



**IN THE COURT OF THE CIVIL JUDGE & JMFC.,
AT:HAGARIBOMMANAHALLI**

DATED THIS THE 03rd DAY OF AUGUST 2026

:: PRESENT ::

SRI. SAYED MOHIUDDIN URF KHAWAJA PEERAN,

B.A., LL.B. (Spl.),

CIVIL JUDGE & J.M.F.C., HAGARIBOMMANAHALLI.

O.S.No.6/2026

PLAINTIFF/S : 1) **Sri. Thippanaik S/o Tavarya Naik**
Aged about: 78 years,
Occ: Agriculturist,
R/o Rayaralu Thanda,
H.B.Halli Taluk, Vijayanagara District.

(Rep. by Sri.S.L.G.,- Advocate)

Vs

DEFENDANT/S : 1) **Sri. Bunda Shetty Naik S/o Late Somanaiik,**
Aged about: 68 years, Occ: Agriculturist,
2) **Sri. Bunda Reddy Naik S/o Late Somanaiik,**
Aged about: 49 years, Occ: Agriculturist,
3) **Sri. Bunda Kumara Naik S/o Shetti Naik,**
Aged about: 32 years, Occ: Agriculturist,
4) **Sri. Lakshmanaik S/o Late Govinda Naik,**
Aged about: 23 years, Occ: Agriculturist,
All are R/o Rayaraluthanda, H.B.Halli Taluk,
Vijayanagara District.

(Rep. by Sri.VS.,- Advocate)

Date of institution of the suit	08-01-2026		
Nature of the suit	PERMANENT INJUNCTION		
Date of commencement of recording of evidence	01-06-2026		
Date on which the Judgment was pronounced	03-08-2026		
TOTAL	YEARS	MONTHS	DAYS
	0	6	26

(SAYED MOHIUDDIN URF KHAWAJA PEERAN)
CIVIL JUDGE & JMFC.,HAGARIBOMMANAHALLI.

JUDGMENT

The plaintiff has filed the present suit against the defendant for the relief of permanent injunction with respect of suit schedule property bearing Sy.No.166/B, measuring 8.76 acres, situated at Guledalu Village, H.B.Halli Taluk.

2. According to the plaintiff, the suit schedule property is his ancestral property, he is in possession and enjoyment of the same. The parents of the plaintiff were in possession and enjoyment of the suit schedule property, after their death the plaintiff is in possession and enjoyment of the suit schedule

property. His uncle Lambani Takra Naik was the pattadar of said property. As per the revenue Adalath proceedings No.133/2015-16 dated 13.08.2015 name of the father of the plaintiff has been entered in the records of the said property. In this regard Mutation No.H7/2015-16 also effected. Father of the plaintiff died on 01.06.1979. The plaintiff has filed the application dated 05.08.2025 before revenue authorities to effect the mutation as per succession. On 29.08.2025 the defendant No.1 has filed the objections to the said application. On 25.11.2025 the Tahasildar H.B.Halli has passed an Order to maintain the statusquo with regard to the entries in the RTC of the suit schedule property. Earlier the plaintiff has filed the application before the revenue authorities to effect the mutation of the suit schedule property. To the said application the defendant No.1 has filed the objections and Tahasildar has passed an order to approach the appropriate forum. Then after the plaintiff has preferred an Appeal No.19/2022-23 before the Assistant Commissioner. Due to pendency of O.S.No.60/2021 before this Hon'ble Court, the Assistant Commissioner has

dismiss the said appeal. O.S.No.60/2021 filed by the plaintiff was decreed by this Hon'ble Court. The defendants are illegally trying to interfere with his peaceful possession and enjoyment over the suit schedule property. On 01.01.2026 the defendants have tried to dispossess the plaintiff from the suit schedule property. The plaintiff with the help of neighbours resist the act of the defendants. With left no option he has filed the present suit. Hence he prays to decree the same.

3. After registration of the suit, suit summons was issued to the defendants, the defendants served with the same. In response to the same they have appeared before the Court, but inspite of providing sufficient opportunities they have not filed any written statement to contest the suit.

4. The plaintiff in order to prove his case, he himself examined as PW1, one witness examined as PW2 and got marked documents Ex.P.1 to Ex.P.31. On the other hand, the defendants have not filed any written statement to contest the suit.

5. Heard the arguments and perused the records.

6. The following points are arise for my consideration:-

- 1) **Whether the plaintiff proves that he is in possession and enjoyment of the suit schedule property as on the date of filing of the suit?**
- 2) **Whether the plaintiff proves the alleged interference by the defendants?**
- 3) **Whether the plaintiff is entitle to the relief sought for?**
- 4) **What order or decree?**

7. My answer 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 ::

8. Points No.1 to 3 :: As the facts involved in point Nos.1 to 3 are interlinked together, hence they are taken up together for common consideration.

