



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

REGULAR FIRST APPEAL NO. 1154 OF 2008 (INJ)

BETWEEN:

1. KALAPPA
S/O KEMPANNA
AGED ABOUT 63 YEARS
SINCE DEAD BY LRS
- 1(A) SRI. K. NARAYANA SWAMY
S/O LATE KALAPPA
AGED ABOUT 55 YEARS
- 1(B) SRI. K. KEMPANNA
S/O LATE KALAPPA
AGED ABOUT 53 YEARS
- 1(C) SRI. K. NAGARAJU
S/O LATE KALAPPA

ALL ARE R/AT KAGADASAPURA VILLAGE
VARTHUR HOBLI
BANGALORE EAST TALUK
BANGALORE.

[CAUSE TITLE AMENDED VIDE COURT ORDER]

...APPELLANTS

(BY SRI. K. NARAYANA SWAMY, ADVOCATE)

AND:

1. SRI ADITHYA RAMACHANDRAN
S/O SRI. RAMACHANDRAN





AGED ABOUT 24 YEARS
R/AT 77/2/2A, MALLESHANAPALYA
NEW THIPPASANDRA POST
B'LORE-75

REPTD BY HIS P.A. HOLDER
SRI. DAMODARAN.T.V
S/O LATE KESHAVAN NAMBOODRI
AGED ABOUT 58 YEARS
R/AT NO.77/2/2A, MALLESHANAPALYA
NEW THIPPASANDRA POST
BANGALORE-560 075.

2. K. SUBBA RAO
S/O KRISHNOJI RAO
AGED ABOUT 60 YEARS
R/AT C.V.RAMAN NAGAR
POST, GURUMANTHANAPALYA
BANGALORE-560 093.

...RESPONDENTS

(BY SRI. S. SHAKER SHETTY AND
SRI. ANIL KUMAR SHETTY, ADVOCATES FOR C/R1;
V/O DATED 08.07.2009 NOTICE TO R2 IS D/W)

THIS RFA FILED U/S 96 OF CPC AGAINST THE
JUDGEMENT AND DECREE DATED 05.08.2008 PASSED IN
OS.NO.15198/2005 (CCH-22) ON THE FILE OF THE XIII ADDL.
CITY CIVIL JUDGE, MAYO HALL UNIT, BANGALORE, DECREERING
THE SUIT FOR PERMANENT INJUNCTION.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM



ORAL JUDGMENT

The captioned Regular First Appeal is filed by the defendant No.1 assailing the judgment and decree passed in O.S.No.15198/2005, whereby the trial Court has granted a decree of perpetual injunction in favour of the plaintiff. It is not in dispute that the *lis* involved in the present appeal is inextricably connected with and substantially governed by the findings rendered by this Court in R.F.A. No.293/2012, which arose out of O.S.No.8208/2006 instituted by the father of the present plaintiff, namely K.P. Ramachandran. This Court, while allowing R.F.A.No.293/2012, has reversed the judgment and decree passed in O.S.No.8208/2006 and has categorically held that the agency created by defendant No.1 in favour of defendant No.2 was valid and subsisting, and that the alleged revocation set up by defendant No.1 was not in accordance with law. Consequently, the suit filed by the plaintiff's father came to be decreed, declaring him as the absolute owner of the suit property under a



registered sale deed executed by defendant No.2 as GPA holder of defendant No.1. This Court has further recorded a specific finding that the discrepancy in the schedule to the sale deed, namely the interchange of North-South and East-West measurements, is only a clerical error arising out of mutual mistake, and accordingly upheld the relief of rectification. In that view of the matter, the title of the plaintiff's father having been conclusively adjudicated and declared by this Court, the present plaintiff, being his son and successor-in-interest, derives his right and lawful possession from the said adjudicated title. Therefore, the controversy in the present appeal, which calls in question the decree of perpetual injunction granted in O.S. No.15198/2005, necessarily has to be examined in the light of the binding findings rendered in R.F.A. No.293/2012.

