

KABG040038352025



**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & JMFC,
AT : BELAGAVI.**

PRESENT : Smt. Preeti L. Malavalli, B.B.A.,LL.B (Hons.)
Prl. Civil Judge & JMFC.,
Belagavi.

DATED THIS THE 5TH DAY OF AUGUST-2026

ORIGINAL SUIT NO.1364/2025

PLAINTIFFS :

1)	Mr. Nazeerahmed S/o. Abubakar Pariyal, Age : 55 years, Occ : Business, R/o : Plot No.13, Om Nagar, Shahapur, Belagavi, Tq : & Dist : Belagavi.
2)	Mr. Faisal S/o. Mohammad Rasul Pariyal, Age : 35 years, Occ : Business, R/o : Plot No.13, Om Nagar, Shahapur, Belagavi, Tq : & Dist : Belagavi.
3)	Mr. Abdulsamad S/o. Abubakar Pariyal, Age : 45 years, Occ : Business, R/o : Plot No.13, Om Nagar, Shahapur, Belagavi, Tq : & Dist : Belagavi.
4)	Smt. Raziya W/o. Mohammad Yusur Mujawar, Age : 42 years, Occ : Business, R/o : Plot No.13, Om Nagar, Shahapur, Belagavi, Tq : & Dist : Belagavi.

5)	Mr. Noushad S/o. Abubakar Pariyal, Age : 40 years, Occ : Business, R/o : Plot No.13, Om Nagar, Shahapur, Belagavi, Tq : & Dist : Belagavi.
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Vs.

DEFENDANT :

1)	Mr. Shreyas S/o. Somshekar Nakadi, Age : 40 years, Occ : Corporator, R/o : Plot No.76, Shahu Nagar, Belagavi, Tq : & Dist : Belagavi.
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PARTIES TO I.A.NO.I

Applicants/Plaintiffs :

1)	Mr. Nazeerahmed S/o. Abubakar Pariyal and others.
	(By Shri. M. M. Shaikh, Adv.)

Vs.

Opponent/Defendant :

1)	Mr. Shreyas S/o. Somshekar Nakadi.
	(By Shri. D. A. Pujeri, Adv.)

1.	Provision under which application is filed	U/O.XXXIX Rule 1 & 2 R/w. Sec. 151 of C.P.C.
2.	Relief sought for	Temporary Injunction

3.	The date on which the application is filed	05.12.2025
4.	Number of application	I
5.	The date on which the objections are filed by different opponent	03.02.2026
6.	The date on which the orders were passed on the said application.	05.08.2026

**ORDERS ON I.A.NO.I FILED BY PLAINTIFFS U/O. XXXIX
RULE 1 AND 2 R/W. SEC.151 OF C.P.C.**

The plaintiffs have filed the present application seeking the relief of Temporary Injunction to restrain the defendant from raising construction of bus stop in front of property bearing CTS No.2406 measuring 594.74 sq.mtrs., situated at Shahu Nagar, Belagavi, pending disposal of the suit.

2. It is the case of plaintiffs that the property bearing CTS No.2406 measuring 594.74 sq.mtrs., situated at Shahu Nagar, Belagavi is absolutely held and possessed by plaintiffs and accordingly the names of plaintiffs are entered in the records of CTS No.2406 as absolute owners and possessors. That the plaintiffs have been paying tax in relation to suit property to the

competent authority and they are in actual possession and enjoyment of suit property as absolute owners. That on 11.08.2025 the plaintiffs found that some persons had gathered near the suit property and on enquiry, they stated that they had come for Bhoomi Pooja in order to raise construction of bus stop in front of the property of plaintiffs. The plaintiffs were taken by surprise and they requested those people to show documents on the basis of which the proposed construction of bus stop was taking place. They informed the plaintiffs that the present defendant was having custody of all documents. Immediately the plaintiffs approached the defendant to inquire regarding the construction work and the defendant stated that the construction work was being carried out as per the scheme of City Corporation, Belagavi and the defendant refused to stop the work. The plaintiffs also got issued legal notices to City Corporation, Belagavi and the Deputy Commissioner, Belagavi on 14.08.2025 and the said notices were duly served on said officials. The plaintiffs also approached the officials of City Corporation, Belagavi and learnt that no such scheme was sanctioned for construction of bus stop in front of the suit property under any scheme of Government of Karnataka. That as such the proposed construction of bus stop in front of suit property which is private property of the plaintiffs is without any authority of law. The plaintiffs have not been notified by the defendant or any other

