



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL NO. 612 OF 2018 (INJ)

BETWEEN:

1. SRI KRISHNAREDDY
S/O GIDDAMMANAVARA OBALAREDDY
AGED ABOUT 62 YEARS
R/O N VENKATAPURA VILLAGE
NANGALI POST
BYRAKURU HOBLI,
MULBAGAL TALUK - 563131
2. SRI JANARDHAN REDDY
S/O GIDDAMMANAVARA OBALAREDDY
AGED ABOUT 59 YEARS
R/O N VENKATAPURA VILLAGE
NANGALI POST BYRAKURU HOBLI,
MULBAGAL TALUK - 563131
3. SRI RAGHUNATAH REDDY
S/O GIDDAMMANAVARA OBALAREDDY
AGED ABOUT 57 YEARS
R/O N VENKATAPURA VILLAGE
NANGALI POST BYRAKURU HOBLI,
MULBAGAL TALUK - 563131
4. SRI BADHARINATHA REDDY
S/O RAMAREDDY
AGED ABOUT 45 YEARS

Digitally signed
by AASEEFA
PARVEEN

Location: HIGH
COURT OF
KARNATAKA



R/O N VENKATAPURA VILLAGE
NANGALI POST BYRAKURU HOBLI,
MULBAGAL TALUK - 563131

5. SRI CHANDRASHEKARA REDDY
S/O KRISHNAREDDY
AGED ABOUT 44 YEARS
R/O N VENKATAPURA VILLAGE
NANGALI POST BYRAKURU HOBLI,
MULBAGAL TALUK- 563131

...APPELLANTS

(BY SRI. VARADARAJAN M S., ADVOCATE)

AND:

1. SRI SRINIVASA REDDY
S/O N OBALAREDDY
AGED ABOUT 50 YEARS
R/O N VENKATAPURA VILLAGE
NANGALI POST BYRAKURU HOBLI,
MULBAGAL TALUK- 563131
2. SRI ANJANEYA REDDY
S/O LATE VENKATAREDDY
AGED ABOUT 54 YEARS
R/O N VENKATAPURA VILLAGE
NANGALI POST BYRAKURU HOBLI,
MULBAGAL TALUK- 563131
3. GURAPPA REDDY
S/O MUNIVENKATA REDDY
AGED ABOUT 72 YEARS,



4. KRISHNA REDDY
S/O GANGI REDDY,
AGED ABOUT 55 YEARS,

RESPONDENTS 3 AND 4 ARE
R/AT N.VENKATAPURA
NANGALI POST, BYRAKURU HOBLI,
MULBAGAL TALUK- 563131

...RESPONDENTS

(R1 SERVED;

V/O. DATED 05.06.2026, APPEAL AGAINST DECEASED

R2 TO R4 STANDS DISMISSED)

THIS RSA IS FILED UNDER SEC.100 OF CPC., AGAINST THE JUDGMENT AND DECREE DATED 20.09.2017 PASSED IN RA NO.204/2011 ON THE FILE OF THE II ADDL.SENIOR CIVIL JUDGE AND JMFC., ITINERATING AT MULBAGAL DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 23.11.2011 PASSED IN OS NO.108/2008 ON THE FILE OF THE PRL.CIVIL JUDGE (JR.DVN) AND JMFC., MULBAGAL ONLY TO AN EXTENT OF 10.00 ACRES OF LAND IN SY.NO.30.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA



ORAL JUDGMENT

Heard.

2. Defendants in OS No.108/2008 are the appellants challenging the grant of permanent injunction in respect of the following immovable property (hereinafter referred to as the suit property) which was confirmed in RA No. 204/2011.

SCHEDULE

All that, piece and parcel of the Agricultural landed property bearing Sy.No.30, meg.11.31 acres including photo karab of (A) 24 guntas, Phoot karab of (B) 1.07 acres of dry land, consisting of Hone, Jolly trees and other malike situated at N.Venkatapura Village, Byrakur Hobli, Mulbagal Taluk, bounded on:

East by: Land of Giddammanavara Obalareddy and Anjaneya reddy

West by: Gundu thopu and land of V.R.Venkataramareddy

North by: Lands of Janardhanareddy, Krishnareddy and others and land belongs to Reddy community

South by: Lands of Ramachandrappa, Patel Ramanna

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



3.1 A suit for permanent injunction came to be filed by the plaintiff by contending that he is the absolute owner in possession and enjoyment of the suit property. It is his further contention that Sri.Nadeedhi Oblareddy @ N.Oblareddy and his family members were in unauthorized possession and enjoyment of the suit property by raising various crops and they improved the suit property. After the death of said N.Oblareddy, his son Ramareddy continued to be in possession and enjoyment of suit property. He also improved the suit property with his own skill and labour with active assistance of his family members. The karab land is reduced to a small extent and the same is also used for cultivation.

