



TITLE SHEET

IN THE COURT OF SENIOR CIVIL JUDGE AT KUNDAPURA

**PRESENT : SRI KUMARA G. B.COM. LL.B.
SENIOR CIVIL JUDGE,
KUNDAPURA**

***REGULAR APPEAL NO.52 OF 2024
DATED ON THIS 07TH DAY OF JULY, 2026***

**APPELLANT :- 01. SMT GIRIJA POOJARY,
W/O LATE MASTHI POOJARY,
AGED ABOUT 59 YEARS.**

**02. SRI NAGARAJ POOJARY,
S/O LATE MASTHI POOJARY,
AGED ABOUT 35 YEARS.**

**03. SRI GURURAJ POOJARY,
S/O LATE MASTHI POOJARY,
AGED ABOUT 33 YEARS.**

***BOTH ARE R/O BANDADIMANE,
TALLUR VILLAGE AND POST,
KUNDAPURA TALUK, UDUPI DISTRICT.***

(REPRESENTED BY SRI MJS, ADVOCATE)

VERSUS

**RESPONDENT :- 01. SMT JYOTHI MENDONSA,
W/O RUDALF W. MENDONSA,
AGED ABOUT 52 YEARS.**

**02. SRI RUDALF W. MENDONSA,
S/O LATE JOSEPH MENDONSA,
AGED ABOUT 58 YEARS.**

**BOTH R/O NEAR CHIKKUMANE,
TALLUR VILLAGE AND POST,
KUNDAPURA TALUK, UDUPI DISTRICT.**

(REPRESENTED BY SRI HPH/MAA, ADVOCATE)

DATE OF INSTITUTION : 30-10-2024

**NATURE OF APPEAL : AGAINST THE JUDGMENT PASSED
IN BY THE II ADDITIONAL CIVIL
JUDGE & JMFC, KUNDAPURA IN OS
NO.273/2016 ON 23-09-2024.**

**DATE OF PRONOUNCEMENT
OF JUDGMENT : 07-07-2026**

		YEARS	MONTHS	DAYS
TOTAL DURATION	:	01	08	07

JUDGMENT IN REGULAR APPEAL NO.52 OF 2024

This judgment arises out of regular appeal filed by the appellants-legal heirs of deceased original plaintiff under section 96, Order XLI, Rule 1 of Civil Procedure Code, 1908 feeling aggrieved by the judgment and decree passed by the learned II Additional Civil Judge and JMFC, Kundapura in OS No.273/2016 on 23-09-2024.

02. The appellants were the plaintiffs and the respondents were the defendants before the trial court. The rank of the parties will be referred to as per their rank before the trial court.

03. The case of the original plaintiff (herein after referred as "plaintiff") in nutshell as pleaded in the plaint before the trial court is that he is the absolute owner and possessor of the suit land bearing survey No.83/11P1, measuring 00-07.50 acre, situated at Tallur Village, Kundapura Taluk, Udupi District and bounded on East by: - land bearing survey No.83/11P2 belongs to defendant No.2; West by:- the land in survey No.82; North by: - the land in survey No.83/4 and 83/13 and South by: - the land in survey No.89. The plaintiff became the owner of the suit land by virtue of purchase through Registered Sale Deed bearing document No.1289/1997-98 on 21-10-1997 executed by his vendor Sri Edward Mendonsa. The plaintiff has been put in possession of the suit land in pursuance of purchase and his name has been mutated in the revenue records and appearing as possessor and cultivator therein. Subsequent to purchase, the plaintiff has developed the suit land and planted coconut trees and he is collecting the fruits there from. Except the plaintiff, the defendants or anybody are not having any kind of right or title or interest over the suit land. The defendant No.2 is having the land on the Eastern side of the suit land. The defendant No.1 is the wife of defendant No.2 and she is

managing the land of defendant No.2. The defendants have started to cause obstruction and interfere with the plaintiff's lawful possession and cultivation of the suit land and also tried to take possession of the suit land illegally and high handedly. Therefore, in order to enclose the suit land by putting-up permanent compound and for fixing the boundary stones, the plaintiff has approached the revenue authority for measurement of the suit land. The defendants have objected and obstructed the survey officials for measurement of the suit land. However, the surveyor has identified the suit land. In spite of it, the defendant No.1 has threatened the plaintiff and hence, he had issued legal notice to the defendants on 24-06-2016 calling upon them not to cause obstruction and interfere with their possession. But the defendants have issued untenable reply on 07-07-2016 on false and frivolous grounds and disputed the identity of the suit land. On 07-08-2016, the defendant No.1 along with her men trespassed into the suit land and removed the boundary enclosures on the Eastern side of the suit land illegally and highhandedly and the defendant No.1 prevented the plaintiff from entering the suit land. The plaintiff approached the jurisdictional police for taking appropriate action. But the jurisdictional police have directed the plaintiff to approach the competent civil court stating that the matter is civil in nature. The defendants have dispossessed the plaintiff illegally and highhandedly from the suit land on 07-08-

