

KABK610029652025



**IN THE COURT OF CIVIL JUDGE AND JMFC,
BANAHAATI**

PRESENT: Smt. SAUMYA HOOLI
B.A.,LL.B.
Civil Judge & JMFC,
BANAHAATI

O.S.No.225/2025

Dated this the 13th day of March-2026

PLAINTIFF:

1. Subhas S/o Vittal Mavarkar,
Age: 50 years, Occ: Agriculture,
R/o: Sameerwadi, Tq: Rabakavi-Banahatti,
Dist.: Bagalkot.

(By Sri B.N.S., