HC-KAR
NC: 2026:KHC:61941
RSA No. 91 of 2025
CNR: KAHC010040042025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

REGULAR SECOND APPEAL NO. 91 OF 2025 (INJ)

BETWEEN:

GANGI REDDY
S/O VENAKATA REDDY
AGED ABOUT 64 YEARS
R/AT BUCHEPALLI VILLAGE
BETHAMANGALA HOBLI
BANGARAPET TALUK
KOLAR DIST - 563113

...APPELLANT

(BY SRI. NARAYANA BHAT M.,ADVOCATE)

AND:

N VANI
W/O NARAYANA REDDY
AGED ABOUT 54 YEARS
R/T BUCHEPALLI VILLAGE
BETHAMANGALA HOBLI
BANGARAPET TALUK
KOLAR DIST - 563113

...RESPONDENT

(BY SRI. M.B.CHANDRA CHOODA., ADVOCATE)

Digitally signed by HEMALATHA J
Location: HIGH COURT OF KARNATAKA

THIS RSA IS FILED U/S. 100 OF CPC AGAINST THE JUDGMENT AND DECREE DATED 26.06.2024 PASSED IN RA NO. 135/2023 ON THE FILE OF THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, KOLAR (SITTING AT KGF), ALLOWING THE APPEAL AND SETTING ASIDE THE JUDGMENT AND DECREE DATED 15.02.2023 PASSED IN

O.S.NO.288/2015 ON THE FILE OF THE I ADDITIONAL CIVIL JUDGE AND JMFC, KGF.

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL JUDGMENT

The defendant in O.S.No.288/2015 on the file of the I Additional Civil Judge and JMFC, K.G.F., has filed this regular second appeal challenging the judgment and decree dated 15.02.2023 passed therein, as well as the judgment and decree dated 26.06.2024 passed by the III Additional District and Sessions Judge, Kolar (sitting at K.G.F.) in R.A.No.135/2023.

2. The parties shall henceforth be referred to as they were arrayed before the trial Court. The appellant herein was the defendant, while the respondent was the plaintiff in O.S.No.288/2015.

3. (i) The suit in O.S.No.288/2015 was filed for perpetual injunction in respect of land bearing Sy.No.74 of Buchepalli, Bethamangala Hobli, Bangarpet Taluk, measuring 3 acres 38 guntas. The plaintiff claimed that the suit property

belonged to Narayanareddy, who sold it to Ramachari in terms of a sale deed dated 12.04.1941. Later, Ramachari sold it to Mr.Papireddy on 15.01.1953. After the death of Papireddy, his wife inherited the properties and her name was entered in the revenue records. She later executed a gift deed on 09.04.2015 in favour of the plaintiff and accordingly, the name of the plaintiff is entered in the revenue records.

(ii) She claimed that the defendant, though having no manner of right, title or interest in the suit property, made an attempt to interfere with her possession and she was therefore advised to sue the defendant for perpetual injunction.

(iii) The defendant contested the suit and claimed that the suit property stood in the name of Gopalreddy, who is his grandfather. The said Gopalreddy had two sons named Venkatareddy, who is the father of the plaintiff and Ramareddy. Mr.Gopalreddy was in possession of the suit property along with his children and after his death, his two children continued in possession and after the death of Venkatareddy and Ramareddy, he is in possession and enjoyment of the suit property. He claimed that the khatha of the suit property was

transferred to his name in the year 1999-2000 and that the plaintiff and her mother-in-law(Smt.Narayanamma) have no manner of right, title or interest in the suit property. He contends that he has filed a suit for declaration that he has perfected his title by way of adverse possession. He thus contended that he is in possession of the suit property and therefore the plaintiff is not entitled to any relief of perpetual injunction.

4. Based on the above pleadings, the trial Court framed the following issues:

> "*(1) Whether the Plaintiff proves that, she is in possession and enjoyment of the suit property as on the date of suit?*
>
> *(2) Whether the Plaintiff proves the alleged interference of the defendant?*
>
> *(3) Whether the Plaintiff is entitle for the relief of Permanent Injunction as prayed for?*
>
> *(4) What order or decree?"*

5. The plaintiff was examined as PW-1 and she marked Exs.P.1 to P.28 of which Ex.P.1 was the gift deed and

Exs.P.2 to P.6 are the mutation extracts and Exs.P.7 to P.14 were the RTC extracts, which reflected the antecedent title of the vendors of the plaintiff. The defendant was examined as DW-1 and he marked Exs.D.1 to D.20, which were primarily RTC extracts. He also examined a witness as DW-2.

