



HC-KAR

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NC: 2026:KHC:28743
RSA No. 780 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL No.780 OF 2018(DEC/INJ)

BETWEEN:

SRI Y RAMACHANDRA NAIDU
S/O YELLAPPA NAIDU
AGED ABOUT 78 YEARS,
R/O NO.109/2, 2ND CROSS,
TATA SILK FARM, BASAVANAGUDI
BANGALORE-560 004

...APPELLANT

(BY SRI KUMAR.S.J, ADVOCATE)

AND:

1. SPIN WELL VALLIAPPA PVT., LTD.,
(FORMERLY SPIN WELL SPINNERS PVT. LTD.,)
NO.71, SONA TOWERS,
MILLERS ROAD, BANGALORE-560 052
REPT. BY ITS MANAGING DIRECTOR

2. SRI GUNDAPPA
S/O LATE HANUMARANGAIAH
AGED ABOUT 89 YEARS,

3. SRI KRISHNAPPA
S/O GUNDAPPA
AGED ABOUT 46 YEARS,

BOTH ARE R/O
BILLAKEMPANAHALLI VILLAGE,
BIDADI HOBLI, RAMANAGARA TALUK
AND DISTRICT

...RESPONDENTS

(BY SRI. PRAKASH T. HEBBAR, ADVOCATE FOR R1;

Digitally
signed by
MALATESH
K C
Location:
HIGH
COURT OF
KARNATAKA



SRI K.S.PRAVEEN KUMAR, ADVOCATE FOR R3 –ABSENT;
VIDE ORDER DATED 05.06.2026 APPEAL STANDS DISMISSED
AS ABATED IN RESPECT OF R2)

THIS RSA IS FILED UNDER SECTION 100 OF CIVIL
PROCEDURE CODE AGAINST THE JUDGMENT AND DECREE
DATED 08.01.2018 PASSED IN R.A.NO.93/2012 ON THE FILE
OF THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
RAMANAGARA DISMISSING THE APPEAL AND CONFIRMING
THE JUDGMENT AND DECREE DATED 17.11.2012 PASSED IN
O.S.NO.589/2006 ON THE FILE OF THE PRINCIPAL SENIOR
CIVIL JUDGE AND CJM, RAMANAGARA.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL JUDGMENT

Heard Sri S.J.Kumar, learned counsel for the appellant
and Sri K.Ravindra Hegde, advocate for Sri Prakash Timmanna
Hebbar, learned counsel for the first respondent.

2. The third defendant is the appellant challenging the
validity of the judgment passed in O.S No.589/2006, confirmed
in RA No.93/2012.

3. Facts in the nutshell which are utmost necessary for
disposal of the present appeal are as under:

3.1 A suit for declaration of title and permanent injunction
restraining the defendants from interfering with the suit



property which is an immovable property as described hereunder (hereinafter referred to as 'suit property') came to be filed initially against two defendants by the plaintiff. Later on third defendant was also included as a party defendant.

Description of the suit property:

"An extent of 27 guntas in Survey No.43/1A, converted and bearing kaneshumari No.27, situated at Billakempanahalli village, Bidadi Hobli, Ramanagara Taluk, and bounded on the :

<i>East by</i>	<i>:</i>	<i>Property of plaintiff Company,</i>
<i>West by</i>	<i>:</i>	<i>Bengaluru-Mysuru road,</i>
<i>North by</i>	<i>:</i>	<i>Land of V.Thyagarajan purchased from G.Ramaiah,</i>
<i>South by</i>	<i>:</i>	<i>Property of plaintiff Company."</i>

4. In the plaint, it is contented that suit property originally belonged to first defendant, measuring 5 acres 38 guntas. Out of the said extent of land, first defendant and his major son Ramaiah sold land to the extent of 3 acres in favour of Revana Basappa on 27.06.1983, who in turn sold the same property in favour of the plaintiff Company under the registered sale deed dated 01.03.1989.