authority regarding the said proposal for construction of bus stop. The defendant has been making illegal attempt to construct the bus stop and if the same will be completed, then it would be an obstruction for plaintiffs to approach their property and also the value of suit property belonging to plaintiffs would be diminished. The defendant without following the procedure established by law, is trying to illegally construct bus stop in front of suit property and despite several requests made by plaintiffs, the defendant is not ready to stop the construction work and instead he has threatened the plaintiffs with dire consequences. That the plaintiffs have got good chance of success in the case and they have got prima facie case and also balance of convenience lies in their favour. The plaintiffs have further stated that no loss or hardship would be caused to defendant if the application is allowed and that on the contrary, the plaintiffs would suffer irreparable loss and hardship if the present application is not allowed. On these grounds, the plaintiffs have prayed to allow the present application.

3. Per contra, the defendant has filed objection to the present application and stated that the suit of plaintiffs in present form is not maintainable and the description of suit property is incorrect. The defendant has denied the entire case of plaintiffs and further stated that the plaintiffs have not approached the Court with clean

hands and they have filed the suit with an intention to prevent the defendant from discharging his lawful duty and that the plaintiffs are neither in possession of suit property nor concerned with suit property and hence they are not entitled to the relief of temporary injunction. He has further submitted that on 16.06.2025 the City Corporation, Belagavi has made inspection and permitted the defendant to construct bus stop on footpath area for use and safety of public at large. That the bus stop is existing in the footpath area since 40 years and it is not in the private property of the plaintiffs. That the defendant is only renovating the said bus stop by reconstruction in the place of existing bus stop and the plaintiffs are in no way concerned with the said matter. That the defendant is undertaking the development work lawfully and the plaintiffs have made false allegations. On these grounds, the defendant has prayed to dismiss the present application with costs.

4. Heard the arguments of learned counsel for plaintiffs Shri. M. M. Shaikh and learned counsel for defendant Shri. D. A. Pujeri.

5. Based on the contentions taken by plaintiffs and defendant, the following points arise for my consideration :

POINTS

i) Whether the plaintiffs have made out prima facie case for grant of temporary injunction as sought for ?

ii) Whether balance of convenience lies in favour of the plaintiffs to grant temporary injunction against the defendant ?

iii) Whether irreparable loss or injury would be caused to the plaintiffs if temporary injunction is not granted ?

iv) What order ?

6. My answer to above points are as under :

Point No.1 : In the Affirmative.

Point No.2 : In the Affirmative.

Point No.3 : In the Affirmative.

Point No.4 : As per final order

for the following :

REASONS

7. **Point No.1 :** It is the case of plaintiffs that they are the absolute owners in possession of suit schedule property i.e., open space in CTS No.2406 of Shahu Nagar, Belagavi and that the defendant is illegally constructing bus stop in front of the said

suit property belonging to plaintiffs. That the proposed work of construction of bus stop in front of property of plaintiffs has not been sanctioned under any scheme of City Corporation, Belagavi nor under any scheme of Government of Karnataka and if the defendant succeeds in carrying out the said construction, then it will be an obstruction for the plaintiffs to approach their property and the value of property of plaintiffs will be diminished. According to plaintiffs, the defendant's act in construction of bus stop in front of suit property is in blatant violation of law, it being illegal construction. As such the plaintiffs have sought temporary injunction to restrain defendant from carrying out construction work of bus stop in front of suit property.

8. Per contra according to defendant, there already existed a bus stop in front of suit property and the defendant has been carrying out work of renovation by way of reconstruction of said bus stop and the said construction is not in the private property of plaintiffs and it is with permission of City Corporation, Belagavi that the defendant has been carrying out the said work.

