



**IN THE COURT OF THE SENIOR CIVIL JUDGE &
J.M.F.C, NAVALGUND**

: P R E S E N T :

**SRI. MANJUNATH P. PANAGHANTI,
B.Com., LL.B.,**

SENIOR CIVIL JUDGE AND JMFC, NAVALAGUND.

DATED THIS THE 4th DAY OF NOVEMBER, 2025

RA. No.20/2023

Appellants	1.	Ningappa S/o Hanamatappa Kalasad (DEAD)
	2.	Smt. Basavva W/o Ningappa Kalasad, Age: 58 years, Occ: Household work, R/o: Bhovi oni, Navalgund, Tq: Navalgund.
	3.	Hanamantappa W/o Ningappa Kalasad (DEAD)
	4.	Mailari S/o Ningappa Kalasad, Age: 25 years, Occ: Agriculture, R/o: Bhovi oni, Navalgund, Tq: Navalgund.
	5.	Nagappa S/o Ningappa Kalasad, Age: 20 years, Occ: Agriculture, R/o: Bhovi oni, Navalgund, Tq: Navalgund.

(By Sri. V.T.K, advocate)

**V/s**

Respondents	1.	Smt. Laxmavva W/o Fakkirappa Guddaniakar, Age: 65 years, Occ: Agri/H.H.Work, R/o: Annigeri, Tq: Navalgund, Dt: Dharwad.
	2.	Smt. Yallavva W/o Hanamantappa Baraker, Age: 62 years, Occ: Agri/H.H.Work, R/o: Kurthkoti, Tq & Dt: Gadag.
	3.	Ningappa S/o Yallappa Kalasad, Age: 44 years, Occ: Agriculture, R/o: Bhovi oni, Tq: Navalgund, Dt: Dhawad.
	4.	Nagappa @ Nagaraj S/o Yallappa Kalasad, Age: 52 years, Occ: Agriculture, R/o: Bhovi oni, Tq: Navalgund, Dt: Dharwad.
	5.	Smt. Bhimavva W/o Yallappa Kalasad, (DEAD by her LRS)
	5(a)	Smt. Yallappa W/o Mallappa Kalasad, Age: 52 years, Occ: Agri/H.H.Work, R/o: Navalgund, Tq: Navalgund.



	5(b)	Laxmavva D/o Mallappa Kalasad, Age: 25 years, Occ: Agri/H.H.Work, R/o: Navalgund, Tq: Navalgund.
	5(c)	Smt. Saroja W/o Hanamantappa Kalasad, Age: 50 years, Occ: Agri/H.H.Work, R/o: Navalgund, Tq: Navalgund.
	5(d)	Aishwarya D/o Hanamantappa Kalasad, Age: 30 years, Occ: Agri/H.H.Work, R/o: Ulligeri, Tq: Soundatti, Dt: Belgaum.
	5(e)	Apporva D/o Mallappa Kalasad, Age: 25 years, Occ: Agri/H.H.Work, R/o: Navalgund, Tq: Navalgund.
	5(f)	Akshata D/o Hanamantappa Kalasad, Age: 25 years, Occ: Agri/H.H.work, R/o: Navalgund, Tq: Navalgund.

(By Sri. R.M.R, advocate)

Date and nature of the : Preferred Appeal against the
decree or order appealed Judgment passed by learned Civil
against Judge and JMFC, Navalgund in
OS No.40/2016 dtd 21.07.2023.



Date of institution of the :
appeal. 11.08.2023.

Date of Judgment : 04.11.2025.

Duration of the appeal. : Year/s Month/s Day/s
-02- -02- -24-

J U D G M E N T

1. The present appeal has been preferred by the appellants against the judgment and decree passed by Civil Judge and J.M.F.C Navalgund in O.S No.40/2016 dated 21.07.2023.

2. The appellants are the original defendant No.1 to 4 and respondents are the original plaintiff and defendant No.6(a) to 6(h) before the Trial Court. Hence the parties are referred to their ranks in the Trial Court for the sake of convenience.