5. On 26.05.1995, first defendant and his sons again sold 13½ guntas each in Sy.No.43/1A vide two separate sale deeds dated 26.05.1995. Necessary permission was also obtained in that regard on 19.03.1992.

6. The property is now identified as the property having kaneshumari No.27, after the land was converted for non agricultural purpose and land is now converted land and plaintiff has filed an application for change of revenue entries in its favour.

7. Out of the remaining extent of land, on 30.06.1995, Ramaiah, being the son of first defendant, sold 10 guntas of land to V.Thyagarajan. Similarly, on 11.09.1995 Ramaiah and his children sold 39 guntas of land along with 1 gunta Karab land to V.Thyagarajan under two separate sale deeds.

8. It is further contented that after the sale of the suit property, plaintiff was in possession and enjoyment of the property having fenced the entire extent of land which was purchased by plaintiff. Towards western side, for extension of



Bengaluru-Mysuru road, competent Authority removed the fence, but plaintiff immediately repaired it.

9. Defendant Nos.1 and 2 being the father and son, based on concocted documents, maintained that the suit property is retained by them and not covered under the sale deed executed by them in favour of the plaintiff. On 14.11.2006 they tried to interfere with the suit property and attempted to remove the fence on the western side.

10. Plaintiff resisted the attempt made by the defendant Nos.1 and 2, approached the jurisdictional police, who did not take any action and later registered a non-cognizable case.

11. Left with no alternative, suits were filed in O.S.No.152/1995 and 19/1997, wherein, first defendant and his sons were parties.

12. In those suits, defendants admitted the title of the plaintiff to the suit property. Defendants and other members of their family, thus, have no manner of right, title or interest in respect of the land purchased by the plaintiff. Therefore, filed the present suit for declaration and consequential injunction.



13. Pursuant to the suit summons, defendant Nos.1 and 2 entered appearance and filed detailed written statement contending that suit property is still agricultural property and taking advantage of illiteracy, sale deed got executed by plaintiff and therefore, contended that they are the owners of the property.

14. The third defendant was included subsequently into the suit who filed written statement contending that suit property earlier belonged to Gundappa which was sold to Krishnappa, the second defendant who in turn sold the same to third defendant. Therefore, third defendant is in possession of the suit property based on the sale deed executed by the second defendant.

15. Based on the rival contentions, learned Trial Judge raised necessary issues and after due trial, decreed the suit of the plaintiff as prayed for.

16. Being aggrieved by the same, defendant Nos.1 and 2 filed an appeal before the First Appellate Court in R.A No.87/2012



whereas third defendant filed a separate appeal in R.A No. 93/2012.

17. The First Appellate Court, after securing the records, heard the arguments of the parties in detail and by common judgment dated 08.01.2018 dismissed both the appeals *inter alia* holding in paragraphs 17 to 22 as under:

"17. With regard to the title of the property is considered, the plaintiff has relied upon Exs.P3 and P4 the title deeds. On perusal of the Exs.P3 and P4, it is crystal clear that, in both the Sale Deeds similar boundaries have been mentioned, which reads thus; East - the land belonging the the plaintiff's Company, to the West-Bengaluru-Mysuru Highway, to the North-land of G.Ramaiah and to the South- the land belonging to the plaintiff's Company. These sale deeds are with regard to 13½ guntas of land each. When the company is claiming the title to the extent of 27 guntas of non agricultural land relying upon these two Exs.P3 and P4 the Sale Deeds the measurement has been clearly mentioned that, each sale deed covered 13½ guntas of land, but in both the sale deeds similar boundaries have been mentioned. Both the Sale Deeds expressly reveals that, it has purchased 13½ guntas of land in both the Sale Deeds. Because it is settled principles of law that, if there is discrepancy in the measurement or the survey number etc, the boundaries would prevailing over other



