



**IN THE COURT OF THE ADDITIONAL CIVIL JUDGE AND  
JMFC, AT MUDHOL.**

**Present: Sri. Pradip Potadar, B.Com. L.L.B.,**

**Addl. Civil Judge & JMFC., Mudhol.**

**Original Suit No.236/2024**

**Dated, the 08<sup>th</sup> day of July 2026.**

**Plaintiff:**

1. Sri.Ningappa S/o Hanamanth  
Batakurki,  
Age: 45 years, Occ: Agriculture,  
R/o: Roogi, Tq: Mudhol,  
Dist: Bagalkot.

**(By Sri. Suhas P. Vastrad, Advocate)**

**-Vs-**

**Defendants:**

1. Smt. Kashibai W/o Ashok Balraddi,  
Age: 50 Years, Occ: Household Work,  
R/o: Roogi, Tq: Mudhol,  
Dist: Bagalkot.

**(The defendant No.1 by Sri.  
M.S.M.Math Advocate)**

2. The Panchayat Development Officer,  
Gram Panchayat Gulagalajambagi,  
Tq: Mudhol, Dist: Bagalkot.

**(The defendant No.2 by Sri.  
H.A.Kadapatti Advocate)**

3. The Executive Officer,  
Taluka Panchayat, Mudhol.  
Tq: Mudhol, Dist: Bagalkot.

**(The defendant No.3 By Ex.parte)**

**PARTIES ON I.A.III**

**Applicant/** : Sri.Ningappa Hanamanth Batakurki.  
**plaintiff:**

**Opponents/** : Smt.Kashibai Ashok Balraddi and  
**Defendants** others.

Provision under which the application is filed U/Order 39 Rule 1 & 2 of Civil Procedure Code.

Relief sought for To grant an ad-interim order of ex-parte temporary injunction.

Date on which application are filed 05.06.2026

Number of the application IA-3

Date on which objection is filed by the opponent, 06.06.2026

Date on which the order is passed 08.07.2026

**ORDER ON I.A.No. III FILED BY THE PLAINTIFF UNDER  
ORDER XXXIX RULE 1 & 2 R/W SECTION 151 OF CIVIL  
PROCEDURE CODE.**

The present application is filed by the plaintiff seeking to issue an ad-interim temporary injunction order against the defendants No.2 and 3 restraining them from demolishing “GH” wall till the disposal of suit.

**2.** The plaintiff in the affidavit annexed to application it is stated that he is owner in possession of the suit property. The plaintiff has constructed house in suit property at area shown by letter “ABEF” and left the open space towards southern portion of his suit property area shown by letter “EFCD” and constructed the compound wall to secure and for the convenience of the suit property shown by letter “GH”.

**3.** The defendants No.1 is the owner of house bearing VPC No.182/1 of Roogi Village coming under Gulagalajambagi Gram Panchayat Tq: Mudhol as shown by letter “IDJK” situated towards the southern side of suit property. There is a house shown by letter “LIMJ” bearing VPC.No. 182 of Kallawwa Rangappa Vantagodi which slightly abutting to suit property at point “CI”. The

defendant No.1 and Kallawwa Rangappa Vantagodi have not having any right, title or whatsoever interest over my suit property.

**4.** The defendant No.1 and Kallawwa Rangappa Vantagodi are entering their houses respectively from road situated towards southern side of their property.

**5.** There is house property of Sri. Bhimshi Appanna Batakurki bearing VPC No. 177 shown by letter “ PARC” towards the western side of suit property. The Bhimshi Appanna Batakurki has left some space for personal use to reach road which is situated towards the northern side which is lying in south north direction. Neither plaintiff nor the defendant No.1 and Kallawwa Vantagodi have no right title, whatsoever interest in the said passage.

**6.** Such being the case, recently defendant No.1 has left door and two windows in “ID” wall of his property towards the suit property of the plaintiff in-spite of protest. Now the defendant No.1 taking undue advantage illegally opened

door and windows towards my property and started to claim the road in my suit property. There is no road in the property of plaintiff.

**7.** The defendants by colluding with each are intending to create a documents to show that there is a road towards the southern side of suit property. If the defendants are succeeded to achieve their illegal plaintiff will be put to irreparable injury. The defendant No.1 with the instigation of defendants No.2 and 3 are causing obstruction to peaceful possession and enjoyment of the suit property. The plaintiff has requested the defendants not to do illegal acts and not to cause any kind of obstruction, but the defendants by taking undue advantage of their powers are not heeding the request of plaintiff. Hence, plaintiff constrained to file this suit for perpetual injunction against the defendants.

**8.** After filing the present suit, the defendant No.2 has passed resolution on 21-01-2025, wherein the said

resolution it is directed to maintain status quo till the disposal of the suit.

**9.** Accordingly, CEO Zilla Panchayat relying on the resolution No.1/1 dated 25-06-2024 has also passed its order dated 26-03-2025 to maintain status quo till disposal of the present suit. But the defendants No.2 and 3 colluding with defendant No.1 and also well aware of pendency of this suit has again deliberately issued notice dated 01-06-2026 to clear the compound wall built by plaintiff by encroaching on the public road between the property of VPC.No. 182/1, Roogi Village under the jurisdiction of Gulgalajambagi Gram Panchayat and the property of VPC. No. 176.

**10.** From the above notice dated 01-06-2026 it is very evident that the defendants No.2 and 3 are colluding with defendant No.1. The defendants No.2 and 3 are the puppets in the hands of defendant No.1. The Zilla Panchayat CEO passed orders to maintain status quo even higher authority and taking Law in their hands they are trying to demolish the “GH” wall. The conduct of defendants No.2 and 3 are

terrifying, it shows that they are not Law-abiding officers. On these grounds the plaintiff prays to allow the IA.

