

KABC010224262025



**IN THE COURT OF THE VII ADDL. CITY CIVIL AND
SESSIONS JUDGE, AT BENGALURU (CCH-19).**

DATED THIS THE 14th DAY OF JULY 2026.

PRESENT:

SMT._K KATHYAYANI

B.Com., M.A., L.L.M.

**VII Addl. City Civil and Sessions Judge,
Bengaluru.**

O.S. No.6261/2025

PLAINTIFF	: Shri.Dhananjaya.N, S/o Shri.R.Narayana Shetty, Age: 41 Years, R/at No.1/104, Chowdeshwari Layout, Yalahanka, Bengaluru – 560 064. (By Sri.V.Muniraj Gowda, Advocate)
V/S	
DEFENDANTS	: 1. Shri.Venakateshappa, S/o Shri.Rajappa, Aged about 54 years, R/at Sapthagiri Layout, Attur, Yalahanka, Bengaluru – 560 064. 2.Shri.Nagappa, S/o Shri.Marappa, Aged about 50 years, R/at No.15, Sapthagiri Layout, Attur, Yalahanka, Bengaluru – 560 064.

	3.Shri.Seenappa, S/o Shri.Muniyappa, Aged about 48 years, R/at Sapthagiri Layout, Attur, Yalahanka, Bengaluru – 560 064. (D.1 to D.3 - Exparte)
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Date of institution of Suit	02.09.2025		
Nature of the Suit	Permanent Injunction		
Date of commencement of recording of evidence	30.06.2026		
Date on which Judgment was pronounced	14.07.2026		
Total duration	Years	Months	Days
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J U D G M E N T

The plaintiff has filed the present suit against the defendants for the relief of permanent injunction.

2. The brief case of the plaintiff is that;

(1) He is the absolute owner in possession of the suit property by virtue of the registered gift deed dated 06.10.2022 executed by his father bearing registration

No.YAN-1-08374-2022-2023 on the file of the Sub-Registrar, Yelahanka, Bengaluru.

(2) His father purchased the suit property by virtue of the registered sale deed dated 23.10.2013 from his vendor by name Sri.M.G.Manoj Kumar vide document bearing registrarion No.YAN-1-06568-2013-14 on the file of the Sub-Registrar, Yelahanka, Bengaluru. Since from the date of purchase, his father had been in possession and enjoyment of the suit property.

(3) Since from the date of the gift deed, he has been in possession and enjoyment of the suit property by getting mutated the same in his name. The BBMP khata as on the date of the suit stands in his name and he has been paying tax to the BBMP up to date.

(4) The defendants being utter strangers without having right, title and interest whatsoever over the suit property, came and attempted to illegally occupy the suit property. He with the help of his neighbours, well-wishers and friends, resisted the illegal interference of the defendants over the suit property.

(5) The defendants left the place by threatening him that they will come again along with more men and muscle power and will dispossess him from the suit property.

(6) The defendants and their followers are more powerful persons in the locality having money and men power. They can implement their threats into action and dispossess him illegally from the suit property.

(7) Though he has lodged a complaint with the jurisdictional police, they refused to take action on the ground that the dispute is civil in nature and advised him to approach the competent civil Court. Hence, without any alternative, he has come up with the present suit.

(8) E-khata, water connection and electricity connection to the suit property are all in his name. The cause of action to the suit arose on 08.07.2025, when the defendants attempted to interfere with his peaceful possession and enjoyment over the suit property, which

comes within the jurisdiction of this Court. Hence, prayed to decree the suit as sought for.

3. In response to due service of summons by paper publication, the defendants remained ex-parte. Hence, the matter was posted for plaintiff's evidence on merits.

4. In support of his case, the plaintiff himself has entered into the witness box as PW.1 and filed his affidavit in lieu of his chief examination. Got exhibited 15 documents and closed his side.

5. Heard the arguments of the learned counsel for the plaintiff on merits and perused the record.

6. Now, the points that arose for determination of this Court for disposal of the present suit are;

(1) Whether the plaintiff proves that he is the absolute owner in possession and enjoyment of the suit property?

(2) Whether the plaintiff further proves the alleged interference by the defendants to his peaceful possession and enjoyment of the suit property?

(3) Whether the plaintiff is entitled for the relief of

permanent injunction as sought
for?

(4) What order or decree?

7. Now, the findings of this Court on the above
noted points are answered in;

(1) Points Nos.1 to 3 : Affirmative

(2) Point No.4 : As per the final order
for the following reasons.

REASONS

8. **POINT No. 1:-** As noted above, it is the case of the plaintiff that his father purchased the suit property from his vendor by name M.G.Manoj Kumar vide registered sale deed dated 23.10.2023 bearing document No.YAN-1-06568-2013-14 on the file of the Sub-Registrar, Yelahanka, Bengaluru.

9. As noted above, to prove his case, the plaintiff himself has entered into the witness box as PW-1 and has filed his affidavit in lieu of his chief examination reiterating the entire plaint averions noted above.

10. To prove his above case as to, the ownership of his father over the suit property, the plaintiff with his

oral evidence, has also produced the registered sale deed noted above in the name of his father at Ex.P-1. The recitals thereat are in support of the oral evidence of the plaintiff and thereby his above case as to the title of his father.

11. In addition, the plaintiff has also filed the tax paid receipt in the name of his father at Ex.P-4. Moreover, since all the defendants remained exparte, there is nothing on record to disbelieve the oral evidence of the plaintiff supported by the documents at Ex.P-1 and 4.

