

KAVN210009412015



**IN THE COURT OF CIVIL JUDGE & JMFC, AT KUDLIGI**

**Present: Smt.C.Mahalakshmi,  
B.A.L., LL.M.,  
Civil Judge & JMFC.,  
O.S. No.122/2015**

**Dated this the 28<sup>th</sup> day March of 2026**

**Plaintiffs**

Smt. K.Papamma since dead  
by her LR's

1(a) Boranna S/o Dodda  
Kodaiah, aged about 56 years,

1(b) Channamma W/o Papaiah  
aged about 55 years,

1(c) Papamma W/o Kondi  
Boraiah, aged about 53 years,

1(d) Manjunatha S/o Dodda  
Kodaiah, aged about 48 years,

All are r/o Yaragundanhatti  
village, Kudligi taluk,  
Vijayanagara District.

**(By Sri.D.L.R Adv.)**

**// Vs //**

**Defendants**

1. Smt. Boramma W/o Late.  
Boraiah, aged about 78 years, R/o

Yeragoundanahatti village, Kudligi taluk, Ballari Dist. Dead by LR's

1. Papamma W/o Late. Sanna Boraiah, aged about 60 years,

2. Purushothama S/o Late. Sanna Boraiah,

3. Ravindra S/o Late. Sanna Boraiah

The defendant no.1 to 3 are resident of Yeragoundanahatti village, Kudligi taluk, Vijayanagara District.

4.Papamma W/o Gadri Palaiiah, R/o Hulikunte village, Kudligi taluk, Vijayanagara District.

5. Komali W/o Mallaiah R/o Yeragoundanahatti village, Kudligi taluk, Ballari Dist.

6.Marakka W/o Chandranna R/o Devarahatti village, Molakamuru taluk, Chitradurga district.

7. Mallamma W/o Bommalingaiah, R/o Yeragoundanahatti village, Thimanahalli post, Kudligi taluk, Ballari Dist.

8. As per the memo the defendant

no.8 is delete.

9. Mudiyyappa, S/o Late. Boraiah, aged about 60 years, R/o Yeragoundanahatti village, Thimanahalli post, Kudligi taluk, Ballari Dist.

10. Basavaraja S/o Late. Bananaiah

11. Basamma W/o Chandranna, R/o Yadrammanahalli village, Sandur taluk, Ballari Dist.

12. Manjula W/o Nagamurthi,

13. Kamalamma, W/o Late. Hamapaiah, aged about 48 years,

14. Boranna, S/o Late. Hamapaiah,

15. Papaiah S/o Late. Hampaiah,

16. Sharadamma W/o Channappa, D/o late. Hampaiah,

The defendant no.12 to 16 are R/o Yeragoundanahatti village, Thimanahalli post, Kudligi taluk, Ballari Dist.

17. Sooramma W/o Pampanna, D/o Late. Hampaiah, R/o Kondlahalli village, Abbenahalli

post, Challakere taluk, Chitradurga Dist.

18. Neelamma W/o Gowdru Palayya, D/o Late. Hamapaiah, R/o Tumakurlahalli village, Molaklmuru taluk, Chitradurga district.

19. Obamma D/o Late. Boraiah R/o Yeragoundanahatti village, Kudligi taluk, Ballari Dist.

**(D-1 to 7, 9 to 19 by Sri.K.J.G Adv.)  
(Defendant no.8 is deleted)**

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|---|--|
| Date of Institution of suit                   | 10.07.2015   |
| Nature of the suit                            | Declaration and permanent injunction                         |
| Date of commencement of recording of evidence | 18.07.2019   |
| Date of Judgment                              | 28.03.2026   |
| Total Duration                                | Year/s    Month/s    Day/s<br>10            08            18 |

**: JUDGMENT :**

**01.** This is a suit for declaration and Permanent Injunction instituted by the plaintiff against the defendants with respect to Sy.no.313/2 measuring 09.50 acres.