9. The present suit is filed by the plaintiff against the defendants for the relief of permanent injunction with respect of

suit schedule property. The plaintiff in order to prove his case, he himself examined as PW1, one witness examined as PW2 and got marked documents Ex.P.1 to Ex.P.31. Certified copy of the Judgment and Decree of O.S.No.60/2021 Ex.P.1 and Ex.P.2. Certified copy of the Appeal Memo of R.A.No.34/2025 and I.A.No.I of the said R.A. Ex.P.3 and Ex.P.4. Certified copy of the Genealogy Certificate Ex.P.5. Certified copy of the death certificate of Tavarya Naik Ex.P.6. Certified copy of the death certificate of Kamali Bai Ex.P.7. Certified copy of the Khata Extract Ex.P.8. Certified copies of the M.R.No.H35 and M.R.H7 Ex.P.9 and Ex.P.10. Certified copy of the notice Form No.12 Ex.P.11. Certified copy of the mutation extract Ex.P.12. Certified copy of the notice of Tahasildar H.B.Halli in RRT Dispute Case No.218/2025 Ex.P.13. Certified copy of the Bhoomi application Ex.P.14. Certified copy of the Order of Tahasildar in RRT Dispute No.218/2025 Ex.P.15. Certified copy of the Order of Assistant Commissioner, Hosapete in Appeal No.19/2022-23 Ex.P.16. Certified copy of the RTC extract of Sy.No.166/B measuring 17.01 acres Ex.P.17. Certified copies of the RTC extracts of the

above said survey number for the year 1978-79 to 1983-84, 1983-84 to 1987-88, 1988-89 to 1991-92, 1995-96 to 1997-98, 1998-99 to 1999-2000 Ex.P.18 to Ex.P.22. Certified copies of the RTC extracts of Sy.No.166/B2 measuring 13.01 acres for the year 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18, 2019-20 and 2025-26 Ex.P.23 to Ex.P.31.

10. Specific case of the plaintiff is that, he is in possession and enjoyment of the suit schedule property. The suit schedule property is his ancestral property. His parents were in possession and enjoyment of the suit schedule property. After their death he is in possession and enjoyment of the suit schedule property. His uncle Lambani Takra Naik was the pattadar of said property. As per Revenue Aadalath proceedings No.133/2015-16 dated 13.08.2015 name of the father of the plaintiff has been entered in the records of the said property. Father of the plaintiff died on 01.06.1979. He has approached the revenue authorities to change the mutation. To the said application the defendant No.1 has filed the objections. The Tahasildar H.B.Halli has pass an Order to maintain the statusquo with regard to entries in the

RTC of the suit schedule property. The plaintiff was also filed application before the Tahasildar to change the mutation. To the said application the defendants have filed the objections. In the RRT dispute the Tahasildar has reject the application of the plaintiff. He has preferred an appeal before the Assistant Commissioner in Appeal No.19/2022-23. Due to pendency of O.S.No.60/2021 before this Hon'ble Court the Assistant Commissioner has dismissed the said appeal. The said suit is decreed. The plaintiff is in possession and enjoyment of the suit schedule property. The defendants have no manner of right, title and interest over the suit schedule property. They are trying to interfere with the plaintiff's peaceful possession and enjoyment over the suit schedule property. Hence he has filed the present suit.

11. I have perused the oral and documentary evidence produced by the plaintiff. The plaintiff has produced the certified copy of the Judgment and Decree of O.S.No.60/2021 Ex.P.1 and Ex.P.2. On going through the said document it discloses that the present plaintiff has filed the above said suit against the present

defendants with respect of Sy.No.166/B2 measuring 4.25 acres for the relief of permanent injunction. After contest the said suit was decreed on 23.06.2025. The plaintiff has produced the certified copies of R.A.No.34/2025 and I.A.No.I of R.A.No.34/2025 Ex.P.3 and Ex.P.4. As per the said documents it appears that the defendants have challenged the Judgment and Decree of O.S.No.60/2021 before the Hon'ble Sr.Civil Judge and JMFC, H.B.Halli. The plaintiff has produced the certified copy of the Genealogy Certificate Ex.P.5. Certified copies of the death certificate of father of the plaintiff Tavarya Naik and mother of the plaintiff Kamali Bai Ex.P.6 and Ex.P.7. On going through the said documents it discloses that father of the plaintiff died on 01.06.1979, mother of the plaintiff Kamalibai died on 19.01.2004 and the plaintiff and his sister Rathnamma are the legal heirs to the said Tavarya Naik and Kamali Bai. The plaintiff has produced the certified copy of the Khata Extract of the suit schedule property Ex.P.8. In the said document name of father of the plaintiff is entered to the suit schedule property Sy.No.166/B2 measuring 8.76 acres. The plaintiff has produced the