12. It is the further case of the plaintiff that;

(1) He obtained the suit property by virtue of the gift deed executed by his father vide the registered gift deed dated 06.10.2022 bearing document No.YAN-1-08374-2022-2023 and since from the date of the gift deed, he has been in peaceful possession and enjoyment of the suit property by getting mutated in his name.

(2) E-khata, water connection and electricity connection of the suit property stand in his name and he has been paying the tax to the BBMP and paid the tax till date.

13. As noted above to prove his above case, the plaintiff in support of his oral evidence, has also let in the registered gift deed at Ex.P-2 and the recitals thereat are in support of his oral evidence.

14. He has also produced Ex.P-3 - the E-khata of the suit property stands in his name and the boundaries stated therein are tally with the boundaries mentioned in the sale deed of his father and his gift deed respectively at Ex.P-1 and 2. The source of title shown in Ex.P-3 - the E-khata of the suit property is the gift deed dated 02.03.2023 which tallies with the date of the gift deed at Ex.P-2.

15. The plaintiff has also produced the tax paid receipts at Ex.P-5 to 8 which are in his name in respect of the suit property. He has also produced one water bill at Ex.P-14 which is in his name.

16. Moreover, as noted above, once again, since the defendants remained exparte, there is nothing on record to discard the oral evidence of the plaintiff and the above documents.

17. Therefore, the plaintiff is succeeded in establishing that he is in lawful possession and enjoyment of the suit property by virtue of the gift deed executed by his father at Ex.P-2. Accordingly, this point is answered in the affirmative.

18. **POINT No.2:-** It is the case of the plaintiff that:

(1) The defendants being utter strangers attempted to interfere with his peaceful possession and enjoyment of the suit property and tried to illegally occupy the same on 08.07.2025.

(2) He resisted the illegal acts of the defendants and their henchmen with the help of neighbours, friends and relatives, but the defendants threatened him that they will come again and dispossess him from the possession of the suit property.

(3) The defendants are more powerful persons in the locality with money and men power. He filed complaint before the jurisdictional police who refused to take action on the guise that the dispute is of civil in nature and advised him to approach civil Court.

19. To prove the above plaint aversions, in support of his oral evidence, the plaintiff got exhibited the photos of the suit property at Ex.P-10 and 11, so also CD at Ex.P-12 and certificate by way of affidavit under Section 65-B of Indian Evidence Act at Ex.P-13.

20. He has also produced Ex.P-15 – the NCR which reveals that the plaintiff has approached the jurisdictional police alleging that the defendants attempted to illegally occupy the suit property on 08.07.2025 and the same is registered in the said NCR.

21. It is also stated in said NCR that the offence alleged is since non-cognizable offence, if the Court order is obtained, they will register the FIR and will investigate.

22. So, the above documents in particular, the NCR at Ex.P-15 is prima facie, in support of the oral evidence of the plaintiff and thereby, his case as to the alleged interference by the defendants on the date alleged.

23. Moreover, as noted above, the defendants remained exparte. Hence, there is nothing on record to discard the sworn testimony of the plaintiff supported by the documentary evidence he has relied on. Therefore, the plaintiff is also successful in establishing the alleged interference by the defendants to his peaceful possession and enjoyment of the suit property. Accordingly, this point is answered in the affirmative.

24. **POINT No.3:-** In view of answering points Nos.1 and 2 in affirmative, the plaintiff is entitled for the relief of permanent injunction he has sought against the defendants. Therefore, this point is also answered in affirmative.

25. **POINT No.4:-** In the result, this Court proceeds to pass the following order.

ORDER

The suit of the plaintiff is hereby decreed in part.

Consequently, the defendants and the persons claiming through them are hereby restrained by way of permanent injunction from interfering with the peaceful possession and enjoyment of the plaintiff over the suit property.

No order as to costs.

Draw decree accordingly.

(Dictated to the Stenographer III, transcribed by her, corrected, signed and then pronounced by me in the Open Court on this the 14th day of July, 2026).

(K. KATHYAYANI),
VII A.C.C. & S.J.,
BENGALURU.

SCHEDULE PROPERTY

All that piece and parcel of the immovable property bearing E-Khata PID No.83/524/1213/1914/1612 measuring East to West 15 Feet, North to South 17 Feet, in all totally measuring 255 square feet situated at BBMP Ward No.2, Chowdeshwari Layout, Old Bengaluru North Taluk, New Yelahanka Taluk, Bengaluru and bounded on:

East	15 Feet Land belonged to the Shree Maremma Temple given by the Plaintiff.
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West	Plaintiff's own Property
North	Ambedkar Colony
South	25 Feet Road.

(K. KATHYAYANI),
VII A.C.C. & S.J.,
BENGALURU.

A N N E X U R E

Witnesses Examined on behalf of Plaintiff:

P.W.1 – Shri.Dhananjaya.N

Documents Exhibited on behalf of Plaintiff:

Ex.P.1	Certified Copy of the Sale Deed dated 23.10.2013
Ex.P.2	Digital Copy of Gift Deed dated 06.10.2022 (original shown for perusal)
Ex.P.3	E-Khata
Ex.P.4 to Ex.P.8	Digital Copy of Tax Paid Receipts
Ex.P.9	Notarized Copy of Aadhar Card of Plaintiff (original shown for perusal)
Ex.P10 and Ex.P.11	Colour Photos
Ex.P.12	CD
Ex.P.13	Certificate under Section 65 of Evidence Act in support of Ex.P.7
Ex.P.14	Water Bill
Ex.P.15	NCR dated 08.07.2025

Witness Examined on behalf of Defendants: None

Documents Exhibited on behalf of Defendants: Nil

(K. KATHYAYANI),
VII A.C.C. & S.J.,
BENGALURU.