2016. The defendants have denied the title of the plaintiff, caused obstruction and interfered with his possession and also dispossessed him from the suit land. Therefore, the plaintiff has constrained to institute the suit for declaration of title; possession and consequential of permanent injunction.

04. In pursuance of service of suit summons, the defendants No.1 and 2 have appeared through advocate before the trial court and filed written statement by denying the plaint averments as false. However, it is admitted that the plaintiff has issued legal notice to the defendants on 24-06-2016 and they have issued reply on 07-07-2016. It is specifically contended by the defendants that the suit land described in the plaint schedule is not in existence and the plaintiff has filed the suit with imaginary boundaries of the property which is not in existence. It is further contended that the boundaries mentioned in the Sale Deed on which the plaintiff is claiming the suit land and the boundary mentioned in the plaint schedule are entirely different and not concurring with each other. It is further contended that the defendants have constructed compound with granite wall with two layers underground and two layers above the ground and having a single entrance for the said entire compound. It is further contended that the defendants have constructed big residential building inside the compound and they are enjoying the same for the past 15 to 20 years. It is further contended that the

plaintiff is aware of existence of residential building and compound of the defendants and also possession and occupation of the property by defendants for more than 16 years. It is further contended that the title claimed by the plaintiff is already forfeited and nullified as per section 27 of the Indian Limitation Act, 1963 in view of physical possession of the defendants. It is further contended that the property described by the plaintiff in the plaint schedule is called "Kere 15 Hane" and it may be situated near "Hangar Kere" which is situated at the distance place from the property of defendants. It is further contended that the land in survey No.83/11 which is claimed by the plaintiff is not in existence and it is not belongs to the plaintiff or his vendor at any point of time. It is further contended that the plaintiff had instituted false and frivolous suit in order to make unlawful gain. For the above said reasons, the defendants have prayed to dismiss the suit with exemplary costs.

05. During pendency of the suit, the original plaintiff was passed away and hence, his legal heirs come on record with the permission of the court and prosecuted the suit and prosecuting the appeal.

06. Based on the pleadings of parties, the trial court has framed the following issues:

01. Whether the plaintiff proves that he is the absolute, true and lawful owner of the suit 'A' schedule property?

02. Whether the plaintiff proves that he is in actual possession and enjoyment of the suit 'A' schedule property as on the date of the suit?

03. Whether the plaintiff proves the interference by the defendants as alleged in the plaint?

04. Whether the suit of the plaintiff is barred by law of limitation?

05. Whether the plaintiff is entitled for the relief of declaration as prayed for?

06. Whether the plaintiff is entitled for the relief of permanent injunction as prayed for?

07. What order or decree?

07. In order to prove his case, the plaintiff himself examined as PW-1 before the trial court and he produced and got marked 05 documents as per Exhibit P-1 to P-5. One witness examined as PW-2. Exhibit P-6 and P-7 have been marked through confrontation during the cross-examination of DW-1. On the other hand, the defendant No.1 examined as DW-1 and she has not produced any documents. Two witnesses have been examined as DW-2 and DW-3.

08. After closure of evidence, the trial court has heard the arguments advanced by the learned counsels appeared for the plaintiffs and defendants and

given findings to Issue No.1 in the negative, Issue No.2 does not survive for consideration and Issue No.3 to 6 in the negative holding that the plaintiff failed to prove the identity of suit A-schedule property with boundaries as mentioned in the plaint. Ultimately, the trial Court has dismissed the suit filed by the plaintiffs for declaration of title, possession and consequential relief of permanent injunction. Feeling aggrieved by the judgment and decree passed by the trial court, the plaintiffs are before this court by challenging it on various grounds.