3.2 Pursuant to the continuous possession and enjoyment of the suit land by Ramareddy, Government was pleased to recognize his unauthorized possession and granted the suit property in proceedings bearing No.AWDR 99/49-50 and the name of Ramareddy was entered in the record of rights bearing No.200. In all the revenue records



name of Ramareddy got entered and he was paying taxes with khata No.57 in respect of the suit property.

3.3 After the death of Ramareddy, his sons who are the plaintiff and other members of the family succeeded to the property and they continued to be in possession and enjoyment of the suit property.

3.4 It is also contended that they invested money and made the land fertile and raising commercial crops. It is further contended that after death of Ramareddy, revenue entries were mutated in M.R.No.2/2007-08 with the consent of other members of the plaintiff's family.

3.5 Plaint averments further reveal that defendants who are totally strangers to the suit property started interfering with the suit property and tried to cause loss and damage to the standing trees situated in the suit property and also tried to dispossess the plaintiff from the suit property and objected for agricultural operations on 01.11.2007 which necessitated the plaintiff to file the suit.



4. Pursuant to the suit summons, defendant Nos.4 and 5 filed separate written statements.

5. Though the long written statement contained many facts, the sum and substance of the written statement was that there is no cause of action to the suit and plaintiff is not the owner of the suit property.

6. It is also contended that alleged grant of land in favour of Ramareddy son of Oblareddy is incorrect and only on the entry in the revenue records, plaintiff cannot maintain the suit. In the written statements it is also contended that farmers are using the suit property for grazing the cattle and sheep since 60 to 70 years and the suit land is also used for storage of haystack.

7. They also pointed out that in the RTC, in column No.12(2) it has been mentioned as 'banjaru', meaning thereby barren land. Therefore, the contention of the plaintiff that he himself and his ancestors have



improved the suit property in raising commercial crops is *per se* incorrect and sought for dismissal of the suit.

8. Learned trial judge after raising necessary issues recorded the evidence of the parties and after hearing the arguments of both sides, decreed the suit of the plaintiff.

9. Being aggrieved by the same, defendant Nos.1 to 4, 6 and 8 filed an appeal before the First Appellate Court in RA No.204/2011.

10. Along with the appeal, an application seeking to place additional evidence on record under Order XLI Rule 27 CPC was also filed. Before the First Appellate Court defendants also sought for appointment of the Court Commissioner under Order XXVI Rule 9 CPC. Learned judge in the First Appellate Court after considering the rival contention of the parties dismissed both the applications filed by the appellants as well as dismissed the appeal on merits.



11. Being further aggrieved by the same, defendant Nos. 1 to 3, 6 and 8 have filed the present appeal against the plaintiff and remaining defendants.

12. First respondent being the plaintiff is served with the notice and remained absent.

13. Sri.Varadarajan.M.S, learned counsel for the appellants reiterating the grounds urged in the appeal memorandum would contend that in respect of the suit property, revenue proceedings have taken place before the Assistant Commissioner and Deputy Commissioner wherein there is a categorical finding recorded that alleged grant proceedings in AWDR 99/49-50 is a fictitious proceedings. Therefore, plaintiff had no right in respect of the suit property as the case of the plaintiff itself is based on the grant in favour of Ramareddy son of Oblareddy.