3. The case of plaintiff before the Trial Court is as under-

The plaintiffs have filed a suit for injunction before the trail court. The specific case of plaintiffs is that, the suit property ie., CTS No.22 of Navalgund was granted to Yallappa Hanamantappa Kalasad on 16.05.1923 by the then Deputy Collector, Dharwad division on behalf of Secretary of State in Councilor. Thereafter the said property stood in the name of Yallappa Hanamantappa Kalasad and it was possessed by him along with his wife and children. After the demise of Yallappa, the said property was mutated in the names of his children i.e., Ningappa and Mallappa. Thereafter the suit property was mutated in the names of plaintiffs. As such the plaintiffs are in possession and enjoyment of the suit



property. The plaintiffs have constructed a shed in the suit property and residing therein. The vacant space available in the suit property is used to store stick, cow-dung, hay-stock and agricultural equipment. The suit property is also provided with electricity connection and water connection.

4. It is further stated that, defendants No.1 to 5 have got no right or interest in the suit property. However, in order to violate the rights of plaintiffs, they attempted to trespass the suit property and caused interference in the possession of plaintiffs over it. Despite of good advise given by the plaintiffs and elders, defendant No.1 to 5 have not refrained themselves from causing interference. It is further contended that, on daily basis defendants are interfering in the possession of the plaintiffs over the suit property and they also



attempted to disturb the stick and hay-stock stored by the plaintiff in suit property. Therefore, without any other alternative relief, plaintiffs filed suit.

5. After institution of the suit before the Trial Court, the defendant No.1 to 5 have filed their written statement denying the entire claim of plaintiffs. It is specifically stated that, plaintiff No.1 and 2 are residing in the house of their husband after solemnization of their marriage which took place around 40 years ago. Hence, it is pleaded that plaintiff No.1 and 2 are not in possession and enjoyment of the suit property. The title of plaintiff No.3 and 4 with respect to suit property is also denied by contending that the father of defendant No.1 by name Hanamantappa Ningappa Kalasad is also the owner of suit property. After his demise his wife i.e., defendant No.2 and his son i.e.,



defendant No.1 together with the grandson of Hanamappa Ningappa Kalasad i.e., children of defendant No.1 who are defendants No.3 to 5 of this suit are contended to be the owners and in possession of suit property.

- 6.** The defendants further contended that, plaintiff has falsely mentioned in the plaint that Ningappa S/o Yallappa Kalasad had a son by name Hanamantappa and he died without marriage and without any issues. However, it is pleaded that Ningappa S/o Yallappa Kalasad had a wife by name Ningamma and they had a son by name Hanamantappa i.e., father of defendant No.1. Thus the defendant No.1 contended that, he is the owner of suit property along with the plaintiffs by way of succession through Hanamantappa Ningappa Kalasad. Therefore, it is the



defence of defendants that the present suit is filed by suppressing material facts.

7. It is further stated that, father of plaintiff by name Hanamantappa, after the demise of Ningappa under the guise of mentioning the names of all the sharers in the suit property, entered only his name with a dishonest intention. However the suit property to an extent of half portion on the Western side is possessed and enjoyed by the defendant No.1 to 5 by storing agricultural equipment, tying cattle, stick and haystack. The Eastern half portion of suit property is possessed and enjoyed by the plaintiff No.3 and 4 as well as the LRs of defendant No.6. It is also stated that, defendants are also in joint possession of suit property along with the plaintiffs and the plaintiffs are not entitled for decree of injunction with respect to the



suit property. It is pleaded that, the said property stood in the name of Ningappa Yallappa Kalasad and after the purchase by him in accordance with succession, Yallappa and Hanamantappa being his sons are named in the said record. The Yallappa possessed the property on Eastern side whereas Hanamantappa possessed the said property on Western side. Accordingly, the said property is divided into two parts bearing CTS No.30/A and 30/B. The property bearing CTS No.30/A stands in the name of defendant No.1 whereas the CTS No.30/B stands in the name of plaintiffs. Therefore, it is prayed to dismiss the suit.

- 8.** After going through the records and pleadings, the learned trial court has framed following issues;



I S S U E S

- 1) Whether the plaintiffs prove that, they are in the lawful possession of the suit property as on the date of filing this Suit ?***
- 2) Whether the plaintiffs further prove that, the defendants are interfering with peaceful possession and enjoyment of the suit property ?***
- 3) Whether the plaintiffs are entitled to the relief as sought for in the plaint ?***
- 4) What order or decree ?***

- 9.** The plaintiffs in order to prove the case, examined plaintiff No.2 as P.W.1 and got marked Ex.P1 to Ex.P19. On the other hand, defendant No.4 is examined as DW.1 and got marked Ex.D1 to Ex.D10 and one witness is examined as DW.2.



