



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

REGULAR FIRST APPEAL NO. 742 OF 2023 (DEC/INJ-)

BETWEEN:

1. A.AMMOJI,
D/O ANNAYAPPA
AGED ABOUT 44 YEARS,
2. MUNIRATHNA,
D/O ANNAYAPPA
AGED ABOUT 40 YEARS,
3. RAVI KUMAR
S/O ANNAYAPPA
AGED ABOUT 39 YEARS,
4. HARISH
S/O ANNAYAPPA
AGED ABOUT 33 YEARS,
5. MANIKANTA
S/O ANNAYAPPA
AGED ABOUT 29 YEARS,
6. RATHNAMMA
S/O NAGAPPA
AGED ABOUT 39 YEARS,
7. THIMMARAYAPPA
S/O NAGAPPA
AGED ABOUT 37 YEARS,
8. ASHWATH
S/O NAGAPPA
AGED ABOUT 35 YEARS,





ALL ARE RESIDING AT
PARANGIPALYA VILLAGE,
BEGUR HOBLI,
BANGALORE-560 068
BANGALORE SOUTH TALUK

ALL ARE REPRESENTED BY GPA HOLDER
ANOOP R. SHETTY - APPELLANT NO.9

9. ANOOP R SHETTY
AGED ABOUT 71 YEARS,
S/O B.R. SHETTY
892, 7TH A MAIN, 1ST BLOCK
KORAMANGALA
BANGALORE-560 034

...APPELLANTS

(BY SRI. N.S.VISHWANATH, ADVOCATE FOR APPELLANT NOS.6 AND 8;

SRI. RAJESH MAHALE, SENIOR ADVOCATE ALONG WITH SRI. PARIKSHITH MALIYE AND SRI ANANTH D., ADVOCATES FOR SRI. THARANATH SHETTY K., ADVOCATE FOR APPELLANT NO.9;

VIDE ORDER DATED 05.08.2024, APPEAL AGAINST APPELLANT NOS.1 TO 5 AND 7 STANDS DISMISSED)

AND:

1. YASHODAMMA,
W/O ANANTHARAMA REDDY
AGED ABOUT 68 YEARS,
R/AT SOMASANDRA PALYA,
BEGUR HOBLI,
BANGALORE-560 034
BANGALORE SOUTH TALUK

ANNAYAPPA
S/O LATE ANNAYAPPA
(SINCE DEAD BY HER LRS.)

- 2 LAKSHMAMMA
W/O LATE ANNAYAPPA
AGED ABOUT 68 YEARS,
R/AT PARANGIPALYA VILLAGE,
BEGUR HOBLI,



BANGALORE SOUTH TALUK,
BENGALURU-560 068

NAGAPPA
S/O LATE ANNAYAPPA
(SINCE DEAD BY HER LRS)

3. BHAGYAMMA
W/O LATE NAGAPPA
AGED ABOUT 65 YEARS,
R/AT PARANGIPALYA VILLAGE,
BEGUR HOBLI,
BANGALORE SOUTH TALUK,
BENGALURU-560 068

RAJA
S/O NAGAPPA
(SINCE DEAD BY HIS LRS)

4. MANJULA
W/O LATE RAJA,
MAJOR,

5. TRUPTIRAJ P.R.
D/O LATE RAJA,
AGED ABOUT 15 YEARS,

6. CHIRANTH RAJ P.R.
S/O LATE RAJA,
AGED ABOUT 13 YEARS,

5 AND 6 ARE MINORS, REP. BY THEIR MOTHER
AND NATURAL GUARDIAN
MANJULA - RESPONDENT NO.4

ALL ARE RESIDING AT
NO.17/1A, 24TH MAIN, 25TH CROSS,
NEAR GOVERNMENT SCHOOL,
PARANGIPALYA VILLAGE,
HSR LAYOUT, II SECTOR
BEGUR HOBLI,
BANGALURU SOUTH TALUK,
BENGALURU-560 102