M.R.No.H35/2014-15 M.R.No.H7/2015-16 Ex.P.9 and Ex.P.10. In the said documents also the name of the father of the plaintiff Tavarya Naik is for suit schedule property Sy.No.166/B2 measuring 8.76 acres. The plaintiff has produced the certified copy of the Orders of Tahasildar H.B.Halli in RRT dispute No.218/2025 dated 25.11.2025 Ex.P.15. As per the said document it appears that the plaintiff and his sister Rathnamma have approached the revenue authorities to change the mutation of the suit schedule property and the Tahasildar H.B.Halli has passed an Order to maintain the statusquo with regard to the entries in the RTC extracts of the suit schedule property. The plaintiff has produced the Order of the Assistant Commissioner, Hosapete in R.A.No.19/2022 Ex.P.16. As per the said document it discloses that the present plaintiff and her sister has challenged the order of the Tahasildar H.B.Halli in case No.70/2022 dated 29.06.2022 passed with regard to suit schedule property and the Assistant Commissioner, Hosapete has dismissed the said appeal on 20.09.2023. The plaintiff has produced the certified copies of the RTC extracts of Sy.No.166/B

measuring 17.01 acres for the year 1978-79 to 1983-84, 1983-84 to 1987-88 Ex.P.18 and Ex.P.19. In the said documents name of the uncle of the plaintiff Takrya Naik is entered. The plaintiff has produced the certified copies of RTC extracts of the said property for the year 1988-89 to 1991-92, 1995-96 to 1997-98 and 1998-99 to 1999-2000 Ex.P.20 to Ex.P.22. In the said RTC extracts the name of plaintiff is entered. The plaintiff has produced the certified copies of the RTC extracts of the Sy.No.166/B2 measuring 13.01 acres, for the year 2011-12 to 2019-20 and RTC extract for the year 2025-26 Ex.P.23 to Ex.P.31. In the said RTC extracts name of father of the plaintiff Tavarya Naik is entered to an extent of 8.76 acres. In support of the documentary evidence the plaintiff has examined one witness as PW2. He has clearly supported the case of the plaintiff. On going through the oral and documentary evidence adduced by the plaintiff it clearly discloses that the plaintiff is in possession and enjoyment of the suit schedule property and the suit schedule property stands in the name of his father Tavarya Naik. The said mutation entries have got presumptive value U/Sec.133 of the Land Revenue Act. As

per Section 133 of the said Act an entry in the record of right and a certify entry in the register of mutation or in a patta book shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefore. The oral and documentary evidence adduced by the plaintiff is remained unchallenged and unrebutted. In the absence of any contra evidence there is no reasons to disbelieve the evidence of the plaintiff. Though the defendants have appeared before the Court, but they have not filed any written statement to contest the suit. The conduct of the defendants clearly goes to show that they have admitted the case of the plaintiff. On going through the oral and documentary evidence it discloses that, the plaintiff has proved the case. Hence, I answered **Point No.1 to 3 in the AFFIRMATIVE.**

12. Point No.4: - For the aforesaid reasons and discussions made above, I proceed to pass the following:-

ORDER

The suit of the plaintiff is hereby
decreed with costs.

The defendants are hereby

permanently restrained from interfering with the plaintiff's peaceful possession and enjoyment over the suit schedule property in any manner.

Draw decree accordingly.

(Dictated to the Stenographer, transcribed & computerized by him, transcript revised & corrected by me, and then pronounced in the open Court on this the 03RD DAY OF AUGUST 2026.)

(SAYED MOHIUDDIN URF KHAWAJA PEERAN)
CIVIL JUDGE & JMFC., HAGARIBOMMANAHALLI

-ANNEXURE-

The list of witnesses examined on behalf of plaintiff:

PW.1 : Sri. Thippanaik S/o Tavarya Naik
PW.2 : Sri. Ambra Yanka Naik S/o Gemya Naik

The list of documents exhibited on behalf of plaintiff:-

Ex.P.1 & 2 : Certified copy of the Judgment and Decree of
O.S.No.60/2021
Ex.P.3 & 4 : Certified copy of the Appeal Memo of
R.A.No.34/2025 and I.A.No.I of the said R.A.
Ex.P.5 : Certified copy of the Genealogy Certificate
Ex.P.6 : Certified copy of the death certificate of Tavarya Naik
Ex.P.7 : Certified copy of death certificate of Kamali Bai

- Ex.P.8 : Certified copy of Khata Extract
- Ex.P.9 & 10 : Certified copies of M.R.No.H35 and M.R.H7
- Ex.P.11 : Certified copy of the notice Form No.12
- Ex.P.12 : Certified copy of mutation extract
- Ex.P.13 : Certified copy of the notice of Tahasildar H.B.Halli
in RRT Dispute Case No.218/2025
- Ex.P.14 : Certified copy of the Bhoomi application
- Ex.P.15 : Certified copy of the Order of Tahasildar in
RRT Dispute No.218/2025
- Ex.P.16 : Certified copy of the Order of Assistant
Commissioner, Hosapete in Appeal No.19/2022-23
- Ex.P.17 : Certified copy of the RTC extract of Sy.No.166/B
measuring 17.01 acres
- Ex.P.18 to 22 : Certified copies of the RTC extracts of Sy.No.166/B
- Ex.P.23 to 31 : Certified copies of the RTC extracts of Sy.No.166/B2

The list of witnesses examined on behalf of defendants:-

- Nil -

The list of documents exhibited on behalf of defendants: -

- Nil -

(SAYED MOHIUDDIN URF KHAWAJA PEERAN)
CIVIL JUDGE & JMFC., HAGARIBOMMANAHALLI.