10. After going through the entire records and hearing, learned trial court by its judgment dated 21.07.2023 decreed the suit of plaintiffs and aggrieved by the same, appellants preferred this appeal on the following grounds;

Grounds for Appeal

(1) The appellants contended that, the impugned order is contrary to law and facts of the case and the same is not maintainable.

(2) The appellants contended that, the DW.2 in his evidence has clearly stated that defendants are also in possession of the suit property of CTS No.22, but the trial court has not properly appreciated the evidence on record.



(3) *The appellants contended that, plaintiffs have not produced the relevant documents in connection with the suit property CTS No.22 and injunction is not maintainable against the Co-Owners.*

(4) *The appellants contended that, plaintiffs have referred the matter of O.S No.46/2014 in respect of CTS No30/A, 38/A and 38/B of Navalgund. The subject matter of OS No.46/2014 are not pertaining to the subject matter of this appeal and not the subject matter of O.S No.40/2016.*

(5) *The appellants contended that, the trial court has not applied its judicial mind while appreciating the evidence in connection with the oral and documentary evidence.*



(6) *The appellants further contended that, the learned trial court exceeds the power and decreed the suit on imaginary ground and beyond pleadings.*

(7) *The appellants contended that, learned trial court has violated the principles of natural justice.*

Therefore, with the above grounds, the appellants have prayed for allowing the appeal and also prayed to set aside the judgment passed by the Learned Trial Court.

11. I have heard learned counsel appearing for parties & after going through the entire trial court records, the following points arise for my consideration;



P O I N T S

1) *Whether the Judgment and Decree passed by learned Civil Judge and JMFC, Navalgund in OS No.40/2016 dated 21.07.2023 is erroneous and requires the interference by this court ?*

2) *What order or decree ?*

12. After going through the records and hearing, I answer the above points as under;

Point No.1	:	In the Negative.
Point No.2	:	As per final order for the following;

:: R E A S O N S ::

13. Point No.1: The plaintiffs had filed a suit before the Trial Court seeking the relief of permanent injunction in respect of property bearing C.T.S No.22 measuring



176 Sqyds of Navalgund taluk. The facts of the case are already narrated above, as such those are needless to be repeated.

- 14.** The learned counsel for the appellants argued that, learned trial court has failed to determine the facts in issue in proper manner and the appellants are also having half share in the suit property and they are also the owners to the extent of half share in the suit property. Since the plaintiffs are claiming their ownership over the property and as such they have created the cloud over the title of property and as such suit for bare injunction itself is not maintainable and plaintiffs ought to have file the suit for declaration and injunction. In view of same, he prays to allow the appeal and prays to set aside the judgment and decree passed by the learned trial court.



15. On contrary, the learned counsel for respondent has argued that suit property was originally granted to the originator of the family by name Yallappa Hanamappa Kalasad on 16.05.1923 by D.C, Dharwad. The said property was previously stood in the name of said Yallappa and after his demise the same was got transferred in the name of his two children by name Ningappa and Mallappa. Out of them, said Mallappa died without marriage and issue-less. After the demise of said Ningappa, the legal representatives of Ningappa are in possession over the suit property by the virtue of succession and as such the defendants have got no right or title or interest over the same.

16. In the case on hand, the plaintiffs have sought the relief of bare injunction in respect of suit property. In this regard an issue was framed casting burden on



the shoulders of plaintiffs to prove their possession over the suit property. On perusal of documentary evidence adduced by the parties, the plaintiffs have produced the Khata Extract pertaining to the suit property bearing CTS No.22 which was marked as Ex.P1. He also produced the Grant Order at Ex.P12. On perusal of Ex.P12 it appears that, D.C of Secretary of State in Councilor has granted the suit property in the name of Yallappa Hanamappa Kalasad. On perusal of Ex.D1 it appears that, after the demise of said Yallappa, the same has been got mutated in the name of Ningappa Yallappa Kalasad. It means as per the plaint pleading the said Yallappa had two sons by name Ningappa and Mallappa, out of them Mallappa died unmarried and issue-less and as such the name of Ningappa alone appeared in the Khata extract.