...RESPONDENTS



(BY SRI. MANIVANNAN, ADVOCATE FOR RESPONDENT NO.1;
SRI. Y.V.SREENIVASA GOWDA, ADVOCATE FOR RESPONDENT NOS.2
AND 4;
NOTICE IS SERVED ON RESPONDENT NO.3 AND UNREPRESENTED;
RESPONDENT NOS.5 AND 6 ARE MINORS, REPRESENTED BY THEIR
MOTHER AND NATURAL GUARDIAN - RESPONDENT NO.4)

THIS RFA IS FILED UNDER SECTION 96 OF CPC., AGAINST
THE JUDGMENT AND DECREE DATED 20.03.2023 PASSED IN O.S.
NO.8129/2014 ON THE FILE OF THE I ADDITIONAL CITY CIVIL AND
SESSIONS JUDGE, BENGALURU, DECREERING THE SUIT FOR
DECLARATION AND INJUNCTION.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL JUDGMENT

This appeal is filed by the defendant Nos.3, 4, 5, 6, 7, 9,
10, 11 and 12 in O.S. No.8129/2014 on the file of the I
Additional City Civil and Sessions Judge, Bengaluru, challenging
the judgment and decree dated 20.03.2023, by which the suit
filed for declaration and injunction was decreed.

2. The parties shall henceforth be referred to as they
were arrayed before the Trial Court. The appellants herein
were defendant Nos.3, 4, 5, 6, 7, 9, 10, 11 and 12 respectively,
while the respondents herein were the plaintiff, defendant



No.1(a), defendant No.2(a), defendant No.8(a), defendant No.8(b) and defendant No.8(c) respectively, before the Trial Court.

3. The suit in O.S No.8129/2014 was filed for declaration of title and for perpetual injunction to protect the possession of the plaintiff in respect of the land bearing Sy. Nos.55/8 and 55/10 situated at Haralukunte Village, Beguru Hobli, Bengaluru South Taluk, measuring 12½ guntas and 8½ guntas, respectively. The plaintiff claimed that defendant Nos.1, 2 and Sri Karagappa were the owners of the land bearing Sy. No.55/8 measuring 19 guntas and Sy. No.55/10 measuring 8½ guntas situate at Haralukunte village, and to meet family necessities, they agreed to sell the said properties and accordingly, received the entire sale consideration and delivered possession in terms of two General Power of Attorneys in the year 2001 authorizing Sri Anantharama Reddy to do all such acts, deeds and things including power to alienate and appropriate the sale proceeds. Sri Anantharama Reddy as the G.P.A holder sold an extent of 12½ guntas out of 19 guntas in Sy. No.55/8 to the plaintiff in terms of a sale deed



dated 15.06.2004 and an extent of 8½ guntas in Sy. No.55/10 under the sale deed dated 07.06.2004 in favour of the plaintiff. The plaintiff claimed that she developed the suit properties and her name was entered in the revenue records. She claimed that the defendants challenged the revenue entries made in her name in Case No.R.A(A) No.319/2004-05 before the Assistant Commissioner, Bengaluru South Taluk. On the basis of the order passed therein, they approached the Tahasildar, who initiated proceedings in M.R No.8/2006-07 to enter the names of the defendants. The plaintiff then challenged the said order in Revision Petition No.186/2008-09 before the Deputy Commissioner, Bengaluru Urban District, who passed an order setting aside the order passed by the Assistant Commissioner, and confirmed the order of the Tahasildar. This was assailed by the defendants before this Court in W.P No.3660/2012 and this Court in terms of an Order dated 23.01.2014, allowed the petition and quashed the order dated 10.10.2011 passed by the Special Deputy Commissioner, Bengaluru South Sub-Division as well as the order passed by the Tahasildar, Bengaluru South Sub-Division, in Case No.ALN:SR:841/11-12 and directed the Tahasildar to consider the case afresh after complying with the



directions mentioned in the order. The plaintiff claimed that when the writ petition was pending consideration before this Court, the defendants tried to trespass into the suit properties which was thwarted by the plaintiff. She also approached the Police, who advised her to file a suit before the Civil Court. The plaintiff, therefore, sought for declaration of her title and for perpetual injunction to protect her possession in the suit schedule properties.