**11.** On the other hand, the defendant No.1 has filed objections to the application. The defendant No.2 has not filed objection to the IA No.3. It is contended that the application is filed by the plaintiff on false and baseless grounds. The defendant denied entire contents of the affidavit. The defendant No.1 is owner of property VPC No. 182/1 measuring 17x35 feet and she is in possession. The plaintiff is the owner of VPC No. 176 and he is in possession the property. The property of defendant No.1 located towards northern side of the road between plaintiff and defendant No.1 properties, 7 to 8 feet road in existence. The first defendant has left window and door for air and light. The plaintiff without seeking permission from the defendants No.2 and 3 has illegal constructed compound wall towards northern side of the property of defendant No.1 and closed the road. The plaintiff has encroached road and constructed the compound wall. In this regard the defendants No.2 and 3 have got issued notice to the plaintiff

to remove encroachment based on the complaint given by defendant No.1 to the defendant No.3. In this regard after inquiry the defendants No.2 and 3 have directed the plaintiff to remove encroachment made on the road in between the property of plaintiff and defendant No.1. The application is not maintainable and liable to be dismissed. **On these grounds, the defendant No.1 prays to dismiss the application.**

**12.** I have heard arguments from counsel for plaintiff and defendant No.1 and perused the materials on record.

**13.** The following points are arise for my consideration:-

**POINTS**

- 1. Whether the plaintiff has made out prima facie case?**
- 2. Whether the balance of convenience lies in favour of plaintiff to grant temporary injunction order?**
- 3. Whether the irreparable loss would be caused to the plaintiff, if application is not allowed?**
- 4. What order?**

**14.** My findings on the above points are as under:

**Point No.1:** : **In the NEGATIVE.**  
**Point No.2** : **In the NEGATIVE.**  
**Point No.3** : **In the NEGATIVE.**  
**Point No.4** : As per the final order  
for the following:

**REASONS**

**15. Points No.1 to 3:** These points are interconnected to each other, hence they are taken together for discussion in order to avoid repetition of facts. The brief facts of the affidavit and objection filed by the defendant No.1 is already stated above.

**16.** I have gone through IA, affidavit and documents placed before the court by the plaintiff. The contents of the affidavit and objection is already stated above. The present suit is filed by the plaintiff against the defendants for the relief of permanent injunction. The present IA is filed seeking restrain the defendants No.2 and 3 from causing obstruction to the peaceful possession and enjoyment of the suit property against and not to demolish “GH” wall. In this case though the defendant No.2 has appeared before the court, not filed any objection to the IA. The defendant No.3

is placed ex-parte. The defendant No.1 has filed objections to the application.

**17.** The plaintiff along with this application has filed documents with memo. 1). Notice got issued by the defendant No.3 dated 01-06-2026. 2). Notice to plaintiff dated 26-03-2025 issued by District Panchayat Office Bagalkote. 3). Copy of resolution passed by the Gram Panchayat of, Gulgala-Jambagi. 4). Notice dated 23-02-2026 issued by defendant No.2. 5). Endorsement issued by the defendant No.2 dated 21-02-2024.

**18.** I have heard arguments from the both the side. At the outset, I have gone through the documents produced by the plaintiff as above stated. I have perused the notice dated: 01-06-2026 issued by the defendant No.3 to the defendant No.2, on perusal it is very much goes to show that the plaintiff has encroached road and constructed compound wall in between property of defendant No.1 and plaintiff of Roogi Village which came in the jurisdiction of Gulgala-Jambagi Gram Panchayat i.e. "GH" wall and hence the

defendant No.3 insisted to defendant No.2 come with all equipments for demolition of wall. Further, I have perused notice dated: 26-03-2025 issued by CEO of Zilla Panchayat Office. It goes to show that the Chief Officer of Zilla Panchayat, Bagalkot has issued notice to the plaintiff stating that the PDO of Gram Panchayat Gulgala-Jambagi to take action against any illegal construction made out by the plaintiff after conclusion of suit filed by the plaintiff. Further, on perusal of the notice dated: 23-02-2026 it appears that the Taluk Panchayat has got issued notice to the PDO of Gram Panchayat Gulagal-Jambagi not to take any action against the plaintiff until disposal of M.A. No. 16/2025, which is pending before Addl. Senior Civil Judge & JMFC, Mudhol. On perusal of the above documents produced by the plaintiff herself goes to show and very much transpires that the plaintiff has encroached over the "GH" road and constructed compound wall. Such being the case, the court cannot protect illegal acts of the plaintiff by granting order of temporary injunction. The plaintiff has not made out any prima-facie grounds to grant temporary injunction against the defendants No.2 and 3. Therefore, the

plaintiff would not entitled for the relief against the defendants No.2 and 3. **Accordingly, I answered Points No.1 to 3 in the NEGATIVE.**

**19. POINT NO.4:-** In view of my discussion on Point No.1 to 3, I proceed to pass the following:-

**ORDER**

**The interlocutory application No.3 filed by the plaintiff Under Order XXXIX Rule 1 and 2 R/w Section 151 of Civil Procedure Code is hereby dismissed on cost of Rs. 500/-.**

(Dictated to the stenographer transcribed and computerized by him, script revised, corrected and pronounced by me in the Open Court on this the 08<sup>th</sup> day of July 2026).

**(Sri.Pradip Potadar)  
Addl.Civil Judge and JMFC,  
Mudhol.**