Further the said Ningappa had a wife by name Ningavva, children by name Fakkiravva, Yallappa, Lakshnavva, Yellawva and Hanumantappa. Out of them Fakkiravva, Yallappa and Hanumantappa Died unmarried. Further deceased Yallappa had got wife by name Bhimavva i.e., Defendant No.6, sons by name Ningappa i.e., plaintiff No.3, Mallappa, Nagappa @ Nagaraj ie., plaintiff No.4 and Hanamappa. Out of them Mallappa and Hanamappa died and plaintiff and defendants are the legal heirs of deceased Yallappa. In order to substantiate this claim, the plaintiffs have produced the Khata extract at Ex.P1. On perusal of the same it is crystal clear that, the names of legal heirs of Ningappa, the names of LRS of Yallappa are jointly appearing in the Khata extract pertaining to the suit property in the year 2015-16. Thus, it can be



presumed that the suit property was originally granted to one Yallappa Hanamappa Kalasad and after his demise the same was transferred in the name of his son by name Ningappa and later after the demise of said Ningappa, the same has been transferred in the name of LR's of Ningappa.

- 17.** The defendants have specifically contended that, they are the LR's of Hanamappa Ningappa Kalasad who is the joint owner of suit property. In this regard they have furnished the genealogy in the appeal memo, but for the reasons best known to them the same is not produced before the trial court. As per the said genealogy furnished by appellants, the originator Yallappa Kalasad had got son by name Ningappa and said Ningappa has got two sons by name Hanamappa and Yallappa. Now as per the contention of



Appellants, Ningappa has got two children, where as per the contention of respondents, Ningappa has got five children. The plaintiffs have produced the several documents to establish the said thing. Apart from that, the evidence of Dw.1 assumes much important to decide the present aspect. The DW.1 in his evidence has deposed that, property was originally standing in the name of Yallappa and after his demise the same has been transferred in the name of his son Ningappa. After the demise of said Ningappa, the same has been transferred in the name of his LRs i.e., Ningavva, Yallappa, Fakkiravva, Laxmavva and Yallavva. After the demise of Yallappa, the same has been transferred in the name of his legal representatives. The relevant portion of same is extracted below from the evidence for better appreciation;



“ನಿಂಗಪ್ಪನ ಮರಣಾ ನಂತರ ಆತನ ವಾಸುದಾರರಾದ ಹೆಂಡತಿ ನಿಂಗವ್ವ, ಯಲ್ಲಪ್ಪ, ಫಕ್ಕೀರವ್ವ, ಲಕ್ಷ್ಮವ್ವ, ಯಲ್ಲವ್ವ ಇವರ ಹೆಸರು ದಾಖಲಾಗಿರುತ್ತದೆ ಎಂದರೆ ಸರಿ. ಯಲ್ಲಪ್ಪ ಈತನ ಮರಣಾ ನಂತರ ಆತನ ವಾಸುದಾರರಾದ ಭೀಮವ್ವ, ನಿಂಗಪ್ಪ, ಮಲ್ಲಪ್ಪ ನಾಗರಾಜ, ಹನಮಂತಪ್ಪ ಇವರ ಹೆಸರು ನೋಂದಾವಣೆಯಾಗಿರುತ್ತದೆ ಎಂದರೆ ಸರಿ.”

- 18.** He further deposed that, the name of LR's pertaining to the property bearing No. CTS No.22 are entered in the RTC extracts and the relevant portion from the evidence is extracted below for better appreciation;

“ಸಿ.ಟಿ.ಎಸ್ ನಂ: **22** ಕ್ಕೆ ಆಸ್ತಿಯ ವಾರಸುದಾರರ ಹೆಸರು ದಾಖಲು ಇರುತ್ತದೆ ಎಂದರೆ ಸರಿ. ಅದೇ ರೀತಿ ಸಿಟಿಎಸ್ ನಂ: **30** ಬಿ ಗೆ ಆಸ್ತಿಯ ವಾರಸುದಾರರ ಹೆಸರು ದಾಖಲ ಇರುತ್ತದೆ ಎಂದರೆ ಸರಿ.”

Thus, from the evidence of DW.1 it can be gathered that, genealogy shown by the appellants is incomplete.