description. But in the present facts of the case, though the survey number and measurements have been clearly and appropriately mentioned, but the boundaries in both the Sale Deeds are similar. When such being the fact, the boundaries are taken into consideration, it gives the description of 13½ guntas of land. But the Company is claiming the title over 27 guntas of land. Under such circumstances, the other documents, which are relied by the plaintiff are considered, Ex.P5 is the order passed by the Tahsildar with regard to conversion of the land bearing several survey numbers, in which 43/1 is also one amongst them to the extent of 3 acres. Ex.P7 is another one application given by Gundappa who is the defendant No.1 for conversion of the land in Sy.No.43/1A to the extent of 27 guntas. In pursuance of his application, the Assistant Commissioner has passed the conversion order dated:19.03.1992 which is under Ex.P10 by imposing several conditions. Amongst them at Sl.No.8 condition is, the converted land should be utilized within two years, for which purpose it was got converted. Ex.P10 discloses that, it has been converted for residential purpose. If it is not utilized within two years, it is deemed to have been cancelled. The said order of conversion is dated:19.03.1992. The order was passed on 19.03.1992. The present Sale Deeds Exs.P3 and P4 have been allegedly executed on 26.05.1995. That is, after two years. Therefore, the land description given in these two Sale Deeds stating that, it is a non agricultural land bearing kaneshumari No.27 are not in consonance with the order relied by the plaintiff, which is



under Ex.P10, because there is deemed clause, the owner should got converted the land for residential purpose was not utilized it within two years and it was not sold within two years period. Contrary after expiry of two years that land has been allegedly sold to the plaintiff. But by that time, the order under Ex.P10 deemed to have been cancelled, since the holder of the land not utilized the same for residential purpose. So also the order which he relied is self explanatory, which is under Ex.P10. This apart as already I discussed supra, the boundaries mentioned in both the Sale Deeds are similar. Under such circumstances, both the Sale Deeds have not carry any rectification till today. Ex.P13 is taken into consideration, in pursuance of the Sale Deed, this mutation come into existence and the Village Panchayath has considered the conversion order also dated:19.03.1992. But as already I discussed supra, that order deemed to have been cancelled, since Gundappa not utilized that 27 guntas of land for residential purpose. When such being the fact, the mutation at Ex.P13 is contrary to the prevailing facts. Therefore, when the mutation itself is contrary to the facts prevailing on record, the entries in the Village Panchayath would not assist the plaintiff in any manner. Even if the plaintiff is paying the tax to the Village Panchayath, that would not give the effect that, the land is converted land. The plaintiff has produced the RTC for the year 1980-81, 2007-08, which discloses that, Gundappa holding 9 guntas of land and one G.Krishnappa S/o. Gundappa holding 17 guntas of land.



Whereas the defendants have produced several RTC's which are of from the year 2001-2002 and subsequent. From the records, it is crystal clear that, both the parties have not produced the RTC of the year 1995 to show the exact status of this 27 guntas of land. Factually the plaintiff one who is claiming the title over this land, he should produce what was prevailing on the date of alleged Sale Deeds. Further Ex.P43 the encumbrance which has been obtained for the period from 01.04.1981 to 08.12.2006 discloses that, on 27.06.1983, 3 acres of land in Sy.No.43/1 has been sold by Gundappa in favour of Revana Basappa. Then on 30.06.1995 10 guntas of land has been sold by G.Ramaiah in favour of one V.Thyagaraju. Similarly on 11.09.1995 2 acres of land by executing two separate Sale Deeds by G.Ramaiah sold to V.Thyagaraju. Then on 29.08.2006 17 guntas of land has been sold by Gundappa to G.Krishnappa. As per Ex.P44 the present Exs.P3 and P4 transactions are coming forth. As per Ex.P43 are taken into consideration, uptill 1995 totally 5 acres 10 guntas of land was sold by Gundappa and his children and there was only remaining 28 guntas. Out of it, 2 guntas of phot kharab. Only remaining 26 guntas of land was there. When such being the fact, the question of 27 guntas conversion in the year 1992 is considered, the conversion order Ex.P10 not disclosing the boundary.

