



CNR: KAHC010011852020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

REGULAR FIRST APPEAL NO. 374 OF 2020 (DEC/INJ)

BETWEEN:

1. SMT GOWRAMMA @ MANGALAGOWRAMMA
W/O LATE MUNIRAJU
AGED ABOUT 48 YEARS,
2. SRI M MURALIDHARA
S/O LATE MUNIRAJU
AGED ABOUT 30 YEARS,
3. SRI GANESHA
S/O SANJEEVAPPA
AGED ABOUT 50 YEARS,
4. SRI PILLA ANJANAPPA
S/O SANJEEVAPPA
AGED ABOUT 48 YEARS,
5. SRI DEVARAJU
S/O SANJEEVAPPA
AGED ABOUT 46 YEARS,

APPELLANTS NO.1 TO 5 ARE RESIDING AT
BUILDING NO.27
11TH MAIN ROAD,
MATHIKERE EXTENSION
BANGALORE-560 054

6. SRI SANJEEVAPPA
S/O LATE CHIKKA ANJANAPPA

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



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AGED ABOUT 76 YEARS,
R/O SUDDAHALLI VILLAGE
NANDI HOBLI, CHIKKABALLAPURA TALUK
CHIKKABALLAPURA DISTRICT
PIN-562 101

...APPELLANTS

(BY SRI. P.D. SUBRAMANYA, ADVOCATE)

AND:

1. SMT ARUNA
W/O LATE MUNIRAJU
AGED ABOUT 46 YEARS,
2. SMT CHAITRA M
D/O LATE MUNIRAJU
AGED ABOUT 22 YEARS,
3. SRI AKASH M
S/O LATE MUNIRAJU
AGED ABOUT 20 YEARS,

RESPONDENTS NOS.1 TO 3 ARE
R/AT NO.4, GANGANAGARA
HAMLET OF BETTAHALASUR
JALA HOBLI, BANGALORE NORTH TALUK
BANGALORE DISTRICT
PIN-560 064

...RESPONDENTS

(BY SRI. K. ABHINAV ANAND, ADVOCATE FOR R1 TO R3)

THIS RFA IS FILED UNDER SEC. 96 R/W ORDER XLI RULE 1 OF CPC., AGAINST THE JUDGMENT AND DECREE DATED 19.09.2019 PASSED IN OS.NO. 2855/2011 ON THE FILE OF THE XXV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU, DECREETING THE SUIT FOR DECLARATION AND POSSESSION.



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THIS APPEAL, COMING ON FOR "FINAL HEARING", THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

1. This Regular First Appeal is filed by the appellants/defendants, calling in question the judgment and decree dated 19.09.2019 passed in O.S.No.2855/2011 by the XXV Additional City Civil and Sessions Judge, Bengaluru (for short, "the Trial Court"), whereby the Trial Court decreed the suit filed by the respondents/plaintiffs.

2. For the sake of convenience, the parties shall be referred to as they were arrayed before the Trial Court.

3. The factual matrix of the case is that respondent No.1/plaintiff No.1 instituted the suit contending that she is the legally wedded wife of late Muniraju and respondent Nos.2 and 3/plaintiff Nos.2 and 3 are their children. The suit schedule property i.e., entire building numbered in BBMP records as PID No.04-10-27, 11th main road, ward No.4, Mathikere, Bengaluru, was claimed to be the self-



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acquired property of defendant No.6, who is the father of late Muniraju.

4. It was the specific case of the plaintiffs that defendant No.6 had acquired the suit site under a registered sale deed dated 15.01.1973 and thereafter constructed the building thereon by raising loans from the Indian Institute of Science and other financial institutions. Such being the facts, defendant No.6 executed a registered gift deed dated 17.03.2007 in favour of plaintiff No.1 and delivered possession of the property to her. It was their case that while plaintiff No.1 had gone to attend to her ailing mother, the defendants forcibly entered the premises on 14.03.2008, broke open the lock and dispossessed the plaintiffs from the suit schedule property. As such the plaintiffs were constrained to institute the present suit seeking declaration of their title, recovery of possession and mesne profits.

5. The Trial Court, upon appreciation of the oral and documentary evidence, decreed the suit, declaring the



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plaintiffs to be the lawful owners of the suit schedule property and directing the defendants to hand over vacant possession thereof. Aggrieved by the said judgment and decree, the defendants have preferred the present appeal.

