



**IN THE COURT OF ADDITIONAL CIVIL JUDGE & J.M.F.C.,
AT TIPTUR, TUMAKURU DISTRICT.**

DATED THIS THE 03rd DAY OF JUNE, 2026

**PRESENT: SMT. MADHUSHREE G. S., B.COM, LLB., LL.M.,
ADDL. CIVIL JUDGE & J.M.F.C., TIPTUR.**

O.S.NO. 178/2025

Plaintiff : B.S.Eashwarappa
S/o Late.Shankarappa
Aged about 60 years,
R/at Gedlehalli Village
Honnavalli Hobli
Tiptur Taluk

(By Sri. B.G.C., Adv)

Vs.

Defendants : 1. Sathish
S/o Late.B.G.Nagaraju
Aged about 45 years.

2. Suneela
S/o Late. B.G.Nagaraju
Aged about 40 years

Both are R/at Byranayakanahalli Village
Honnavalli Hobli
Tiptur Taluk

(Ex-parte)



Date of institution of the suit : 24.03.2025
Nature of the suit : Declaration & Permanent Injunction
Date of the commencement of recording of the evidence : 05.01.2026
Judgment pronounced on : 03.06.2026
Total duration : **Years Months Days**
01 02 10

sd/-

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

J U D G M E N T

The plaintiff has filed this present suit seeking the relief of Declaration claiming the execution of the sale deed dated 31.01.1969, sought Permanent Injunction restraining the defendants and their heirs from interfering with possession and enjoyment of suit schedule land and directing Tahasildar Tiptur to mutate connected revenue documents as per sale deed executed by B.G.Nagaraju and other consequential reliefs.

2. The description of the suit schedule property ;

The land situated at Bhyranayakanahalli Village, Honnavalli Hobli, Tiptur Taluk bearing Sy.No.83/2 measuring 0.36 guntas assessed at Rs.1.06 ps bounded on East : Chambalappa,



West : Papanna, North : Linganna, South : Nanjappa.

(Hereinafter referred to as suit property)

3. **The brief facts of the plaintiff's case is as follows :** The Shankarappa S/o Nanjegowda purchased land from on B.G.Nagaraju S/o Madegowda in Sy.No.83/2 measuring 0.36 guntas Bhyranayakanahalli, Honnavalli Hobli, Tiptur Taluk which is called herein after as suit land on 31.001.1969 through registered sale deed, Reg. No.4265/1968-69. The said B.G.Nagaraju died five years back leaving behind both defendants noted in plaint. The RTC of suit land was running in the name of B.G.Nagaraju S/o Madegowda in RTC column No.9, but in column No.12 of RTC the name of Shankarappa was running all these days. The said Shankarappa died on 01.07.2014 and death certificate is enclosed herein. After the death of said Shankarappa application for fresh mutation and RTC the Tahasildar Tiptur had directed the plaintiff to approach Civil Court vide endorsement dated 06.08.2024 and 17.08.2024. Hence, this suit.
4. Upon institution of the suit, the summons was issued to the defendants. The summons was served on the defendants. In spite of issuance of the summons, the defendants have not chosen to appear before this Court and thus, they were placed ex-parte. And then the case was posted for plaintiff's evidence.



5. In order to establish the case, the plaintiff stepped into the witness box, filed the evidence affidavit in lieu of examination-in-chief, got examined as PW1, marked 10 documents as Ex.P1 to Ex.P10 and closed side.
6. The following points are arising for my consideration:

POINTS

1. Whether the plaintiff proves that he is the absolute owner, in peaceful possession and enjoyment of the suit schedule property as on the date of suit?
 2. Whether plaintiff proves the alleged interference of the defendants?
 3. Whether the plaintiff is entitled for the reliefs sought?
 4. What Order or Decree?
7. Heard arguments of the learned counsel for the plaintiff, and perused materials available on record.
 8. The findings of this court to the above points are as under :

Point No.1	:	In the Affirmative
Point No.2	:	In the Affirmative
Point No.3	:	In the Affirmative



Point No.4 : As per final order
for the following:

REASONS

9. **Point No.1:** The plaintiff has filed this suit seeking a declaration that he is the lawful owner of the suit schedule property, permanent injunction against the defendants, and consequential reliefs. The burden is on the plaintiff to establish that the suit property was lawfully acquired by his predecessor-in-interest, that he has succeeded to the property, and that he is in lawful possession and enjoyment thereof.
10. The plaintiff, examined as PW.1, has filed affidavit evidence reiterating the averments made in the plaint. Despite proper service of summons, the defendants did not appear and chose not to contest the proceedings. Consequently, the plaintiff's evidence remains unrebutted and unchallenged.
11. The plaintiff has produced a number of documents marked as Ex.P1 to Ex.P10 to substantiate his claim. Ex.P1 is the certified copy of the registered sale deed dated 31.01.1969, executed by B.G. Nagaraju in favour of Shankarappa S/o Nanjegowda in respect of Sy.No.83/2. The sale deed is a registered instrument and carries a presumption of validity. Its recitals clearly establish that the vendor conveyed all rights, title, and interest in the suit property to Shankarappa for valuable consideration. No evidence



has been placed before the Court to dispute the validity or execution of the deed. The defendants, as legal heirs of the original vendor, cannot claim any right superior to that of their predecessor.