6. Based on the oral and documentary evidence, the trial Court held that the revenue records marked by the defendants established that it was the defendant who was in possession of the suit property and consequently, dismissed the suit for perpetual injunction.

7. (i) Being aggrieved by the said judgment and decree, the plaintiff filed R.A.No.135/2023. The First Appellate Court held that the mother-in-law of the plaintiff had filed an appeal challenging the khatha that stood in the name of the defendant before the Assistant Commissioner and that the appeal was allowed and the khatha that stood in the name of the defendant was set aside.

(ii) It noted that DW-1 admitted that after the order passed by the Assistant Commissioner, the revenue records

was transferred to the name of the mother-in-law of the plaintiff. The defendant admitted that the mother-in-law of the plaintiff had executed a gift deed in favour of the plaintiff and accordingly, the name of the plaintiff was entered in the revenue records, which were not challenged by the defendant. The First Appellate Court therefore held that the plaintiff had proved the title of her predecessors to the property and also proved her title to the suit property and also that she was in possession of the suit property and consequently allowed the appeal and set aside the judgment and decree passed by the trial Court and decreed the suit.

8. Being aggrieved by the said judgment and decree, the defendant is before this Court.

9. The learned counsel for the defendant contended that the defendant is in adverse possession of the property in question and therefore, the First Appellate Court could not have lightly considered the revenue records. He contends that the revenue records established a fact that the defendant was in possession from the year 1967 and onwards and therefore, the First Appellate Court could not have lightly considered the

documentary evidence which established that the defendant was in possession.

10. Per contra, the learned counsel for the plaintiff contended that the suit for perpetual injunction was filed based on title and that the plaintiff had established that her mother-in-law (Smt. Narayanamma) had succeeded to the property from her husband, who had purchased the property from Ramachari and Ramachari had purchased it from Narayanareddy. He therefore contends that when the suit for perpetual injunction was based on title and the property in question was vacant land, the first principle of law namely that possession follows title was rightly applied by the First Appellate Court. He contends that the trial Court without going into the legality of the revenue entries in the light of Sections 128 and 129 of the Karnataka Land Revenue Act, 1964 considered the revenue records in the name of the defendant to dismiss the suit. He contends that the First Appellate Court after perusing the order passed by the Assistant Commissioner and the consequent revenue entries that was restored in the name of the mother-in-law of the plaintiff, rightly decreed the

suit and therefore no substantial question of law arises for consideration in this appeal.

11. I have considered the submissions of the learned counsel for the plaintiff and the learned counsel for the defendant.

12. A perusal of the written statement filed by the defendant before the trial Court goes on to show that the defendant was not claiming title to the property but was claiming that he was in possession of the property based on certain revenue entries. These revenue entries were set at nought by the Assistant Commissioner, as the same were not based on any registered instruments in favour of the defendant and his ancestors. This order of the Assistant Commissioner is not questioned by the defendant before the appropriate Revenue Authority and he has not filed any suit as prescribed under Section 136 of the Karnataka Land Revenue Act, 1964, although he filed a suit for a declaration that he has perfected his title to the suit property by adverse possession. When once the defendant had filed the suit for declaration of right by prescription, it invariably meant that he admitted the title of

the plaintiff to the suit property and therefore, the First Appellate Court rightly decreed the suit for perpetual injunction, which was based on prior title of the plaintiff to the suit schedule property. Therefore, no substantial question of law arises for consideration in this appeal and hence, the appeal is ***dismissed***.

13. It is made clear that any observations or findings recorded by the trial Court in O.S.No.288/2015 and R.A.No.135/2013 would not affect the decision in O.S.No.217/2015, which is pending consideration before the Principal Civil Judge and JMFC, KGF.

Sd/-
(R. NATARAJ)
JUDGE

BKN
List No.: 1 Sl No.: 92