19. The learned counsel for defendants has suggested the P.W1 about the genealogy and same is extracts below for better appreciation;

“ನನ್ನ ಕುಟುಂಬದ ಮೂಲ ಪುರುಷ ಯಲ್ಲಪ್ಪ ಹನಮಪ್ಪ ಕಳಸನ್ನವರ ಎಂದರೆ ಸಾಕ್ಷಿ ನಿಂಗಪ್ಪ ಎಂದು ನುಡಿಯುತ್ತಾರೆ. ನಿಂಗಪ್ಪನ ತಂದೆ ಯಲ್ಲಪ್ಪ ಹನಮಪ್ಪ ಕಳಸನ್ನವರ ಆಗಿರುತ್ತಾರೆ ಎಂದರೆ ಸರಿ. ಸದರಿ ಯಲ್ಲಪ್ಪನಿಗೆ ನಿಂಗಪ್ಪ ಹಾಗೂ ಹನಮಪ್ಪ ಎನ್ನುವ ಇಬ್ಬರೂ ಗಂಡು ಮಕ್ಕಳು ಇರುತ್ತಾರೆ ಎಂದರೆಸ ರಿ. ಅವರಲ್ಲಿ ನಿಂಗಪ್ಪ ಹಿರಿಯವನು ಎಂದರೆ ಸರಿ. ನಿಂಗಪ್ಪನ ಹೆಂಡತಿ ಹೆಸರು ನಿಂಗವ್ವ. ಸದರಿ ನಿಂಗಪ್ಪನಿಗೆ ಹನಮಪ್ಪ ಯಲ್ಲಪ್ಪ, ಲಕ್ಷ್ಮವ್ವ ಮತ್ತು ಯಲ್ಲವ್ವ ಎನ್ನುವ ಮಕ್ಕಳು ಇದ್ದಾರೆ ಎಂದರೆ ಸಾಕ್ಷಿ ಅವರೊಂದಿಗೆ ಫಕ್ಕೀರವವ ಎನ್ನುವ ಮಗಳು ಇದ್ದಾಳೆ ಎಂದು ನುಡಿಯುತ್ತಾರೆ. ಯಲ್ಲಪ್ಪನ ಹೆಂಡತಿ ಭೀಮವ್ವ ಎಂದರೆ ಸರಿ. ಆತನಿಗೆ ನಿಂಗಪ್ಪ ಮಲ್ಲಪ್ಪ, ನಾಗಪ್ಪ ಮತ್ತು ಹನಮಪ್ಪ ಎನ್ನುವ ಮಕ್ಕಳು ಇದ್ದಾರೆ ಎಂದರೆ ಸರಿ. ಅವರಲ್ಲಿ ಹನಮಪ್ಪ ಪ್ರೇತಿಯಾಗಿರುವುದು ನಿಜ. ಆತನ ಹೆಂಡತಿ ಸರೋಜಾ ಎಂದರೆಸ ರಿ. ಸದರಿ ಸರೋಜರವರಿಗೆ ನಾಲ್ಕು ಜನ ಮಕ್ಕಳು ಇದ್ದಾರೆ, ಸದರಿಯವರೂ ಲ್ಲರೂ ಜೀವತ ಇದ್ದಾರೆ.”



20. The learned counsel for the respondents has argued that, suit under O.S No.46/2014 was instituted by name Bhimappa Hanamappa Kalasad against three defendants where in the plaintiffs of this case are not parties to the said suit. On perusal of Ex.P13 it appears that, said suit was filed in respect of property CTS 38/B and 30/A. It is pertinent to note that, defendant No.1 in O.S No.46/2014 is the appellant No.1 in the present appeal and he himself shown the genealogy in O.S No.46/2014 stating that, Hanamappa has got five children by name Mukundappa, Ningappa, Bhimappa, Parasappa and Maruti. Similar genealogy was shown by the appellants in appeal memo also. If really the appellants are belonged to the branch of respondents then they ought to have shown the names of



respondents in earlier suit and they ought to have filed the suit in respect of property bearing CTS No.22 also. But the said suit was filed only in respect of property bearing CTS No.38/B and 30/1 and thereafter the said suit was ended in a compromise. The act of appellants goes to show that, they are aware of the fact that, suit property is not belongs to them.

- 21.** The learned counsel for the appellants has mainly relied upon the Ex.D2 & Ex.D3. On relying upon the said Ex.D3 he has argued that, property is standing in the name of Hanamappa and Yallappa Kalasad jointly. But it is pertinent to note that, Ex.D2 and Ex.D3 are not at all pertaining to the suit property and said both the documents are pertaining to the property bearing CTS No.30/A and 30.