**02.** The brief facts of the plaintiff's case is narrated as under:-

That the plaintiff is the daughter of Boravva @ Boramma and Boraiah @ Jagalooraiiah. The suit schedule property is granted by Special Tahsildar, Kudligi in favour of plaintiff's mother Boravva Vide D.R. Dis no.413/68 dated 21-05-1959. Thereafter, Boravva has been in peaceful possession and enjoyment of the suit schedule property in her own, right, title and interest. The mother of plaintiff Boravva died in the year 2014. During the life time of Boravva, Boravva and her children namely Boramma, Hampamma, Papaiah and Julle Boraiah executed relinquishment deed dated 31-01-1998 in favour of plaintiff. The mutation was also effected vide Mutation No.04/1998-99, dated 12-08-1998. Accordingly, the name of plaintiff is entered in the ROR as Pattadhara and Cultivator column by deleting the name of plaintiff's

mother Boramma as such plaintiff has become absolute owner of the suit schedule property. That at the time of plaintiff's marriage, the mother, brothers and sisters of plaintiff given the suit schedule property for the purpose of "Arasina Kunkuma" of plaintiff as her share and delivered the possession in favour of plaintiff. Ever since then, the plaintiff is in peaceful possession and enjoyment of the suit schedule property without anybodies obstruction or interference. That the plaintiff mortgaged the suit schedule property to Syndicate Bank and raised loan of Rs-20,000/- in the year 2001-02. The bank authority after verifying the records issued loan to the plaintiff. That the defendant is no way concerned to the suit schedule property as well as family of the plaintiff. That the defendant has filed unholy appeal against plaintiff in Appeal no.09/2005-06 with respect to the suit schedule property before the Assistant Commissioner at Hospet and in the said appeal defendant by suppressing true and

existing facts obtained an order in favour of defendant. At the time of inquiry of the said appeal, the plaintiff left the village to Sakaleshpura to eak out their livelihood as there was drought in Ballari. The defendant by knowing the said fact and taking advantage of the plaintiff's absence in the village has got order in favour of the defendant. That the plaintiff after returning to her village came to know that the defendant got mutated the suit schedule property in her favour. After that, the plaintiff preferred an appeal before the Deputy Commissioner, Bellary in appeal no.100/2007-08 against the order passed by the Assistant Commissioner Hospet in favour of defendant in Appeal No.09/2005-06 order dated 24-11-2006. The learned Deputy Commissioner, Bellary without verifying the documents and existing facts rejected the appeal and upheld the order of Assistant Commissioner. That the name of plaintiff's mother is Boravva. That the defendant name is also Boramma. The Special Tahsildar Kudligi issued Patta in

favour of plaintiff's mother Boravva. The Special Tahsildar Kudligi have not granted Patta of the suit schedule property in favour of defendant. The defendant by using the similarities in the name has hatched plan in order to knock off the plaintiff's property by saying that she is the grantee and she has filed false appeal before the Assistant Commissioner, Hospet and obtained order in her favour. Hence, the suit.

**03.** In response to the suit summons, the defendants have appeared through their counsel. The defendant no.8 is deleted as per order as defendant no.6 and 8 were the same person. The defendant no.1 has filed written statement and contended that the plaintiff has not identified the suit property, the boundaries mentioned in the plaint schedule do not belong to suit property bearing Sy.No.313/2 measuring 9.50 acres. When the plaintiff herself has not seen the suit property, question of owning the said land and cultivating

the same does not arise. The suit of the plaintiff is to be rejected for want of correct boundaries also. Originally the suit land was the government land, the defendant and her husband Boraiah cultivated the said land. The Government of Karnataka has granted the same in favor of Boramma w/o Boraiah vide D.R.no.41 dated 08.07.1958 but Saguvali chit was issued on 21.05.1959 in the name of Boravva. In the Darakastu register, it is mentioned as Borayyana's wife Boramma. On the basis of the same, RTC has been entered in the name of Boravva W/o Boraiah, the defendant has been paying revenue and patta is issued in the name of Boravva W/o Boraiah. That the Revenue Inspector without notice of the defendant by colluding with the plaintiff by obtaining unregistered relinquishment deed from Boramma W/o Jagaloorayya has entered plaintiff's mother's name in the RTC. That the same has been challenged by the defendant before the Assistant Commissioner, Hosapete. That the plaintiff appeared before

the Assistant Commissioner, Hosapete. After hearing and perusing the records, the entry of plaintiff's mother's name in the RTC was set aside. Then the plaintiff has preferred appeal before the Deputy Commissioner, Ballari against the order of Assistant Commissioner, in appeal No.100/2007-08. That the Deputy Commissioner, Ballari has upheld the order of Assistant Commissioner on 27.08.2014 by rejecting the appeal. Now the plaintiff has come up with present case that her mother's name is Boravva @ Boramma and father's name is Boraiah @ Jagalooraiyah just to tally the name in Darakatu Register/ grant register where in it is mentioned as Borayyana's wife Boramma. That the plaintiff's father's name is Jagalooraiyah and not Borayya, Borayya is husband of the defendant. The plaintiff just to knock off the suit property with wrong boundaries is claiming her father's name is Borayya @ Jagaloorayya. Hence, he prayed for dismissal of the suit.

