

KABG040021452024



**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 2ND DAY OF JUNE-2025

ORIGINAL SUIT NO.771/2024

PLAINTIFF :

1)	Shri. Appaji S/o. Pundalik Patil, Age : 41 years, Occupation : Service, R/o : GP No.4574/B, Machche-Belagavi, also at : Chawat Galli, Bargaon, Taluka : Khanapur, Dist : Belagavi, Aadhar No.6754 8761 6120.
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Vs.

DEFENDANT :

1)	Shri. Rajan S/o. Raju Marave, Age : 35 years, Occ : Business, R/o : Rayat Galli, Vadgaon – 590005, Taluka & District : Belagavi, Mobile No.8904363566.
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PARTIES TO I.A.NO.I**Applicant/Plaintiff :**

1)	Shri. Appaji S/o. Pundalik Patil.
	(By Shri. N. V. Patil, Adv.)

Vs.**Opponent/Defendant :**

1)	Shri. Rajan S/o. Raju Marave.
	(Ex-parte.)

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	01.06.2024
4.	Number of application	I
5.	The date on which the objections are filed by different opponent	Nil
6.	The date on which the orders were passed on the said application.	02.06.2025

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

It is the case of plaintiff that he is the absolute owner in possession of suit schedule property bearing GP No.4574/B RDPR No.4272861604 measuring East-West 9.144018 mtrs. and North-South 21.945644 mtrs., i.e., 200.67048 sq.mtrs. in R.S. No.614 situated at Machche, Belagavi. That the plaintiff has purchased the suit schedule property under Registered Sale Deed dated 21.07.2023 and accordingly his name is appearing in the records pertaining to suit schedule property and he has been paying tax over the same. That the defendant is stranger to the plaintiff, but he is trying to create false documents in order to dupe the valuable suit property belonging to plaintiff. The plaintiff also lodged complaint before the Commissioner of Police, Belagavi on 16.03.2024, but the police have not taken action against defendant. On 20.05.2024 the defendant came to the suit property and tried to disturb the plaintiff's possession over the suit property and he did not heed the request of plaintiff though the plaintiff requested him not to do any illegal act. Hence, the plaintiff has filed the present suit seeking the relief of permanent injunction to restrain the defendant from disturbing the plaintiff's peaceful possession and enjoyment over suit schedule property. The plaintiff has filed the present application seeking the relief of temporary injunction to restrain the defendant from disturbing the

plaintiff's peaceful possession and enjoyment over the suit property, till disposal of this suit. The plaintiff has also stated in the affidavit annexed to the application that he has got prima facie case and also the balance of convenience lies in his favour and further if the present application is rejected then he would suffer heavy loss, hardship and inconvenience and the very purpose of filing the present suit will be frustrated. On these grounds, the plaintiff has prayed to allow the present application.

2. Per contra, the defendant has not filed written statement or objections to present application since he did not appear before the Court despite service of summons.

3. Heard the arguments of learned counsel for plaintiff Shri. N. V. Patil.

4. Based on the contentions taken by plaintiff, the following points arise for my consideration :

i) *Whether the plaintiff has made out prima facie case for grant of temporary injunction as sought for ?*

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

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

iv) What order?

5. 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

6. **Point No.1 :** It is the case of the plaintiff that he is absolute owner in possession of suit schedule property and his name is appearing in the property records pertaining to suit schedule property and he has been paying tax over the same, but the defendant has been interfering with his peaceful possession and enjoyment over the suit schedule property.

7. In support of his case, the plaintiff has produced RDPR Property Extract pertaining to suit schedule property which is standing in the name of plaintiff. The said RDPR Extract shows the mode of acquisition of right by plaintiff as sale deed dated 21.07.2023. The plaintiff has also produced the copy of said Registered Sale Deed through which he purchased the suit schedule property on 21.07.2023. The boundaries mentioned in

the said sale deed and those mentioned in the RDPR extract tally with the boundaries given to the suit schedule property in the plaint. The plaintiff has also produced self assessment form for assessment of tax over suit schedule property and the tax paid receipts which also show that the plaintiff has been paying tax over the suit schedule property. The plaintiff has also produced RTC extract pertaining to R.S.No.614 in which the suit schedule property is situated, which shows that the name of vendor of plaintiff was mentioned earlier in Column No.9 and 12 of the said RTC extract. This prima facie reveals that the vendor of plaintiff had title over the suit schedule property and thereafter the plaintiff has purchased the suit schedule property and now the property extracts and tax assessment extracts are standing in the name of plaintiff as per the sale deed in his favour. All the aforesaid documents prima facie reveal that the plaintiff is in possession and enjoyment of the suit schedule property. The defendant has not appeared before the Court and as such he has neither filed written statement nor filed objection to the present application to dispute the case of plaintiff. Hence, the documents produced by plaintiff remain unchallenged at this stage. Hence, the plaintiff has made out prima facie case in his favour and it is very much necessary to protect his possession over the suit schedule property pending disposal of this suit. Accordingly, I answer **Point No.1 in the Affirmative.**

8. 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. The plaintiff has made out prima facie case in his favour and the documents produced by him prima facie reveal that the plaintiff is in possession of suit schedule property. As such, more inconvenience would be caused to plaintiff if the order of temporary injunction is refused at this stage, since he is under apprehension that the defendant might dispossess him from the suit schedule property. As such, it would also cause great hardship and loss to the plaintiff if the defendant would succeed in his act. Hence, it is very much necessary to restrain the defendant from committing any such act pending disposal of this suit. Accordingly, I answer **Point No.2 and 3 in the Affirmative.**

9. Point No.4 : For the above discussed reasons on Point No.1 to 3, I proceed to pass the following :

ORDER

*The interim application i.e., I.A.No.1
filed by applicant/plaintiff against the
defendant U/O.XXXIX Rule 1 and 2 R/w.
Sec.151 of C.P.C. is hereby allowed.*

***Defendant or anybody claiming
rights under him are hereby restrained
from interfering with plaintiff's peaceful
possession and enjoyment over the suit
schedule 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 2nd day of June-2025.)

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