



not placed any documents. By relying on Ex.P.1 and 2, it is clear that the defendants are causing obstruction to the plaintiff in constructing residential house in the suit schedule property. Therefore, they are trying to interfere with the plaintiff's peaceful possession and enjoyment of the suit schedule property. Since the plaintiff has established her possession and enjoyment over the suit schedule property and alleged interference by the defendants with plaintiff's possession and enjoyment of the suit schedule property, the plaintiff has succeeded to prove the Issue casting on plaintiff. Hence, I answer **Issue No.2 in the Affirmative.**

15. **ISSUE No.3:** Since Issue No.1 and 2 are answered in the Affirmative, it is proper to grant permanent injunction to the plaintiff by restraining the defendants from interfering with the peaceful possession of the plaintiff in the suit schedule property. There is evidence on the record to show that, plaintiff



is in peaceful possession of the suit property and defendants are trying to interfere with the plaintiff's peaceful possession and enjoyment over the suit schedule property. The plaintiff has shown proper description and boundaries of the suit property as required under order VII Rule 1 and 3 of CPC, her possession with regard to suit property can be believed and considered. Therefore, it is necessary to grant permanent injunction, otherwise it would leads to multiplicity of proceedings as per Section.38 of Specific Relief Act to prevent the alleged acts of defendants. Accordingly, the plaintiff is entitled for permanent injunction. Hence, I answer **Issue No.3 in the Affirmative.**

16. **ISSUE No.4:** In view of my findings on the above Issues, I proceed to pass the following;

ORDER

Suit of the plaintiff is hereby decreed.



The defendants are hereby restrained from interfering with the plaintiff's peaceful possession and enjoyment over the suit schedule property.

No order as to costs.

Draw decree accordingly.

(Dictated to the stenographer on computer, computerized and printout taken by her, then corrected, signed and pronounced by me in the open Court on 16th Day of July 2026)

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

ANNEXURE

List of witnesses examined on behalf of the plaintiff:

PW.1 Narasamma

List of documents marked on behalf of the plaintiff:

Ex.P.1 Postal acknowledgment
Ex.P.2 Legal notice dated 12.08.2020
Ex.P.3 Registered Gift deed dated 04.09.2019
Ex.P.4 Encumbrance Certificate



Ex.P.5,7

Khata extracts

Ex.P.6

Acknowledgment

Ex.P.8

Copy of registered sale deed dated 01.08.2016

List of witnesses examined on behalf of the Defendants :

DW.1

Rangaraju

List of witnesses examined on behalf of the Defendants:

- N I L -

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