**04.** Based on the pleadings of the parties, Court framed the following issues:-

**: I S S U E S :**

- 1. Whether the plaintiff proves that he is the absolute owner of the suit schedule property?**
- 2. Whether the plaintiff proves that he is in lawful possession and enjoyment of the suit property?.**
- 3. Whether the plaintiff proves that the interference by the defendant over the suit property?.**
- 4. Whether the defendant proves that she is peaceful unobstructed continuous possessing over the suit Sy.no.313/2 with her own right and title over the same?.**
- 5. Whether the plaintiff is entitled for relief as sought in the plaint?.**
- 6. What decree or order ?**

**05.** In order prove the case, the power of attorney holder of plaintiff is examined himself as P.W-1 and in

support of her case 2 witness examined as PW-2 and 3 and got marked 5 documents as Ex.P-1 to 5. Per contra, the defendant no.10 has examined as DW-1 and got marked 5 documents as Ex.D-1 to 5.

**06.** Heard the counsel appearing for the plaintiff and defendants. Perused the materials available on record.

**07.** My findings on the above issues are as under:-

**Issue No.1-3,5 : In the Negative.**

**Issue No.4 : Does not arise for consideration.**

**Issue No.6 : As per the final order for the following**

**:REASONS:**

**8. Issue no.1 to 4:-** I have taken these issues together for common discussion as they are interconnected to each other and also to avoid repetition of facts and for appreciation of evidence. In order to support of the case of the plaintiff, the GPA of the plaintiff by name Manjunatha has examined himself as PW-1 and after the death of plaintiff, Plaintiff no.1(d)

Manjunatha is examined as P.W-1 and reiterated the plaint averments and in support of their case 2 witness is examined as PW-2 and 3, they have supported the case of the plaintiff. PW-3 has not tendered himself for cross-examination. The plaintiff has produced 5 documents Ex.P.1 to Ex.P.5.

9. Ex.P-1 is the GPA. Ex.P-2 is the form-D in D.R.no.413/68/B-4 with respect to suit schedule property given in the name of Boravva dated 21-05-1959 with no boundaries and without mentioning the father name or husband name of Boravva. Ex.P-3 is the ROR with respect to Sy.no.313/2 from the year 1968-1992 standing in the name of Boramma. Ex.P-4 is the ROR with respect to Sy.no.313/2 from the year 2001-02 and 2005-06 standing in the name of plaintiff. Ex.P-5 is the mutation order in M.R.no.04/1998-99 with respect to suit schedule property as per which the mutation is carried on in the name of plaintiff as per the relinquishment deed. It is mentioned

that as per the inquiry in the village, it is ascertained that the person by name Boravva whose name is found in R.T.C and the person who executed the relinquishment deed i.e. Boramma W/o Jagaluraiah are one and the same, therefore the name of the plaintiff in whose favour the deed is executed is entered. Ex.P-6 is the certified copy of order dated 24.11.2006 passed by the Assistant Commissioner wherein Boramma w/o Boraiah has challenged the entry in favour of Papamma, the plaintiff herein. After due inquiry, the Assistant Commissioner court has allowed the appeal on the ground that Papamma having entered appearance has not put forward anything in support of her case and that there is merits in the case of the appellant. Ex.P.6 is marked through confronting D.W.1 and it is the R.T.C with respect to non-suit land measuring Sy.no. no.313/1 standing in the name of defendant no.1 and her sons Papaiah and Mudiappa.

**10.** The defendant no.10 has been examined as DW-1 and got marked 5 documents as Ex.D-1 to 5.

**11.** Ex.D-1 is the form no.D with respect to suit schedule property. It is relevant to note that the said document and Ex.P-2 are one and the same. Ex.D-2 is the ROR with respect to Sy.no.313/2. Ex.D-3 is the certified copy of order passed by the Deputy Commissioner wherein it is mentioned that in the Grant register, the grantee of the suit schedule property is Boramma W/o Boraiah but the revenue inspector has effected the mutation on the ground that Boramma W/o Jagaluriah are one and the same. That the mutation on the basis of unregistered relinquishment deed is untenable. Therefore, he has confirmed orders of the Assistant Commissioner, Hosapate. Ex.D-4 is the tax paid receipts with respect to suit schedule property paid in the name of Boramma W/o Boraiah dated 27.11.1988 and 1996-97. Ex.D-5 is the survey sketch issued by the Tahasildar, Kudligi.