- 12.** Ex.P2, the Encumbrance Certificate, corroborates the sale deed and confirms that no other transactions affecting the property exist. Ex.P3, the Akarband extract, identifies the property, its survey number, extent, and assessment, which correspond with the description in the plaint and the sale deed. Ex.P4 to Ex.P6, the RTC extracts, show B.G. Nagaraju in Column No.9 but Shankarappa in Column No.12, reflecting his possession and enjoyment of the property. These entries, while not decisive on title, provide strong evidence of continuous possession.
- 13.** Ex.P7, the death certificate of Shankarappa, establishes that he died on 01.07.2014. The plaintiff has demonstrated that he is the legal heir and successor-in-interest of Shankarappa. This succession remains uncontested. Ex.P8, a further Encumbrance Certificate, supports the transaction history of the property and corroborates the plaintiff's claim of lawful ownership.
- 14.** Ex.P9 is an endorsement from the Tahasildar, noting that documents relating to Sy.No.83/2 are not available in the office due to damage. This explains the plaintiff's inability to effect mutation of revenue records but does not affect his ownership



claim. Ex.P10 is a letter written by the plaintiff to the Tahasildar seeking mutation, which demonstrates that the plaintiff acted in good faith to regularize the property in revenue records. These documents help the Court understand why the plaintiff approached this Court, but the suit is fundamentally based on the registered sale deed and succession.

15. From the cumulative evidence, it is clear that Shankarappa acquired the suit property under a valid registered sale deed, and he remained in peaceful possession and enjoyment. After his death, the plaintiff succeeded to his estate and has continued possession. The defendants, as heirs of the vendor, cannot challenge the plaintiff's rights, as they have no better title than their predecessor. In view of the aforesaid reason, this court answers the point no.1 in Affirmative.
16. **Point No.2** As the plaintiff's case has been detailed at the beginning of this judgment and in Point No.1, this Court finds it unnecessary to repeat it entirely for brevity.
17. Having established the plaintiff's possession of the suit property in Point No.1, this Court will not further discuss possession. Instead, it will address the facts and evidence related to the alleged interference by the defendants.
18. The plaintiff has claimed that the defendants, being legal heirs of B.G. Nagaraju, may potentially interfere with his peaceful



possession and enjoyment of the suit schedule property. While there is no direct evidence of overt acts of interference, the law recognizes that once ownership and possession are clearly established, the court may protect such possession through preventive measures.

19. The documents produced by the plaintiff, particularly the registered sale deed (Ex.P1), the RTC extracts (Ex.P4–Ex.P6), and the Encumbrance Certificates (Ex.P2, Ex.P8), clearly demonstrate that Shankarappa was in lawful possession, which the plaintiff now enjoys as his successor. The defendants have chosen not to appear to dispute the claim or provide any evidence to challenge the plaintiff's title or possession. In light of this uncontested evidence, the Court is satisfied that the plaintiff's possession is lawful, peaceful, and continuing. Any attempt by the defendants to interfere with such possession would be unlawful. Therefore, the plaintiff has established a prima facie right to protection against interference, and the relief of permanent injunction is both justified and necessary to safeguard his possession. Accordingly, this court answers the above Point No.2 in Affirmative.

20. Point No.3 : In light of the conclusions reached for Point Nos. 1 and 2, the plaintiff has demonstrated lawful possession of the suit property and has established the alleged interference by the defendants. Therefore, this Court finds that the plaintiff is entitled



to the relief sought in the plaint. Consequently, this Court answers Point No.3 in the Affirmative.

21. Point No.4 : In view of the findings recorded on issue No.1 to 3, this court proceeds to pass the following :

ORDER

The suit of the plaintiff is hereby decreed with costs.

It is declared that late Shankarappa S/o Nanjegowda had acquired valid and absolute title over the suit schedule property bearing Sy.No.83/2, measuring 0.36 guntas, situated at Bhyranayakanahalli Village, Honnavalli Hobli, Tiptur Taluk, under the registered sale deed dated 31.01.1969 (Reg.No.4265/1968-69) executed by B.G. Nagaraju S/o Madegowda.

It is further declared that the plaintiff Eshwarappa S/o Shankarappa, being the legal heir of deceased Shankarappa, is entitled to succeed to the said property.



The defendants, their heirs, agents, servants, or anybody claiming through or under them are permanently restrained from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property.

Draw decree accordingly.

(Dictated to the stenographer, who computerized the same and then, corrected by me, print out taken by him, signed and then pronounced by me in the Open Court on 03rd day of June, 2026

sd/-
(MADHUSHREE G. S.)
Addl. Civil Judge & JMFC,
Tiptur.

ANNEXURE

1. List of witnesses examined on behalf of plaintiff:

PW-1 : B.S.Eashwarappa

2. List of documents exhibit on behalf of plaintiff:

Ex.P1 : Certified registered sale deed dated
31.01.1969

Ex.P2 : Certified copy of encumbrance dated
01.02.1968

Ex.P3 : RTC in Sy.No.83/2

Ex.P4 : Death certificate of Shankaraiah



- Ex.P5 : Certified copy of index of land
Ex.P6 : Certified copy of aakhar bandh
Ex.P7 : Endorsement given by Tahasildar
Ex.P8 : Encumbrance certificate for the year
2006-2023
Ex.P9 : Endorsement given by Tahasildar
Ex.P10 : RTC of the year 2001-2002 in

Sy.No.83/2

**3. List of witnesses examined and documents exhibited
on behalf of defendant: -NIL-**

sd/-
**Addl. Civil Judge & JMFC,
Tiptur.**

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