



CNR: KAHC010209722025

NC: 2026:KHC:44910
RSA No. 485 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL NO. 485 OF 2025 (INJ)

BETWEEN:

SRI.YOGANNA
S/O LATE HONGAIAH,
AGED ABOUT 54 YEARS
R/AT GYARAHALLI VILLAGE,
KASABA HOBLI, HASSAN TALUK,
HASSAN DISTRICT - 57 3201.

...APPELLANT

(BY SRI. SATHISHA D.J, ADVOCATE)

AND:

SRI. PUTTASWAMY
S/O THIRUMALAIHAH,
AGED ABOUT 64 YEARS,
R/AT KALUDEVARAHALLI VILALGE,
SEEGE POST, SALAGAME HOBLI,
HASSAN TALUK
HASSAN DISTRICT - 573 201.

...RESPONDENT

(BY SRI. ANIL B, ADVOCATE FOR C/R (ABSENT))

THIS RSA IS FILED UNDER SEC.100 OF CPC., AGAINST
THE JUDGMENT AND DECREE DATED 3.02.2025 PASSED IN RA
NO.,116/2023 ON THE FILE OF PRL. SENIOR CIVIL JUDGE AND
CJM, AT HASSAN., DISMISSING THE APPEAL AND CONFIRMING



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THE JUDGMENT AND DECREE DATED 16.09.2023 PASSED IN OS NO 539/2015 PASSED ON THE FILE OF 4TH ADDITIONAL CIVIL JUDGE AND JMFC, HASSAN.

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL JUDGMENT

1. Heard Sri.Sathisa D.J., learned counsel for the appellant. None appears for the respondent.

2. Injunction decree passed in O.S.No.539/2015 dated 16.09.2023, which was confirmed by the First Appellate Court in RA No.116/2023 dated 03.02.2025 is assailed in the present second appeal by the defendant.

3. Facts of the case are as under:

3.1. A suit for bare injunction came to be filed by the plaintiff in respect of the following immovable property (hereinafter referred to as suit property):



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“ಹಾಸನ ತಾಲ್ಲೂಕು, ಕಸಬಾ ಹೋಬಳಿ, ಗ್ರಾಂತ್ಯ ಗ್ರಾಮದಲ್ಲಿರುವ ಸರ್ವೆ ನಂ.43/2 ಎಂ
ಆರ್ ಹೆಚ್ 3/2012-13ರ ಖಾತೆ ಇರುವ ವಿಸ್ತೀರ್ಣ 0.12.08.00 ಗುಂಟೆ ಆಕಾರ 0-47
ವೈನೆ ಉಳ್ಳ ಜಮೀನಿಗೆ ಚಕ್ಕುಬಂದಿ:

ಪೂರ್ವಕ್ಕೆ : ಸಾಲಗಾಮ ರಸ್ತೆ
ಪಶ್ಚಿಮಕ್ಕೆ : ಜವರಯ್ಯರ ಜಮೀನು
ಉತ್ತರಕ್ಕೆ : ದ್ಯಾವೇಗೌಡರ ಜಮೀನು
ದಕ್ಷಿಣಕ್ಕೆ : ಲೇಟ್ ಹೊಂಗಯ್ಯ ಮಗ ಯೋಗೇಶ್ವರ ಜಮೀನು.”

3.2. Plaintiff contended that suit property was earlier belonging to Sannahongaiah. Sannahongaiah and his son Arasaiah sold the same on 03.10.2007 to Shivanna son of Mallappa through a registered sale deed. Said Shivanna in turn sold the suit property in favour of K.T.Devarajegowda on 29.09.2011. Further, plaintiff purchased the same from K.T.Devarajegowda on 15.03.2012 and thus he is in possession and enjoyment of the suit property after mutating the revenue records.

3.3. It is the specific case of the defendant that without there being any right, title or interest in respect of the suit property started interfering with the suit property and therefore, suit for injunction was filed.

4. Pursuant to the suit summons, defendant entered appearance and denied the plaint averments in toto.



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5. It is further contended that in respect of the revenue entries and the alleged altercation, parties approached the police wherein it has informed that the matter is to be trashed before the Civil Court.

6. In the written statement, it is contended that on the southern side of the plaintiff's property, there existed a property of father of the defendant namely Hongaiah Son of Eraiah. Therefore, it is the plaintiff who interfered with the suit property of the defendant.

7. Learned Trial Judge after raising necessary issues and recording the evidence of the parties, decreed the suit as prayed for.

8. Being aggrieved by the same, an appeal came to be filed in RA No.116/2023.

9. Learned Judge in the First Appellate Court after securing the records, heard the arguments of the parties in detail and on reappraisal of the material on record, noted that the injunction decree is in respect of the land in Sy.No.43/2 and not 43/4 and thus dismissed the appeal.



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10. Being further aggrieved by the same, defendant is before this Court, in this appeal.

11. Learned counsel for the appellant reiterating the grounds urged in the appeal memorandum would contend that there is a specific material evidence placed on record with documents which would specifically show that defendant is the owner of the land in Sy.No.43/3 and it is the plaintiff who tried to encroach upon the property of the defendant which aspect of the matter is ignored by the Trial Court while passing the injunction decree and thus sought for admitting the appeal on the following substantial questions of law:

- i. "Whether the appreciation of evidence and documents by the courts below are perverse?*
- ii. Whether the courts below are justified and holding that the plaintiff had not able to establish to prove the lawful possession and interference without any evidence and documents?*
- iii. Whether the courts below are justified and holding that the plaintiff not produced any proof of documents to establish the vendor possession?*



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iv. Whether the courts below are justified in granting the relief of injunction in favour of respondent/plaintiff?"

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

13. On such perusal of the material on record, it is to be noted that injunction decree is in respect of land in Sy.No.43/2 of Gyaralli Grama, Kasaba Hobli, Hassan Taluk.

14. There is a specific contention taken by the defendant that he is the owner of the land in Sy.No.43/3 which is falling on the southern side of the plaintiff's property.

15. If it is so, the injunction decree would not affect the defendant at all.

16. Moreover, if there is any other right which the plaintiff is trying to bank upon, it is always open for the defendant to initiate appropriate proceedings in accordance with law and get redressed his grievances if any.



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17. With that observation, this Court is of the considered opinion that substantial questions of law raised in the appeal memorandum lack merit.

18. Accordingly, following:

ORDER

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

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

KAV
List No.: 1 Sl No.: 69