9. In support of their case, the plaintiffs and defendant have produced few documents. The plaintiffs have produced copy of CTS Extract pertaining to the suit property which prima facie reveals that the suit property is standing in the names of plaintiffs.

They have also produced certain correspondence made by plaintiffs to the Deputy Commissioner, Belagavi complaining the act of construction of bus stop in front of the suit property and few photographs showing construction materials being dumped in front of suit property. Per contra, the defendant has produced the letter of permission granted by City Corporation, Belagavi for construction of bus stop and the letter issued by Assistant Executive Engineer, City Corporation, Belagavi. It is pertinent to note that in the said permission letter and the letter issued by Assistant Executive Engineer, it is only stated that the permission is granted for construction of bus stop in Ward No.34, Shahu Nagar, Belagavi and it is in the interest of general public and that the proposed work of construction of bus stop will be undertaken in the footpath area. But however, none of these letters show that the said work is being undertaken in a place where already a bus stop existed and it is only renovation work. The said letters also do not reveal that specific permission is granted to defendant to undertake the construction work specifically in front of the property of the plaintiffs i.e., suit schedule property only. Such being the case, the said aspects require full fledged trial in order to determine whether the construction of bus stop in front of suit property will cause any obstruction for the plaintiffs to approach suit property and whether the said construction is in violation of any rule or bye law. It is also well settled principle of law that the

main object of granting temporary injunction is to maintain status-quo ante i.e., the status-quo as on the date of filing of suit. This is in order to avoid multiplicity of proceedings between the parties and to see that the status-quo of property is maintained until final adjudication of the matter in dispute between the parties. As such, it is very much necessary to direct both the parties to maintain status-quo with respect to the suit property and to direct the defendant not to carryout any construction in suit property. The plaintiffs have got arguable case and it requires an investigation and full trial in order to adjudicate the matter in dispute. But if construction takes place in the meanwhile in any portion of suit property, then it would lead to multiplicity of proceedings if later on it will be found that the defendant had no right to undertake construction of bus stop in front of suit property. As such, maintaining status-quo ante of the suit property is very much necessary till conclusion of trial. It is also relevant to consider that according to the photographs produced by the plaintiffs, it appears that construction work is about to take place in front of suit property. As such, the plaintiffs have made out prima facie case for grant of temporary injunction to restrain the defendant from carrying out construction near the suit property, pending disposal of the suit. Hence, I answer **Point No.1 in the Affirmative.**

10. Point No.2 and 3 : These points are interlinked with each other, hence they are taken up together for common discussion in order to avoid the repetition of facts.

11. The plaintiffs have made out prima facie case in their favour. It is the case of plaintiffs that the defendant has no right to take up construction work in front of suit property, but he is trying to put up construction of bus stop in front of suit property. As such, if the defendant will not be restrained from putting up construction, it would lead to multiplicity of proceedings and it would also cause loss and hardship to the plaintiffs if later on it will be found upon trial that the defendant did not have such right. Therefore, the balance of convenience lies in favour of the plaintiffs and the plaintiffs may suffer injury or loss if the injunction is denied. Moreover, the defendant has not made out that he will be put to trouble if the injunction order is granted in favour of the plaintiffs. Therefore, I answer **Point No.2 and 3 in the Affirmative.**

12. Point No.4 : For the above discussed reasons, I proceed to pass the following :

ORDER

The interim application No.1 filed by applicants/plaintiffs against the opponent/defendant U/O.XXXIX Rule 1 and 2 R/w. Sec.151 of C.P.C. is hereby allowed.

***The defendant or anybody claiming
rights under him are hereby restrained
from putting up any kind of construction
in front of the suit property, till disposal
of this suit.***

(Dictated to the stenographer directly on computer, revised by me & after corrections pronounced in the open Court on this the **5th day of August-2026.**)

**(Smt. Preeti L. Malavalli)
Prl. Civil Judge & JMFC,
Belagavi.**