4. The defendant Nos.3 to 11 contested the suit and filed a written statement *inter alia* contending that Sri Karagappa, defendant No.1 and defendant No.2 had not executed any general power of attorney in favour of Sri Anantharama Reddy. They further claimed that they had executed a power of attorney in favour of the defendant No.12 and that he was in possession of the said property. As regards possession of the plaintiff in the suit properties, "*except to the extent of small portion in Sy. No. 55/8*" where she had sold bits of land to innocent purchasers who had put up illegal construction over such small portion, the remaining portion was in the possession of the defendant No.12. They also admitted



the pendency of proceedings before this Court in W.P No.3660/2012 and claimed that the plaintiff did not derive any title to the suit properties. They also urged similar such contentions denying the title of the plaintiff to the suit properties.

5. Defendant No.12 also filed a written statement denying the title of the plaintiff. He claimed that the suit was barred by the law of limitation as the title of the plaintiff was disputed in the year 2006 while the suit was filed in the year 2014. He claimed that the power of attorney set up by Sri Anantharama Reddy was purportedly coupled with interest and therefore, the document had to be compulsorily registered under Section 17 of the Indian Registration Act, 1871. Consequently, he claimed that both the power of attorney and the consequent sale deed were illegal and cannot be received as evidence in view of Section 49 of the Indian Registration Act, 1871. He also claimed that the plaintiff was neither the owner nor in possession of the suit schedule properties and claimed that the power of attorney purportedly executed in favour of Sri Anantharama Reddy was created, concocted and fabricated. He



also claimed that the defendant Nos.1 to 11 had executed power of attorney dated 31.10.2011 in his favour which was coupled with interest and that he was placed in possession of the suit schedule property in Sy.No.55/10 and he was authorized to deal with the said property in any manner as he deemed fit. He claimed that certain other proceedings in O.S Nos.139/2012 and 78/2005 were pending consideration before the Trial Court. He claimed that the remaining portion of the land comprised in Sy. No.55/8 is also the subject matter of the agreement between himself and defendant Nos.1 to 11. With these and similar such contentions, the defendant No.12 denied the title of the plaintiff over the suit schedule properties and also claimed that he was in possession of the suit properties and contended that a suit for mere declaration was not maintainable.

6. Based on these contentions, the Trial Court framed the following issues:

"1. Whether the plaintiff proves that, she is the absolute owner of the suit schedule property?"



2. *Whether the plaintiff further proves her possession and enjoyment over the suit schedule property as on the date of the suit?*
3. *Whether the plaintiff further proves the alleged interference by the defendants?*
4. *Whether the suit is barred by law of limitation?*
5. *Whether the Court fee paid by the plaintiff is insufficient?*
6. *Whether the suit is bad for non-joinder of necessary parties?*
7. *Whether the plaintiff is entitled for relief of declaration and consequential relief of injunction, as prayed?*
8. *What Decree or Order?"*

7. The power of attorney holder/son of the plaintiff was examined as PW.1 and he marked Exhibits P1 to P55. The defendant No.12, who was the power of attorney holder of the defendant Nos.3 to 11, was examined as DW.1 and he marked Exhibits D1 to D14. Based on the oral and documentary evidence, the Trial Court held that the antecedent title of Sri Karagappa and defendant Nos.1 and 2 in respect of the property bearing Sy. No.55/8 measuring 19 guntas and