18. Now whether the above facts, which are discussed would nullify the Exs.P3 and P4 is the question, the Exs.P3 and P4 are the registered sale deeds, which have got the presumptive value with



regard to due execution and registration by the vendors. On perusal of Exs.P3 and P4, gives the impression that, Gundappa, G.Ramaiah, B.G.Shivarudraiah and G.Krishnappa have together executed these sale deeds for valuable considerations. The defendants have denied the very sale and execution of the sale deed. To nullify their contention, the Plaintiff's Company has produced the original sale deeds Exs.P3 and P4. Further, the thumb impressions available on Exs.P3 and P4 with admitted thumb impression of the defendants 1 and 2 have been send for expert's opinion and even the expert has been examined as CW.1. The finger print expert deposed consistently before the Court. Thereby it establishes that, the defendant Nos.1 and 2 and their family members have executed the registered sale deeds, which are under Exs.P3 and P4. Therefore, the contentions of the defendants cannot be accepted.

19. This apart at the first instance the defendant No.1 along with wife and children have sold 3 acres of land in favour of one Revana Basappa. Thereafter G.Krishnaiah who is the defendant No.2 in the present suit had filed suit in O.S.No.19/1997 for partition and separate possession before the Munsiff Court, Ramanagara. Ultimately that was dismissed for non prosecution. This can be gathered from Exs.P55 to Ex.P57. Further it is also to be noticed that, in that case defendant Nos.2 and 3 i.e. G.Ramaiah and Shivarudraiah who are the brothers of G.Krishnaiah remained exparte and defendant No.1 Gundappa not filed any written statement. Whereas Revana Basappa and V.Seetha who



were defendant Nos.4 and 5 had filed their written statement. Thereafter the defendant Nos.1 and 2 have sold 10 guntas, 1 acre and 1 acre of land out of the same survey number to V.Thyagaraju under three separate sale deeds. Further, after sale of portion of the land, remaining was to the extent of 28 guntas including 2 guntas of kharab land. However, the defendant No.1 had filed an application before the Assistant Commissioner and got converted 27 guntas of land for residential purpose. That document Ex.P10 has already been referred supra. If it is not utilized and deemed to be considered as agricultural land, then also that fact would not nullify the sale of 27 guntas of land and the sale deeds Exs.P3 and P4. Further defendant No.2 has contended that, the defendant No.1 sold 17 guntas of land in his favour. The relationship between the defendant Nos.1 and 2 is admitted that of father and son. Under what circumstances he had sold 17 guntas of land is not properly coming forth before the Court by positive evidence. Further the defendant No.2 has allegedly sold 17 guntas of land in favour of defendant No.3 by executing the sale deed under Ex.D19. Further, the defendant Nos.1, 2 and other persons 6 together have executed Ex.P20, the another sale deed in respect of 2.12 guntas of land in favour of defendant No.3 on the same day. During the time of execution of Exs.P19 and 20 the present suit was pending filed by the plaintiff. Therefore, those sale deeds suffers from lis-pendence. The act and deeds of the defendants are taken into consideration, all the defendants have mingled or



colluded each other to grab the land already sold to the plaintiff. When sale deeds are executed, if the revenue authorities not changed the kathas in pursuance of the sale deeds, it is not the mistake of the purchaser, it is the lapse on the part of the concerned revenue authorities. When some portion of the land was acquired by the Government for Bengaluru Mysuru highway, they relied upon the revenue documents and issued the notification. That itself would not confer the title to the defendants, because the plaintiff can take steps, except the notification no any other documents have placed before the Court to show that, the possession has been taken from the defendants and what was the decision of the L.A.O. etc. In the absence of those facts, only the notification and the notices would not confer the title to the defendants. This apart the entire documents of sale deed executed by defendant Nos.1 and 2 and their family members on different dates i.e. 26.06.1983, 03.01.1989, 26.05.1995 and 11.09.1995 are taken into consideration, it is crystal clear that, the defendant Nos. 1 and 2 and their family members have sold the entire land measuring 5 acres 38 guntas in Sy.No.43/1 to the Plaintiff's Company and others. They have not retained any single inch of land in Sy.No.43/1 after 11.09.1995. When such being the fact is on record, neither the defendant No.1 nor defendant No.2 have got any kind of right or interest and power to change or execute the sale deed in favour of defendant no.3 or others stating that, they have got rights in the said property.