**12.** The son of plaintiff is examined as PW-1 and has deposed in support of the case of the plaintiff. In the cross-examination, he has deposed that Jagaluraiah is another name of his grandfather by name Boraiah. He has admitted the suggestion that with respect to Sy.no. no.301/A, it is reflecting as Boramma W/o Jagularappa. But he has stated that the said property is not related to them. He has deposed he is cultivating the suit property from the time of his grandfather. He has denied the suggestion that the suit schedule property was granted in the name of Boramma W/o Boraiah in the year 1958 and deposed that it was granted in the name of his grandmother Boramma. He has deposed that the original patta copy is with him in his house. He has deposed that all the tax paid receipts with respect to the suit schedule properties are with him. He has admitted suggestion that the patta book with respect to suit schedule property is in the name of defendant.

**13.** In this case, it is relevant to note that the case of the plaintiff is that the suit schedule property was granted in the name of plaintiff's mother by name Boramma. The plaintiff has relied on the certified copy of the saguvali chiti dated 21.05.1959. On the other hand, the defendant has relied on the certified copy of the saguvali chiti dated 21.05.1959. The perusal of the said document shows that the plaintiff and the defendant is relying on the same saguvali chiti. The perusal of the said saguvali chiti shows that it is issued in the name of one Boramma. It is relevant to note that the name of plaintiff's mother is Boramma and the defendant's name is Boramma. Therefore, both the plaintiff and defendant are claiming ownership on the said deed on the ground that it is granted to them. The plaintiff states that in the year 1998, the suit schedule property was relinquished in the name of the plaintiff by her mother Boramma and her siblings. But the plaintiff has not got marked the said document even though the said deed is

produced by the plaintiff. The perusal of the said deed shows that the mother of the plaintiff by name Boramma W/o Jagaluraiah have relinquished their right over the suit schedule property in favour of the plaintiff. It is pertinent to note that the said deed is unregistered document, the plaintiff did not mark the same as he submitted that he is unable to pay the duty and penalty of Rs.70,000/-.The mutation entry in the name of the plaintiff with respect to suit schedule property shows that the suit schedule property was mutated in the name of the plaintiff on the basis of the said deed. The mutation entry contains mention that the person by name Boramma whose name is forthcoming in the RTC and Boramma W/o Jagaluraiah are one and the same and for the said reason, the mutation is carried on in the name of plaintiff Palamma. The plaintiff is seeking ownership based on unregistered relinquishment deed. However, it is settled that no title passes on through unregistered deed. In the cross-

examination, the PW-1 has not admitted the suggestion that in the grant register which was shown during the course of cross-examination contains entry with respect to suit schedule property as granted in the name of Boramma W/o Boraiah but he states that he has grant register in the name of his grandmother as well.

**14.** The Orders of the District Commissioner, Ballari also shows that the grant is made in the name of Boramma w/o Boraiah. During the course of cross-examination of DW-1, various suggestions were made that the plaintiff's father's name is Boraiah @ Jagaluraiah which was denied by the DW-1. In this case, it is clear that there is a grant made with respect to the suit schedule property dated 21-05-1959 in the name of Boramma, it is also clear that the R.T.C continued in the name of Boramma. It is clear that in the R.T.C and Saguvali chit contain the name Boramma without any suffix or prefix or name of husband or name of parents. Therefore, Boramma mentioned in the saguvali

chiti can be either the mother of the plaintiff or the defendant Boramma.

**15.** It is pertinent to note that both the parties have not produced the original saguvali chit to support their case. Both parties have not produced the grant register to show that the grant was made in the name Boramma W/o Boraiah. The defendants have produced the photo copy of the grant certificate but they could have made an effort to produce the certified copy of the same.