Sy.No.55/10 measuring 8½ guntas of land was not disputed. It also held that Sri Karagappa and defendant Nos.1 and 2 had executed a power of attorney in favour of Sri Anantharama Reddy, which was evident from the written statement filed by Smt. Yashodamma, the defendant No.2 in O.S No.119/2005. It therefore held that the general power of attorney executed by Sri Karagappa and the defendant Nos.1 and 2 in favour of Sri Anantharama Reddy were lawful and consequently, the sale deeds executed by Sri Anantharama Reddy in favour of the plaintiff were also lawful and bound the defendants. As regards the possession of the suit schedule properties, the Trial Court noticed that Exhibits P2 and P3 are the certified copies of the sale deeds dated 15.06.2004 and 07.06.2004 respectively, executed by Sri Anantharama Reddy as the power of attorney holder of Sri Karagappa, Sri Annayappa and Sri Nagappa in respect of the land bearing Sy. No.55/8 measuring 0-12.8 guntas and Sy. No.55/10 measuring 0-08.08 guntas respectively, in favour of the plaintiff. It also relied upon the revenue records which reflected the name of the plaintiff in respect of the suit schedule properties. It perused the tax paid receipts and also Ex.P34, certified copy of the power of



attorney dated 16.01.2001 executed by Sri Karagappa, Sri Annayappa and Sri Nagappa in favour of Sri Anantharama Reddy, who is the husband of the plaintiff in respect of the land in Sy. No.55/8 to the extent of 0-19 guntas which showed that possession of the property was delivered to Sri Anantharama Reddy. It perused the written statement (Ex.P35) filed by Smt. Yashodamma, the defendant No.2 in O.S No.119/2005, which was filed by Sri A. Ammoji and others against Sri Anantharama Reddy and others. It also perused the plaint (Ex.P37) in O.S No.139/2012 filed by the children of Sri Annayappa against Sri Anantharama Reddy and others for perpetual injunction restraining them trespassing, interfering or from putting up any construction in the land in Sy. No.55/8 to the extent of 12 guntas situate at Haralakunte village, Begur Hobli, Bengaluru South Taluk, and came to the conclusion that the plaintiff had proved her possession over the suit properties. Consequently, it decreed the suit declaring that the plaintiff is the owner of the suit schedule properties and restrained the defendants from interfering with the possession of the suit schedule properties.



8. Being aggrieved by the said judgment and decree, the defendant Nos.3 to 7 and 9 to 12 have filed this appeal. During the pendency of this appeal, it appears that the defendant Nos.3 to 7 and 10 had executed confirmation deeds in favour of the plaintiff and consequently, the appeal filed by the appellant Nos.1 to 5 and 7 / defendant Nos.3 to 7 and 10 was dismissed on 05.08.2024.

9. A Memo dated 22.08.2025 is filed by the learned counsel for the plaintiff / respondent No.1 where he has enclosed copies of two Confirmation deeds of even date i.e. 22.08.2025 executed by Smt.Bhagyamma (defendant No.2(a)), Smt. Rathna N alias Rathnamma (defendant No.9) and Sri Aswath N (defendant No.11) in favour of the plaintiff, one in respect of the property bearing Sy. No.55/8 measuring 12½ guntas situate at Haralukunte village, Begur Hobli, Bengaluru South Taluk, and another in respect of the property bearing Sy. No.55/10 measuring 8 ½ guntas of Haralukunte village.

10. The only question that remains for consideration in this appeal is:



"Whether the defendant No.12 / appellant No.9 being the power of attorney holder of the defendant Nos.3 to 7 and 9 to 11 can continue this appeal notwithstanding his principal withdrawing the appeal ?"

11. In support of the case of the defendant No.12 / appellant No.9, the learned Senior Counsel submitted that the defendant Nos.3 to 11 have filed a written statement categorically admitting that they had executed a general power of attorney in favour of the defendant No.12 and had handed over possession of the suit properties to the defendant No.12. He contends that this admission by the defendant Nos.3 to 11 shows that it is the defendant No.12 who is in possession of the suit properties. He contends that the Trial Court had merely relied upon the revenue entries to return a finding of fact that the plaintiff was in possession of the suit properties while the revenue entries in the name of the plaintiff was challenged before this Court in W.P. No.3660/2012, which was allowed by this Court in terms of the order dated 23.01.2014 and the matter was remitted back to the Tahasildar, Bengaluru South Sub-division. He, therefore, contends that the Trial Court should not have lightly considered the admission made by the



defendant Nos.3 to 11 and must have dismissed the suit as the plaintiff did not seek for recovery of possession of the suit schedule properties. He, therefore, contends that the defendant No.12 is entitled to independently challenge the impugned judgment and decree.