20. Presently the suit filed by the Plaintiff Company is in respect of 27 guntas of land. Whether it is agricultural land or non agricultural land, whether it is converted for residential purpose or for industrial purpose is totally unconcerned and also that factum would not nullify the Exs.P3 and P4 sale deeds. If there is any laxity in usage of the land in violation of Land Revenue Act and conversion order, the concerned authorities would take steps against the concerned party i.e. the plaintiff. But that would not nullify the validity of the sale deed and also it would not negate the title of the plaintiff's Company to the extent of 27 guntas.

21. Ex.P10 has been much relied by the defendant with regard to the non usage clause and deemed validity of the conversion order. However, in the year 1992 the existence of 27 guntas of land in Sy.No.43/1A has been clearly admitted by the defendant No.1, since Ex.P10 order has been passed by the authority in pursuance of the application filed by defendant No.1. The same order has been referred in Exs.P3 and P4. Even kaneshumari No.27 has been incorporated in the sale deeds Exs.P3 and P4. Therefore, there is no any confusion while selling the property of 27 guntas, by the defendants 1 and 2 in favour of plaintiff. Only because the boundaries have not been properly mentioned, that would not invalidate the sale deeds and it would not negate the title acquired by the plaintiff's Company to 27 guntas of land. Therefore, the documents produced by both the parties are taken into consideration, the plaintiff's Company has established its title over the suit land by placing positive



and unequivocal oral as well as documentary evidence. That evidence has not been impeached by the defendants in any manner.

22. Apart from the expert's opinion, the evidence of PWs.2 and 3 have corroborated the oral testimony of PW.1 with regard to the due execution of the sale deed by the defendant Nos.1 and 2 along with their family members. Therefore, it is crystal clear that, the plaintiff's Company has clearly proved and discharged its burden in proving the title to the suit property by adducing cogent, consistent and valuable oral and documentary evidence. That has not been impeached by the defendants. however, it is to be noticed that, the defendant Nos.1 and 2 all along have putting such efforts to grab the property or to grab money. But their contention is not supported by any such cogent evidence. hence, I am of the clear opinion that, the appellants/defendant Nos.1, 2 and 3 failed to establish their case. So also failed to establish that, the findings given by the trial Court are contrary to the facts, evidence and also settled principles of law. Thus, I answer Point Nos.1 and 2 in the Negative."

18. Being further aggrieved by the same, it is the third defendant who has filed the present second appeal.

19. Sri Kumar S.J. learned counsel for the appellant/defendant No.3 reiterating the grounds urged in the appeal



memorandum would contend that both the Courts failed to note that defendant Nos.1 and 2 did not execute the sale deed in respect of the suit land, as the boundaries did not tally.

20. He also argued that, defendant No.2 having sold the property in favour of defendant No.3, it is defendant No.3 who is a *bona fide* purchaser for value in respect of the suit property and is entitled to protect his possession over the suit property. Thus, decreeing of the suit by both the Courts has resulted in grave miscarriage of justice and thus sought for admitting the appeal on the following substantial questions of law:

(i) Whether the sale deeds relayed upon by the plaintiff showing similar boundaries could confer title to the extent of 27 guntas as against 13½ gutnas in respect of the extent of land covered under the boundaries to the sale deeds?

