

**IN THE COURT OF III ADDITIONAL CIVIL JUDGE AND J.M.F.C., BELAGAVI****Present: Smt. Sparsha M. D'Souza****B.Sc., L.L.B.,****III Addl. Civil Judge and J.M.F.C,
Belagavi****Dated this the 21st day of June, 2025****O.S.No. 1332/2022**

Plaintiff	Sri. Mallappa Ramappa Kolarkopp, Aged about 82 years, Occupation: Agriculture, R/o: Badal Ankalagi, Belagavi Taluk
-Vs-	
Defendant	Sri. Yallappa Ramappa Pularkopp, Aged about 40 years, Occupation: Agriculture, R/o: Badal Ankalagi, Belagavi Taluk
Rank of Parties on IA No. III	
Applicant/Plaintiff	Sri. Mallappa Ramappa Kolarkopp (By Sri. M. N. Kulkarni - Advocate)
-Vs-	
Opponent/Defendant	Sri. Yallappa Ramappa Pularkopp (By Sri. S. B. Rahut - Advocate)



i	Provision under which application is filed	Section 151 of C.P.C.
ii	Relief sought for	Extension of Temporary Injunction
iii	Date on which application is filed	18.03.2025
iv	Number of the application	I.A. No. III
v	Date on which objections is filed by opponent	17.06.2025
vi	Date on which Orders are passed on the said application	21.06.2025
vii	Stage of the case, when I.A. is filed	Objections to IA No.II

ORDERS ON I.A.No.III

The present application, I.A. No. III, is filed by the plaintiff under Section 151 of the Code of Civil Procedure, seeking extension of the ex-parte ad-interim temporary injunction Order granted earlier in I.A. No. I, which was confirmed on merits by this Court on 17.01.2024 and remained in force for six months until 16.07.2024.

2. It is pertinent to note that at the time of hearing on I.A. No.II, an application filed by the plaintiff seeking amendment of the plaint, the present application has been filed seeking continuance of the earlier injunction Order till the disposal of the suit.

3. The defendant has not filed independent objections to I.A. No. III but has filed a memo stating that the written statement filed in the suit may be taken as objections to the said application. The plaintiff has contended that the injunction Order passed in I.A. No. I was already confirmed on merits, and a general written



statement cannot be treated as specific objections to the relief sought in I.A. No.III, particularly in the context of extension of the interim protection.

4. Heard arguments of both sides and perused the materials on record.

5. The points which arise for consideration of this Court are as follows;

Point No.1: *Whether the applicant/plaintiff has made out sufficient grounds to allow IA No. III, as sought for?*

Point No.2: *What Order?*

7. The findings of this Court on the above points is as hereunder:

Point No. 1 : *In the 'Affirmative';*

Point No. 2 : *As per final Order, for the following;*

REASONS

8. **Point No.1:** It is well-settled that an application seeking discretionary relief, such as extension of an interim injunction under Section 151 CPC, must be contested or supported by a party through specific pleadings addressing the grounds raised in the said application. A written statement is a defence to the main suit and is not automatically to be treated as a reply or objection to interlocutory applications unless it deals with the reliefs claimed in those applications. In the present case, the defendant has merely filed a memo requesting that the written statement be treated as objections. The said written statement does not specifically address the grounds on which the plaintiff has sought extension of the confirmed injunction Order or the circumstances narrated in the affidavit accompanying I.A. No. III. Therefore, the Court finds that



the objections to I.A. No. III are neither specific nor sufficient to rebut the contentions raised by the plaintiff. Mere filing of a memo without addressing the factual basis of the application cannot be considered as effective opposition to the same.

9. The record reveals that an ex-parte ad-interim injunction was granted in I.A. No. I, which was subsequently confirmed after hearing both sides by a detailed Order dated 17.01.2024. The said Order remained in force for six months until 16.07.2024. The present application I.A. No. III seeks continuation of the same protection during the pendency of the suit. The affidavit filed in support of I.A. No. III states that due to inadvertence, an application for extension was not filed before expiry of the earlier Order. The applicant has explained the lapse and submitted that when the defendant again attempted to disturb the possession and a police complaint was filed, it is that he realised the expiry and filed the present application to seek extension of the injunction.

10. The facts stated in the affidavit indicate that the plaintiff continues to remain in possession and that the defendant's recent attempt to disturb the same only reinforces the need to maintain the status quo as protected under the earlier confirmed Order dated 17.01.2024. The defendant has not denied or contested the new allegations or grounds made in I.A. No. III. The earlier Order was passed on merits and continues to have persuasive value in deciding the present request.

11. The balance of convenience and irreparable injury still lean in favour of the plaintiff. If the interim relief is not extended, the plaintiff may suffer loss of possession and hardship which cannot be adequately compensated by damages. On the other hand, continuation of the earlier Order does not cause any



disproportionate hardship to the defendant. *Accordingly, this Court answers Point No.1 in the 'Affirmative'.*

12. Point No.2: For the foregoing reasons on Point No.1, this Court proceeds to pass the following;

ORDER

I.A. No. III filed by the plaintiff under Section 15 of CPC is hereby allowed.

The temporary injunction confirmed by this Court in I.A. No. I by Order dated 17.01.2024 shall continue in force till the disposal of the suit, subject to the condition that the plaintiff shall promptly lead evidence without seeking undue adjournments.

No Order as to costs.

(Dictated to the Stenographer, transcribed and typed by her, revised and corrected by me, and then pronounced in the Open Court, on this the 21st day of June, 2025)

(Sparsha M. D'Souza)
III Addl. Civil Judge and J.M.F.C.,
Belagavi