22. As already stated supra, if the respondents are also belonged to the family of plaintiffs then, the appellants ought to have made the respondents as parties in the earlier suit in O.S No.46/2014 seeking the relief of partition in respondent of present suit property also, but the same has not been done by the appellants herein. Hence, from the documents available on record coupled with the oral evidence it can be gathered that, present appellants are noway concerned with the family of respondents. Apart from that, the learned counsel for defendants argued that, they have agreed the cloud over the title of plaintiffs in the suit property and as such the plaintiffs ought to have filed the suit for declaration. But it is well settled law that, “mere denial of the title over property is not sufficient to hold that, defendants have created



the cloud over the property.” In order to create a cloud over the title over the property, defendants ought to have proved that, they are also having right, title and interest over the suit property and plaintiffs alone are not the ownership of suit property.

- 23.** The Counsel for the Appellant in respect of his arguments has relied on the Judgment of ***Hon’ble High Court of Karnataka reported in 2025 Para No.1 KCCR 869 in between K.H. Eshwarappa V/s Rathnamma and others***, wherein it is held that, when the defendant questioned the title of plaintiff in the written statement then plaintiff ought to have converted the suit for injunction into suit for declaration and suit for injunction simpliciter not maintainable.



In the case on hand, as already stated the defendant has admitted that, plaintiffs are in possession of the suit property to the extent of 1/2 share and they are unable to establish that, they are also having right over the suit property and as such the suit for bare injunction is maintainable and accordingly, the above said judgment is not applicable to the case on hand.

- 24.** The Appellants has also relied on the Judgment of ***Hon'ble Supreme Court of India reported in 2019 SAR (Civil) 537 in between Ajit Kaur @ Surjit Kaur V/s Darshan Singh and others***, wherein it is held that, ***it is settled position of law that, the mutation of a property in the revenue records are fiscal proceedings and does not create or extinguish title nor has it any presumptive value***



on title. In the case on hand, originally government has granted property to the Yallapa Ningappa Kalasad and on that basis mutation were taken place. In view of same, the above said judgment is not applicable to the case on hand.

25. In view of the specific contention taken by the appellant, it is just and necessary to mention the judgment of the Hon'ble Supreme Court of India reported in **AIR 2008 SC 2033** held in between **Anathulla Sudhakar v/s P.Y.Buchireddy** held that,

“A. Specific Relief Act – Ss. 5, 6, 38 and 37 – Recovery of specific immovable property – Appropriate remedy in various classes of cases – where the plaintiffs title is under a cloud and he does not have possession, held, the remedy is suit for declaration and possession, with or without consequential injunction -where



his title is not disputed or under a cloud but he is out of a possession, held, the remedy is suit for possession with consequential injunction – Where there is mere interference with plaintiff’s lawful possession or there is threat of dispossession, held, suit for injunction simpliciter would be sufficient.”

On perusal of Verdict of the Hon’ble Apex Court has stated above, it is clearly held that, ***“in what circumstances the suit for injunction and declaration needs to be filed.”***

26. Further the ***Hon’ble Apex Court held that, “if the defendant is able to create a cloud over the title of property then the plaintiff ought to have seek the relief of declaration.”*** But in the present case, defendants failed to establish their relationship with



the plaintiffs and also with the suit property. In view of same, the arguments canvassed by the learned counsel for defendants do not hold any force.

27. On perusal of the flow of title, genealogy and documents coupled with the oral and documentary evidence, it can be presumed that, plaintiffs are in possession over the suit property and the said possession has been admitted by the defendants in their written statement at para No.14 at page No.7. They have specifically admitted that, plaintiffs are in possession to the extent of half share and contended that, they are in possession of the remaining half share. But they have failed to establish the said thing before the Court by leading cogent oral and documentary evidence. Hence, this Court is of the opinion that, the Judgment passed by the Learned



Trial Court is proper and there are no any reasons to interfere with the same by this Court. Thus, in view of above discussion, the appeal on hand is liable to be dismissed, accordingly, the point No.1 is answered in the **Negative**.

28. Point No.2: For the reasons stated and discussions made above, I proceed to pass the following;

ORDER

The appeal filed by appellant U/s 96 R/w Order 41 Rule 1 of C.P.C is hereby **Dismissed**.

Consequently, the Judgment passed in OS No.40/2016 dated 21.07.2023 by the Learned Civil Judge and J.M.F.C, Navalgund is hereby **Confirmed**.

Draw Decree accordingly.



The office is hereby directed to
return the Trial Court Records (T.C.R)
along with this judgment to the trial
court.

(Dictated to the Stenographer, transcribed and computerized by him, corrected and pronounced by me in the open
Court on this day **04th day of NOVEMBER, 2025**)

(Manjunath P. Panaghanti)
Senior Civil Judge and JMFC,
Navalgund.