09. Main grounds urged by the plaintiff in the appeal memo are as follows:-

a) The impugned judgment and decree under challenge is unjust and contrary to the facts of the case.

b) The trial court not properly and correctly read and understand the case of the plaintiff and also the defenses of the defendants.

c) The trial court not framed the proper and necessary issues based on the pleadings of the parties which is resulted in mis-carriage of justice.

d) The trial court not properly appreciated the evidence placed on record and wrongly given findings to Issue No.1 in the negative holding that the plaintiff failed to prove the identity of the suit land though the plaintiff has successfully proved the identity of the suit land.

e) The findings of the trial court are contrary to the evidence placed on record and hence, they are liable to be reversed.

f) The trial court mis-applied the law not applicable to the case on hand and not applied the law applicable to the present case on hand.

g) The trial court exercised the discretion improperly, arbitrarily and capriciously. The reasons assigned by the trial court for dismissing the suit are not sustainable under law and therefore, the impugned judgment is liable to be set-aside.

For the above said reasons, the plaintiff has prayed to allow the appeal and set-aside the judgment and decree passed by the trial court and prayed to decree the suit.

10. In pursuance of service of notice of the appeal, the defendants are appeared before this court through advocate and contesting the appeal contending that trial court has passed the judgment after appreciating the oral and documentary evidence placed on record in the right perspective in the light of well-established principles of law and natural justice and rightly dismissed the suit holding that the plaintiff failed to prove the title and identity of the suit land and also failed to prove his illegal possession. It is further contended that there is no infirmity or illegality in the judgement and prayed to dismiss the appeal by confirming the judgement passed by the trial court.

11. Subsequently, trial court records have been secured.

12. During pendency of the appeal, the learned counsel for the plaintiff has filed IA No.IV under Order XXVI, Rule 9 of Civil Procedure Code, 1908 for issuance

of Court Commission for making local investigation of the suit land and to submit the report stating that it will elucidate the matter in dispute.

13. I have heard the arguments advanced by Sri MJS, the learned counsel for the plaintiffs and Sri HPH/MAA, the learned counsel appeared for the defendants.

14. I have re-appreciated the oral and documentary evidence placed on record and also the impugned judgment.

15. Upon hearing the arguments and on perusal of the trial court records and other materials available on records, the following points that would arise for determination:

POINTS

01. Whether the trial court is justified in holding that the plaintiff is failed to prove his title over the suit land?

02. Whether the trial court is justified in holding that plaintiff is not entitled for the relief of declaration and possession?

03. Whether the trial court is justified in dismissing the suit?

04. Whether the impugned judgment and decree passed by the trial court is capricious, perverse and opposed to law and needs interference?

05. What order or decree?

16. Upon hearing the arguments and re-appreciation of both oral and documentary evidence available on record, my answers to the above points are as follows: -

<i>Point No.1</i>	<i>: - In the negative,</i>
<i>Point No.2</i>	<i>: - In the negative,</i>
<i>Point No.3</i>	<i>: - In the negative,</i>
<i>Point No.4</i>	<i>: - In the affirmative,</i>
<i>Point No.5</i>	<i>: - As per the final order for the following:</i>

REASONS

17. POINTS NO.1 TO 4: - These points are inter-linked with each other. Discussion and reasoning on these points revolves around the same set of facts. Finding on one issue is having great bearing on other issues. Hence, all these points are taken together for joint discussion.

18. As I already stated in order to prove his case, the plaintiff himself examined as PW-1 in the form of affidavit and re-iterated all the plaint averments once again in the affidavit filed in-lieu of chief examination. Apart from the plaintiff, one witness namely Sri Manoj Poojari examined as PW-2 from the plaintiff's side. During the course of chief examination, the plaintiff/PW-1 has produced and got marked 05 documents as per Exhibit P-1 to P-5. One certified copy of Registered Partition Deed and one Record of Rights have been marked during the cross-examination of defendant No.1/DW-1 as per Exhibit P-6 and P-7.

19. Exhibit P-1 is the computerized Record of Rights for the year 2016-17 relating to suit land and it shows that suit bearing survey No.83/11P1, measuring 00-07.50 acre situated at Tallur Village, Kundapura Taluk is standing in the name of original plaintiff namely Sri Masthi Poojary S/o Rama Poojary and his name has been substituted in the revenue records as per MR No.07/98-99 on 28-05-98 based on the purchase. Exhibit P-2 is the original Registered Sale Deed bearing document No.7308/1997-98 dated 21-10-1997 and it shows that the plaintiff had purchased the suit land from its previous owner Sri Edward Mendonsa S/o late Danial Mendonsa for valuable consideration of Rs.10,000/-. It also shows that the possession of the suit land has been delivered to the plaintiff by Sri Edward Mendonsa. It also shows that the boundaries of the suit land is East by: - land of sharers; West by:- the road and wet land; North by: - the remaining land in the same survey number and South by: - the wet land of Sri Rama Poojary.