**16.** But it is important to note that all through the case, the case of plaintiff is that his grandmother's name is Boramma W/o Boraiah @ Jagalooraiyah. But he has not produced any material in support of the same. It may be that since Boraiah @ Jagalooraiyah has died long ago, the plaintiff did not have any material in support of his case that his grandfather's name is Boraiah @ Jagalooraiyah. But when ever PW-1 is suggested that the suit schedule

property is granted in the name of Boramma W/o Boraiah, the PW-1 who asserts that his grandmother's name is Boramma W/o Boraiah @ Jagalooraiyah states that he has documents to show that the suit schedule property is granted in the name of his grandmother. This shows that his grandmother's name is not Boramma W/o Boraiah but it is Boramma W/o Jagulariah. If his grandmother's name is Boramma W/o Boraiah, he could have stated that the suit schedule property is granted to his grandmother Boramma W/o Boraiah and he would not have denied when suggested that the suit schedule property was granted in the name of Boramma W/o Boraiah. It is clear from the materials on record that the suit schedule property was granted in the name of Boramma W/o Boraiah. The plaintiff has not produced any material to show that the suit schedule property was granted in the name of plaintiff's mother by name Boramma W/o Boraiah. If really plaintiff's mother's name was Boramma W/o

Boraiah, there was no necessity to mention in the relinquishment deed that the name of plaintiff's mother is Boramma W/o Jagularaiah. Though the plaintiff states that her mother's name is Boramma W/o Boraiah, there are no material to show that the suit schedule property was granted in the name of plaintiff's mother by name Boramma W/o Boraiah. On the other hand, the tax paid receipts marked by the defendants which is of the undisputed point of time along with the patta copy produced by the defendants shows that the suit schedule property was granted in favour of the Boramma W/o Boraiah who is not the mother of the plaintiff. Though the plaintiff has cross examined the defendant's witness at length, nothing has been elicited from the mouth of the DW-1 in support of the case of the plaintiff. Though the PW-1 states that he has documents with regard to payment of tax and other materials in support of his case, he has not produced any materials to show that the suit

schedule property was granted in the name of his grandmother Boramma. Therefore, it can be held that the suit schedule property was not granted in favour of the plaintiff's mother Boramma. In view of the same, it can be observed that the plaintiff has not acquired any right over the suit schedule property. Therefore, it has to be held that the plaintiff has failed to probabalize that she is the owner of the suit schedule property. The plaintiff has not produced any material to show that the plaintiff is in the possession of the suit schedule property. When the plaintiff is not in the possession of the suit schedule property, the question of interference by the defendant does not arise at all. Therefore, issue no.1 to 3 are answered in the **Negative**. Since the plaintiff has failed to prove her case, the discussion on issue no.4 will not have any bearing on the same. Therefore, issue no.4 is answered as **does not arise for consideration**.

**17. Issue no.5:-** This issue is regarding the entitlement of the plaintiff for the relief sought for. Plaintiff has claimed the relief of declaration and permanent injunction. As already discussed, it is clear from the evidence on record that the plaintiff has not proved his case. Therefore, it is to be held that plaintiff is not entitled to the relief claimed in the plaint. Hence, I answer this issue in the **Negative**.

**18. Issue no.6:** In view of the conclusion and discussion arrived at above issues, I proceed to pass the following:-

**:O R D E R:**

The suit instituted by the plaintiff is hereby dismissed.

No order as to cost.

Draw decree accordingly.

(Dictated to the stenographer directly on computer typed by him corrected and then pronounced by me in the open court on this **28<sup>th</sup>** day of **March 2026**.)

**( Smt. C. Mahalakshmi )**  
**Civil Judge and JMFC, Kudligi**

**ANNEXURE****List of witnesses examined on behalf of plaintiff :**

P.W-1 : Manjunatha.  
PW-2 : Obanna.  
PW-3 : Durugappa.

**List of exhibits marked on behalf of plaintiff :**

Ex.P-1 : Form no. D.  
Ex.P-2 & 3 : RORs.  
Ex.P-4 : Mutation order.  
Ex.P-5 : Certified copy order passed by Assistant Commissioner order.

**List of witnesses examined on behalf of defendants:**

DW-1 : Basvaraja.

**List of exhibits marked on behalf of defendants:**

Ex.D-1 : Form no.D.  
Ex.D-2 : ROR.  
Ex.D-3 : Certified copy of order passed by the Deputy Commissioner.  
Ex.D-4 : Tax paid receipts.  
Ex.D-5 : Sketch.

**(Smt.C.Mahalakshmi)**  
**Civil Judge and JMFC, Kudligi**