2. In light of the rival contentions urged and having regard to the scope of jurisdiction under Section 96



of the Code of Civil Procedure, 1908, the following points arise for consideration:

(i) Whether the defendant/appellant has made out any valid grounds to warrant interference with the judgment and decree granting perpetual injunction passed in O.S. No.15198/2005?

(ii) Whether the trial Court was justified in granting a decree of perpetual injunction in favour of the plaintiff in the absence of independent adjudication of title, and whether such finding stands fortified in view of the subsequent judgment rendered by this Court in R.F.A. No.293/2012?

(iii) Whether the findings recorded by the trial Court on possession and interference suffer from perversity, illegality or misappreciation of



evidence warranting interference under Section 96 CPC?

(iv) Whether the decree granted by the trial Court requires to be sustained in the light of the binding adjudication rendered by this Court in R.F.A. No.293/2012 declaring the title of the plaintiff's predecessor?

(v) What order or decree?

3. Having regard to the points formulated for consideration and in the light of the binding adjudication rendered by this Court in R.F.A. No.293/2012, this Court proceeds to answer the same as under:

Finding on Point No.(i)

4. In view of the categorical findings recorded by this Court in R.F.A. No.293/2012, wherein the title of the plaintiff's predecessor-in-interest has been conclusively declared and the sale deed executed by defendant No.2 as



GPA holder of defendant No.1 has been upheld as valid, the very foundation of the defence set up by the defendants in the present proceedings stands demolished. Once the title of the plaintiff's predecessor is affirmed and the alleged revocation of GPA is held to be invalid, the consequential right to protect possession necessarily flows in favour of the plaintiff. The defendants have not placed any independent material to dislodge the findings relating to possession or to demonstrate lawful interference. Therefore, no grounds are made out to warrant interference with the decree of perpetual injunction.

Accordingly, Point No.(i) is answered in the ***Negative.***

Finding on Point No.(ii):

5. Though the trial Court, while decreeing the suit for injunction, may not have had the benefit of a prior adjudication of title, the subsequent judgment rendered by



this Court in R.F.A. No.293/2012 has now conclusively settled the issue of title in favour of the plaintiff's predecessor. It is a settled principle that a decree for injunction, when supported by lawful possession, stands fortified when the title itself is subsequently declared by a competent Court. Therefore, even if there existed any arguable deficiency in the trial Court's approach on the aspect of title, the same now stands cured and reinforced by the authoritative pronouncement in R.F.A. No.293/2012.

Accordingly, Point No.(ii) is answered in the ***Affirmative.***

Finding on Point No.(iii):

6. On re-appreciation of the material on record, and more particularly in the context of the findings rendered in R.F.A. No.293/2012, this Court finds that the conclusion of the trial Court regarding the plaintiff's



possession does not suffer from perversity or illegality. The defendants, whose claim of title itself has been negated in the connected proceedings, cannot be permitted to disturb the settled possession of the plaintiff. No material irregularity or misreading of evidence is demonstrated so as to warrant interference under Section 96 of CPC.

Accordingly, Point No.(iii) is answered in the ***Negative.***

Finding on Point No.(iv):

7. In view of the conclusive declaration of title in favour of the plaintiff's predecessor, coupled with the finding that the sale deed is valid and the alleged revocation of GPA is not in accordance with law, the decree of perpetual injunction granted by the trial Court not only merits affirmation but also stands fortified on stronger legal footing. The judgment in R.F.A. No.293/2012 removes all doubts regarding title and



thereby reinforces the plaintiff's right to seek protection of possession.

Accordingly, Point No.(iv) is answered in the ***affirmative*** and in favour of sustaining the decree.

Finding on Point No.(v):

8. In view of the answers recorded on the above points, and in the light of the binding findings rendered by this Court in R.F.A. No.293/2012, this Court is of the considered opinion that the present appeal filed by defendant No.1 is devoid of merit and does not warrant interference. The decree of perpetual injunction granted by the trial Court is just, proper and in accordance with law, and the same deserves to be affirmed.

9. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

(i) The Regular First Appeal stands ***dismissed.***



(ii) The judgment and decree passed in O.S. No.15198/2005 granting perpetual injunction in favour of the plaintiff are hereby confirmed.

(iii) No order as to costs.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

ALB
List No.: 2