20. Exhibit P-3 is the Legal Notice issued by the plaintiff to the defendant No.1 on 24-06-2016 through her advocate. It is stated in the legal notice that the plaintiff is the owner and he was in possession and enjoyment of suit land and he purchased the same through Registered Sale Deed on 21-10-1997. It is also stated in the legal notice that the land of defendant No.2 is situated on the Eastern side of

the suit. It is also stated that defendant No.1 who is the wife of the defendant No.2 has by taking undue advantage of situation of her land on the eastern side of the suit land, attempted to enclose the suit land and thereby tried to dispossess the plaintiff and therefore the legal notice has been issued by calling upon the defendant No.1 not to trespass into the suit land and not to cause obstruction or interfere with the plaintiff's possession. Exhibit P-4 is the postal acknowledgment for service of legal notice.

21. Exhibit P-5 is the reply issued by the defendant No.1 to the counsel for the plaintiff on 07-07-2016 by denying the contents of legal notice. It is specifically contended in the reply notice that suit land is imaginary property and it is not situated within the boundaries mentioned in the plaint schedule. It is also stated that the defendant has constructed big house on various properties and enclosed the same by common and single compound. It is further contended that the plaintiff never in possession and enjoyment of any portion of the their property.

22. Exhibit P-6 is the certified copy of Registered Partition Deed dated 25-01-1991. As I already stated that Exhibit P-6 has been marked during the course of cross-examination of defendant No.1/DW-1 as she admitted it. Exhibit P-6 shows that Sri Denial Mendonsa having five children namely 1) Sri Alphonse Mendonsa, 2)

Sri Edward Mendonsa (the vendor of plaintiff), 3) Sri Francis Mendonsa, 4) Sri Fredrick R. Mendonsa and 5) late Joseph Mendonsa. It also shows that Smt Monica Mendonsa is the wife of late Joseph Mendonsa and defendant No.2 is his son. It also shows that four sons of Sri Danial Mendonsa and Smt Monica Mendonsa have partitioned the properties of late Danial Mendonsa. It is clearly recited therein that the land in survey No.83/11, measuring 00-07.50 acre, situated at Tallur Village, Kundapura Taluk bounded on East by: - land of sharers; West by:- the road and the wet land; North by: - the remaining land in the same survey number and South by: - the wet land of Sri Rama Poojary was allotted to the share of Sri Edward Mendonsa who is the vendor of the plaintiff. As per Exhibit P-6, four properties have been allotted to the share of Sri Edward Mendonsa including the suit land as per B-schedule. It is also pertinent to note here that land in same survey No.83/11, measuring 00-04.50 acre of Tallur Village was allotted to Smt Monica Mendonsa who is the mother of defendant No.2 and mother-in-law of defendant No.1. It is also clearly recited in Exhibit P-6 that the western boundary of the property allotted to the share of Smt Monica Mendonsa is the property of sharer. So, it is clear from the recitals of Exhibit P-6 that the property allotted to Sri Edward Mendonsa is situated on the Western side and the property allotted to the share of Smt Monica Mendonsa is situated on the Eastern side.

23. As I already stated, Sri Edward Mendonsa has sold the land in survey No.83/11, measuring 00-07.50 acre of Tallur Village which is situated on the Western side of the land in survey No.83/11 in favour of plaintiff through Registered Sale Deed placed on record as per Exhibit P-2. So, it can also be inferred that plaintiff became the owner and possessor of the portion of land in survey No.83/11 which was allotted to Sri Edward Mendonsa as per B-schedule and it was situated on the western side of land in survey No.83/11. Exhibit P-7 is the computerized Records of Rights for the year 2016-17 relating to the land bearing survey No.83/11, measuring 00-04.50 acre of Tallur village which was allotted to Smt Monica Mendonsa and it is standing in the name of defendant No.2 as per Settlement deed.