6. Heard the learned counsel Sri. P. D. Subramanya, appearing for the appellants/defendants and the learned counsel Sri. K. Abhinav Anand appearing for the /plaintiffs and also carefully perused entire records.

7. Learned counsel for the appellants contended that the judgment and decree passed by the Trial Court are arbitrary, erroneous and contrary to law and the evidence available on record. It is contended that the Trial Court has decreed the suit without there being sufficient evidence to establish the title and possession of the plaintiffs over the suit schedule property.

8. Learned counsel further contended that the appellants were not afforded sufficient opportunity to file their written statement, cross-examine the witnesses and lead evidence. According to him, the Trial Court proceeded



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against the appellants *ex parte* and, decreed the suit. He further contended that the plaintiffs have failed to establish the execution and validity of Ex.P15-gift deed. It is specifically urged that defendant No.6 had not executed the said gift deed and that plaintiff No.1 had fraudulently obtained the document. On these grounds, learned counsel for the appellants seeks to set aside the judgment and decree passed by the Trial Court and consequently prays for dismissal of the suit.

9. *Per contra*, learned counsel appearing for the respondents/plaintiffs would support the judgment and decree passed by the Trial Court and contend that the judgment is based upon proper appreciation of the oral and documentary evidence available on record.

10. Learned counsel contended that the contention that the decree was passed merely because the appellants were placed *ex parte* is wholly untenable. The plaintiffs in support of their claim examined PW.1 to PW.3 and also produced documents which are marked as Ex.P1 to



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Ex.P21. The Trial Court has considered the said evidence and documents before recording its findings. Accordingly he seeks dismissal of the appeal.

11. I have given my anxious consideration to the submissions made by the learned counsel for the respective parties and perused the impugned judgment and decree, pleadings, oral and documentary evidence and the grounds urged in the appeal.

12. In view of the rival submissions by the learned counsel for the respective parties, following point arise for consideration:

"Whether the appellants have made out any ground to interfere with the judgment and decree passed by the Trial Court?"

13. As could be gathered from records, the same disclose that the plaintiffs adduced oral evidence through PW.1 to PW.3 and produced as many as 21 documents. The Trial Court has considered the said evidence and



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documents before recording its findings for decreeing the suit filed by the plaintiffs. As such, the principal contention of the appellants that the Trial Court has decreed the suit without sufficient evidence and without affording adequate opportunity to the defendants cannot be accepted. On the other hand, the defendants have not led any evidence in support of their defence. The Trial Court, therefore, was required to consider the evidence adduced by the plaintiffs and the defence available on record.

14. As regards the absolute title over the suit schedule property, the Trial Court has considered the registered sale deed - Ex.P.16 and other documents standing in the name of defendant No.6 and has held that at the time of execution of alleged gift deed dated 17.03.2007, defendant No.6 was the absolute owner of the suit schedule property and none of the defendants had any right, title or interest therein. The appellants have not placed any evidence to establish that the property was joint family property.



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15. Insofar as the execution of gift deed dated 17.03.2007 - Ex.P15 is concerned, PWs.2 and 3, the attesting witnesses, have supported its execution in favor of the plaintiff No.1. The Trial Court has also noticed that defendant No.6, the alleged donor, did not enter the witness box to dispute its execution. The appellants, having not led any evidence in rebuttal, have failed to substantiate their allegation that Ex.P15 was fraudulently obtained.

16. As such the appellants have failed to point out any specific illegality, perversity or material irregularity in the judgment and decree warranting interference by this Court.

17. It is also relevant to note that the decree has subsequently been executed and vacant possession of the suit schedule property was delivered to the decree-holder i.e.,plaintiffs/respondents on 07.12.2023. The execution petition No.417/2020 on the file of the Trial Court was thereafter closed as fully satisfied.



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18. Thus, on careful examination of the entire material on record, this Court finds no good grounds to interfere with the judgment and decree passed by the Trial Court and the point for consideration is accordingly answered in favor of the respondents/plaintiffs.

19. Accordingly, The Regular First Appeal is ***dismissed.***

**SD/-
(RAJESH RAI K)
JUDGE**

PKS/V
List No.: 1 Sl No.: 22