14. Sri.Varadarajan.M.S would also contend that the property is used by the villagers at large for grazing the cattle and sheep and also for stocking the haystack



and taking note of the entry in column No.12(2) of the RTC which is filed by the plaintiff himself would go to show that no crop is raised as the land is a barren land and as such, granting injunction to the plaintiff would not arise which aspect of the matter is not properly considered by both the Courts and sought for admitting the appeal on following substantial questions of law:

i) Are the Courts below right in decreeing the respondent's/plaintiff's suit on the basis of an alleged grant order bearing No.AWDR 99/49-50 when

a) The said order was not produced and marked as an Exhibit by the plaintiff.

b) When the said grant order was set aside by the Assistant Commissioner vide order dated 15.03.2011 passed in LND CR 12/2009-10, Ex.D7.

c) When Ex.D7 is confirmed by the order dated 21.05.2014 passed by the Deputy Commissioner in the Appeal filed by plaintiff/respondent in RA No.10/2011-12.

d) When Ex.D18 and 19 the Mutation extract and RTC showed that suit schedule property is a Government Gomala Land.

Only for the reason that these orders are passed subsequent to the institution of the suit.

ii) Are the Court's below right in placing reliance on the alleged grant order No.AWDR 99/49-50 since the same is in respect of the Gomal Land and therefore, the said grant order is grossly illegal.



iii) Is the Lower Appellate Court right in dismissing the IA No.I filed by the appellants under Order 41 Rule 27 of the CPC seeking leave to produce the order of the Deputy Commissioner, Kolar, dated 21.05.2014 passed in RA No.10 of 2011-12 dismissing the appeal of the plaintiff and confirming the order of the Assistant Commissioner canceling the alleged grant.

15. Sri.Varadarajan.M.S would also contend that grant order is not placed on record and marked in evidence. Therefore, plaintiff cannot be held to be in lawful position in respect of the suit property.

16. In the light of arguments put forward on behalf of the appellant, this Court perused the material on record meticulously.

17. On such perusal of the material on record, it is to be noted that at an undisputed point of time revenue entries are made in favour of Ramareddy in the record of rights. Pertinently such entry in the record of rights is not questioned by anybody for a sufficiently long period.

18. Irrespective of the fact whether the plaintiff has grown crop over the property or not, the fact that revenue



entry stood in the name of Ramareddy and thereafter the plaintiff would go to show that she was in possession of the suit property.

19. If the defendants or the Government Authorities are having any grievances as to the possession of the property by the plaintiff, it is always open for them to initiate necessary proceedings. The report given by the Tahsildar to the effect that the land is incapable of cultivation and also a report made by the Tahsildar in the revenue proceedings to the effect that no records are found in the office of the Tahsildar for grant of 10 acres of land in AWDR 99/49-50, would not *ipso facto* come to the aid of the defendants in opposing the suit of the plaintiff which is filed only for the purpose of temporary injunction. Index of land marked at Ex.P1, Record of rights marked at Ex.P2, followed by the consolidated Pahani vide Ex.P3 and Mutation register extract vide Exs.P4 and P5 are concerned, all these proceedings have taken place in the office of the Tahsildar.



20. What enquiry has been conducted in the office of the Tahsildar with regard to these entries is not forthcoming in the order of the Assistant Commissioner, which is marked as Ex.D7 or the order of the Deputy Commissioner which is sought to be placed on record by way of additional evidence.

21. Likewise, Akarbandh, Revenue Sketch marked at Exs.P6 and P7 pursuant to the earlier revenue records is also not taken into consideration either by the Assistant Commissioner or by the Deputy Commissioner.

22. Moreover taking note of the fact that there was a settlement of Akarbandh and Patta receipt issued by the very same Tahsildar, it should not lie in the mouth of the revenue authorities that the grant order itself is incorrect. In fact in all these revenue proceedings, the basis is the grant in AWDR 99/49-50. Moreover having regard to the extent of the land is 10 acres, records would not be available with the Office of the Tahsildar. Records would



be available with the granting authority which has not been taken note of by learned Assistant Commissioner or the Deputy Commissioner.

23. Therefore, the order passed by the revenue authorities marked at Ex.D7 or the order passed by the Deputy Commissioner which is sought to be placed on record by way of additional document before the First Appellate Court did not come in the way of opposing the suit of the plaintiff by the defendants.

24. Admittedly defendants are strangers to the suit property and not even 'bajudars'. Therefore, decreeing of the suit by the trial judge and confirmed by the First Appellate Court needs no interference as it is based on factual aspects, as no question of law is involved to be adjudicated in the present second appeal.

25. Consequently, the following:



ORDER

- (i) Admission is declined.
- (ii) Appeal is ***dismissed***.

Sd/-
(V SRISHANANDA)
JUDGE