24. On combined reading of documentary evidence placed on record from the plaintiff's side as per Exhibit P-1, 2, 6 and 7, they proves that suit land was allotted to the share of Sri Edward Mendonsa who is the vendor of the plaintiff and 00-04.50 acre in same survey No.83/11 was allotted to Smt Monica Mendonsa who is the mother of defendant No.2. It is further clear that subsequently Sri Edward Mendonsa sold the suit lands in favour of plaintiff through Registered Sale Deed for valuable consideration and accordingly he became the absolute owner and

possessor of suit land. It is well-settled law that presumption is available to registered document to the effect that it is validly and lawfully executed. Similarly, presumption is available to the revenue entries under section 133 of Karnataka Land Revenue Act that revenue entries are presumed to be true and genuine unless and until contrary is proved or new entries are lawfully substituted. Based on the presumption available to the registered and revenue documents it can be safely concluded based on the documentary evidence produced from the plaintiff's side that suit land was allotted to Sri Edward Mendonsa in the family partition taken place between him and other family members; he sold the suit land for valuable consideration through Registered Sale Deed in favour of plaintiff and therefore, the plaintiff became the owner and he was in possession and enjoyment of the suit land.

25. In order to disprove the case of the plaintiff and to substantiate the contentions took-up in the written statement, the learned counsel for the defendants has conducted cross-examination of PW-1 and made an attempt to prove that the suit land is not in existence. Even during the cross-examination, PW-1 stated that he purchased the suit land from Sri Edward Mendonsa. He also stated that the defendants' properties situated on the Eastern side of the suit land. In spite of conducting lengthy cross-examination, nothing has been elicited from the

mouth of PW-1 either to disbelieve or discard his evidence and also the registered documents placed on record as per Exhibit P-2 and 6 and also revenue records placed on record as per Exhibit P-1 and P-7.

26. It is true that PW-1 has given some contradictory answers during his cross-examination pertaining to the boundaries of the suit land. However, it is pertinent to note here that even during the cross-examination PW-1 stated that the property of the defendant is situated on the Eastern side of the suit land. The boundaries mentioned in the plaint schedule to the Eastern side is tallying with the boundary mentioned in the earlier registered documents. It is true that during his cross-examination, PW-1 stated that on the western side of the suit land road is situated. It is an admitted fact that the property holders of the Western side of the suit land are not disputing the title of the plaintiff. Merely because some discrepancies are found in mentioning the boundaries of the suit land in the plaint schedule will not take away the entire case of the plaintiff. Therefore, I am of the opinion that the contradictory answers and discrepancies in mentioning the boundaries will not in any way effect the case of the plaintiff.

27. In the present case on hand, as I already discussed as per the recitals of Exhibit P-6, an extent of 00-07.50 acres in survey No.83/11 was allotted to Sri

Edward Mendons and 00-04.50 acre in same survey No.83/11 was allotted to the share of branch of defendant No.2. When such being the allotment of different extents to the vendor of plaintiff and mother of defendant No.2, the defendants cannot contend that the property allotted to the vendor of plaintiff is not in existence. Under these facts and circumstances of the case, I am of the opinion that plaintiff is able to prove the acquisition of title over the suit land through Registered Sale Deed executed by Sri Edward Mendonsa in whose favour suit land was allotted in the registered partition taken place between him and other family members.

28. It is also pertinent to discuss here regarding the answers given by defendant No.1/DW-1 during her cross-examination. During her cross-examination, DW-1 has clearly admitted that she married the defendant No.2 in the year 1994 and she does not know anything about the suit land earlier to the year 1994. She also admitted that land in survey No.83/11 was totally measuring 00-12 acre and Eastern side 00-07.50 acre in survey No.83/11 was allotted to Sri Edward Mendonsa and Western side 00-04.50 acre was allotted to the share of mother of the defendant No.2. DW-1 also admitted that defendant No.2, his mother and his brothers were in possession of Eastern side 00-04.50 acre. DW-1 also admitted that Sri Edward Mendonsa sold the suit land in favour of plaintiff.

DW-1 also admitted that 00-04.50 acre mentioned in Exhibit P-6 is the property belongs to her. The answers given by DW-1 during her cross-examination clearly goes to show that suit land was allotted to the share of Sri Edward Mendonsa and in turn he sold the same in favour of plaintiff through Registered Sale Deed. Similarly, the answers given by the DW-1 during her cross-examination clearly goes to show Eastern 00-04.50 acre in suit survey No.83/11 was allotted to the mother of defendant No.2. The answers given by the DW-1 during her cross-examination clearly establishes the acquisition of title by the plaintiff through lawful mode and hence he became the owner of the suit land.

