

Govt. of Karnataka

TITLE SHEET FOR JUDGMENT IN SUITS

Form No.9(Civil)
Title Sheet for
Judgment in suits
(R.P.91)

**IN THE COURT OF THE VI ADDL. CITY CIVIL & SESSIONS JUDGE
AT BENGALURU CITY
(CCCH.11)**

DATED THIS THE 22nd DAY OF JANUARY, 2026

PRESENT: SRI GANAPATI GURUSIDDA BADAMI,
B.A. LL.B.(Spl)
(Name of the Presiding Judge)

O.S.No.6295/2023

<u>PLAINTIFF/S</u>	1	Sri.S.Dushyanth
		<u>/Vs/</u>
<u>DEFENDANT/S</u>	1	M/s.Manappuram Chits (K) Pvt Ltd & Others

ORDER ON MEMO

Defendant No.1 has filed memo stating that, plaintiff has filed this suit for permanent injunction restraining the defendants or their agents, servants etc or any body claims through or under them from in any way interfering with peaceful possession and enjoyment of suit property. It is also submitted that, father of plaintiff by name G.K.Shivanna

borrowed money from the defendant No.1 and he was defaulter and father of plaintiff paid entire amount to the defendant No.1. Hence suit against the defendant No.1 has become infructuous and prayed to dismiss the suit.

2. Plaintiff has filed objections contending that, plaintiff has filed this suit seeking the relief of permanent injunction and other consequential reliefs and after hearing the matter, this Court has passed an interim order and plaintiff is absolute owner of suit property. The father of plaintiff is residing at his native village Gejjalagere Maddur Taluk and plaintiff was not aware about loan borrowed from the defendant No.1 and same was discharged to the said defendant. Due to interference of defendant No.1 to the suit property, plaintiff has filed this suit seeking the relief. Therefore, it is prayed to reject the memo.

3. Heard the arguments of Learned Counsel for Plaintiff and Learned Counsel for Defendant No.1 on the memo and perused the materials on record.

4. On appreciating the materials on record, plaintiff has filed this suit against the defendants seeking the relief of permanent injunction. According to the plaintiff, he is absolute owner of suit property which has been acquired by under registered gift deed dated 12.05.2014 registered vide document No. HLS-1-00633/2014-15 Book-1 stored in CD No. HLSD96 in the office of Sub-Registrar Shivajinagar Bangalore from donor Smt. N.S.Lakshmi who is mother of plaintiff and she gifted the said property out of love and affection on her son and after execution of gift deed, plaintiff has been in the possession and enjoyment of suit property. The name of plaintiff has been mutated in the BBMP records and he has paid electricity charges and taxes upto date. According to the plaintiff, defendants along with their henchmen, goondas and agents have been making hectic efforts to interfere with peaceful possession and enjoyment of suit property and tried to dispossess him from the suit property by taking law in their hands. Plaintiff has filed complaint to jurisdictional police and reported illegal interference by the defendants to the suit property, but police

have not taken any action against the defendants. He has further stated in the plaint that, on 19.09.2023 at about 09.00 AM and 10.30 AM, defendant No.1 to 3 along with their henchmen and supporters came near the suit property and tried to interfere and dispossess him from the suit property which was strongly resisted by him and defendants abused plaintiff in foul language and declared that, in due course, they will dispossess the plaintiff from suit property for which he filed this suit.

5. Defendant No.1 has filed written statement and denied the contents of plaint and contended that, father of plaintiff subscribed two chits bearing No.BSN001LD-29 and BNS002LD-44 for Rs.25,00,000/- each in the defendant No.1 and he bid for Rs.18,94,000/- on 02.03.2017 and Rs.17,50,000/- on 23.11.2017 and he never paid entire amount for which defendant No.1 filed criminal case against the father of plaintiff under Section 138 of Negotiable Instruments Act and execution petitions are also pending before City Civil Court Bangalore. The defendant No.1 has denied alleged interference to the suit property of plaintiff.

6. Though this memo is filed by the defendant No.1 stating that, father of defendant No.1 borrowed loan and he was defaulter and he paid entire amount and suit has become infructuous, this suit is not filed on the reason that, father of plaintiff borrowed the loan amount and for that reasons, defendants caused obstruction to the peaceful possession and enjoyment of suit property. But this suit is based on alleged interference by the defendants on 19.09.2023 at about 1=09.00 AM and 10.30 AM for which plaintiff filed complaint to the jurisdictional police who have not taken any action and defendants. The cause of action of this suit is based on the interference by the defendants to the possession and enjoyment of suit property by the plaintiff and the said money transaction of father of plaintiff is no way concerned to the facts of this case and plaintiff has not stated about any money transaction and this suit is totally based on different cause of action. The defendant No.1 has initiated criminal proceedings under Section 138 of Negotiable Instruments Act against the father of defendant No.1 which is based on different cause of action. Hence, on the basis of memo of

defendant No.1, suit against the defendant No.1 cannot be dismissed and memo filed by the defendant No.1 is not maintainable and liable to be dismissed. So I proceed to pass the following:

ORDER

Memo filed by the defendant No.1 is
hereby dismissed as not maintainable.

(Dictated to the Stenographer Grade-III, transcribed and computerized by her, transcript thereof corrected and then pronounced by me in open court, on this the 22nd day of January, 2026)

(GANAPATI GURUSIDDA BADAMI)
VI Addl.City Civil & Sessions Judge
Bengaluru City.