(ii) Whether the Courts below erred in decreeing the suit of the plaintiff in holding that the measurement prevails over the boundaries?

(iii) Whether the plaintiff could have claimed title to the plaint schedule property on the basis of the sale deeds to an extent of 27 guntas as against 13½ guntas, showing the same boundaries?



(iv) Whether the extent of 27 guntas could be conveyed under the boundaries to the sale deed relayed upon by the plaintiff which was admittedly to an extent of 13½ guntas?

(v) Whether the Court below erred in not appreciating the documents produced by the parties decreeing the suit without considering the documents?

(vi) Whether the lower appellate Court erred in considering the documents and evidence on record in decreeing the suit of the plaintiffs in respect of the suit schedule properties and ignoring the presumption under law?"

21. Sri Kumar, would emphasize that defendant Nos.1 and 2 being illiterate persons and plaintiff being in dominant position, got created two documents as is contented in the written statement filed by defendant Nos.1 and 2 is totally ignored by the learned Trial Judge while decreeing the suit. Same has been mechanically approved by the First Appellate Court and thus sought for admitting the appeal.

22. *Per contra*, Sri Ravindra Hegde, learned counsel for the respondent No.1/plaintiff, supports the impugned judgments.



Sri K.S.Praveen Kumar, learned counsel appeared for respondent No.3, who is absent today.

23. Appeal stood dismissed as abated insofar as respondent No.2 is concerned by the Order dated 05.06.2026.

24. In the light of arguments put forth on behalf of the parties, this Court perused the material on record meticulously.

25. On such perusal of the material on record, admittedly the defendants out of avariciousness, after sale, tried to interfere with the possession of the suit property way back in the year 1995 itself. The same was resisted by the plaintiff and a suit in O.S No.152/1995 and another suit in OS No.19/1997 were filed by the plaintiff.

26. It is found from the material on record that, in the aforesaid two suits, defendant Nos.1 and 2 admitted the plaintiff's title to the suit property.

27. When such being the factual aspect of the matter, defendant Nos.1 and 2 taking a *contra* plea in the present suit that they were illiterate, they did not know the contents of the



sale deed and boundaries of the suit property did not tally with the sale deed etc., are not only with a *mala fide* intention, but also against the admission made by them before the Court of law with the aid of an advocate, wherein title of the plaintiff in respect of the suit property was categorically admitted.

28. Despite such previous suits being filed and the title being admitted by the defendants, clandestinely, it is the second defendant who created the documents to show that he is the owner of the property and sold the same to the third defendant.

29. No doubt, while describing the suit property in the sale deed of third defendant, boundaries of the suit property are described differently. Only on the ground that boundaries in the sale deed of the third defendant executed by second defendant, in the title deeds of the plaintiff executed by defendant Nos.1 and 2, there cannot be any dispute as to the land that has been sold by the defendant Nos.1 and 2 in favour of the plaintiff. More so, when the same being admitted in the earlier suits referred to supra.



30. Thus, contentions urged on behalf of the third defendant that he is a *bona fide* purchaser for value is rightly negated by both the Courts.

31. In the absence of any counter claim, the learned Trial Judge considering the title deed in respect of the suit property and holding that plaintiff is the owner of the suit property and passing an order of injunction restraining all the defendants from interfering with the possession of the suit property is thus just and proper.

32. When there is a concurrent finding on the factual aspects of the matter by both the Courts, having regard to the scope of Section 100 of the Code of Civil Procedure, this Court does not find any merit whatsoever in the substantial questions of law referred to supra.

33. Consequently, the following:

ORDER

(i) Admission declined.

(ii) Appeal ***dismissed***.

(iii) However, it is made clear that if the third defendant wants to proceed against defendant



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Nos.1 and 2 in respect of the alleged sale deed executed by 2nd and 3rd defendant, the present judgment shall not affect the rights of the third defendant.

**Sd/-
(V SRISHANANDA)
JUDGE**

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List No.: 1 Sl No.: 95