29. During her cross-examination. DW-1 also admitted that suit land is situated on the western side of property allotted to the mother of defendant no.2. DW-1 also admitted that she objected the plaintiff for enjoyment of the suit land and the plaintiff has resisted the same. DW-1 also admitted that in first week of June-2016, the plaintiff got measured the suit land and at that time, she was present and she objected the measurement. DW-1 also admitted that the boundaries to the suit land have been marked. These answerers clearly goes to show that the defendant No.1 has caused obstruction and interfered with the plaintiff's possession and enjoyment of the suit land and also not permitting him to enter the suit land. It is pertinent to note here that during her cross-examination

DW-1 stated that she and her mother-in-law Smt Monica Mendonsa have purchased the suit land and therefore she is claiming the suit property. But the defendants have produced single piece of documents to show the acquisition of the suit land through any mode. Therefore, I am of the opinion that the claim of the defendants over the suit lands is illegally and they are unlawfully and illegally denying the title of the plaintiff over the suit land and also causing obstruction and interfered with her possession and enjoyment.

30. On combined reading of oral and documentary evidence placed on record from the plaintiff's side as per Exhibit P-1 to P-7 in the light of clear admissions given by the DW-1, I am concluding that the plaintiff is able to prove the acquisition of title over the suit land through purchase by Registered Sale Deed executed by Sri Edward Mendonsa who acquired the suit land in the family Registered Partition taken place between him and other family members. The plaintiff is also able to prove that he was in lawful possession and enjoyment of the suit land, but the defendants have denied his title caused obstruction and interfered with the plaintiff's lawful possession and enjoyment of the suit land and also illegally dispossessed the plaintiff from the suit land and therefore he is entitled for the relief of declaration of title and possession and subsequently relief of permanent injunction.

31. As I already discussed, during pendency of the appeal, the learned counsel for the plaintiff has filed IA No.IV under Order XXVI, Rule 9 of Civil Procedure Code, 1908 for issuance of Court Commission for making local investigation of the suit land and to submit the report stating that it will elucidate the matter in dispute. But as I already stated the plaintiff is able to prove the acquisition of title over the suit land and there is no dispute as to the extent, situation and location of the suit land and the land belongs to the defendants. Hence, issuance of Court Commission and its report for the decision of the case is not necessary.

32. It could be seen from the impugned judgment that the trial judge has dismissed the suit of the plaintiff holding that plaintiff failed to prove the identity of the suit land based on the discrepancies pertaining to the boundaries mentioned in the plaint schedule stating that boundaries mentioned in the plaint schedule are not tallied with the boundaries mentioned in the Sale Deed and Partition Deed. It is well settled that boundaries will prevail over the measurement where there is dispute regarding the measurement. In the present case on hand there is no dispute among the parties as to the measurement of the suit land and also the property belongs to the defendants. Therefore, the

observations made by the trial court is improper and therefore the same is liable to be set-aside. Therefore, I am of the opinion that the impugned judgment passed by the trial court is not tenable under law and the same is liable to be set-aside and the suit of the plaintiff is liable to be decreed. Hence, the plaintiff is entitled for the relief of declaration of title, possession and consequential relief of permanent injunction. Hence, I am answering ***Point No.1 to 3 in the negative and point No.4 in the affirmative.***

33. POINT NO.5: - In view of findings to Point No.1 to 4, for the discussion made above and reasons assigned, I proceed to pass the following:

ORDER

The regular appeal filed by the appellant-plaintiff under section 96 and Order XLI, Rule 1 of Civil Procedure Code, 1908 is allowed.

The judgment and decree passed by the learned II Additional Civil Judge and JMFC., Kundapura in OS No.273/2016 on 23-09-2024 is decreed.

It is declared that the plaintiff is the absolute owner of the suit schedule property.

The defendants are hereby directed to vacate and deliver the vacant possession of the suit schedule property to the plaintiff within 60 days from the date of this judgement.

No order as to costs as the parties are related.

All other pending interlocutory applications are stands disposed-off.

Draw the decree accordingly.

***Office is directed to return the TCR to the trial court along with
copy of this judgment forthwith.***

***(Dictated to the stenographer, typed by her, corrected, then signed and pronounced in the open
court on this 07th day of July, 2026)***

***(KUMARA G.)
SENIOR CIVIL JUDGE
KUNDAPURA***