12. Per contra, the learned counsel for the plaintiff submits that the defendant No.12 is purportedly the power of attorney holder of the defendant Nos.3 to 11. A perusal of the power of attorneys which were marked as Exhibit D1 and Exhibit D2, did not show that possession of the suit properties was delivered to the defendant No.12. It also did not show that the defendant No.12 had any independent interest in the suit properties or some interest which was coupled with the agency, which fructified into a right. He, therefore, contends that defendant No.12 cannot claim anything contrary to the claim of his Principal, namely the defendants 3 to 11. He thus prays that the appeal filed by defendant No.12 also be dismissed.

13. In reply, the learned Senior Counsel for defendant No.12 invited the attention of the Court to Exhibits D1 and D2,



where the defendants 3 to 11 had specifically authorized defendant No.12 to manage the suit properties and to remain in possession. He, therefore, contends that the Plaintiff is not in possession of the suit properties and to that extent, the impugned judgment and decree of the Trial Court decreeing the suit for perpetual injunction has to be interfered with.

14. I have considered the submissions made by the learned Senior counsel for the defendant No.12 and the learned counsel for the plaintiff.

15. The defendant No.12 was examined before the Trial Court as DW.1. The defendant Nos.3 to 11 did not enter the witness box. The defendant No.12 marked Exhibits D1 and D2, which are two power of attorneys executed by the defendants Nos.3 to 11 in his favour. A perusal of the power of attorneys shows that they were termed as irrevocable power of attorney and were executed authorizing the defendant No.12 to do all such acts, deeds and things required to maintain the property and *inter alia* "To sell the schedule property belonging to us, for such price or prices as deemed fit by my Attorney, to receive advance or full consideration amount from the prospective



purchaser/s, to execute the Sale Deed or any other Deed of conveyance on our behalf." However, there is nothing in the power of attorneys to indicate that the possession of the properties were delivered to the defendant No.12 notwithstanding the sale deed executed in favour of the plaintiff. There is also no mention that the defendant No.12 had any interest in the suit properties that made the power of attorney one coupled with interest, so as to claim protection under Section 201 of the Indian Contract Act, 1872. As a matter of fact, in the cross examination of DW.1, he specifically mentioned as follows:

"2004ರಲ್ಲಿ ಯಶೋದಮ್ಮ ಇವರ ಹೆಸರಿಗೆ ಅನಂತರಾಮ ರೆಡ್ಡಿ ಇವರು ಕ್ರಯಪತ್ರ ಬರೆದುಕೊಟ್ಟಿದ್ದರು ಎಂದರೆ ಸರಿ."

16. Except the self-serving statement of the defendant Nos.3 to 11 and the defendant No.12 that the defendant No.12 was in possession of the suit properties, no credible material was placed before the Trial Court to establish the said fact. When the principal of the defendant No.12 had already acceded to the claim of the plaintiff, the defendant No.12 cannot act against the interest of his Principal and cannot take a different



position and claim that he is in possession of the suit properties. When the Principal of the defendant No.12 accepted the title of the plaintiff, nothing more remained and the defendant No.12 could not contend to the contrary. In that view of the matter, the defendant No.12 / appellant No.9 has no independent right to pursue this appeal. Consequently, it is held that the defendant No.12 / appellant No.9 is not entitled to pursue this appeal and hence, the Appeal is ***dismissed***.

In view of dismissal of the appeal filed by defendant No.12 / appellant No.9, all pending applications also stand rejected.

**Sd/-
(R. NATARAJ)
JUDGE**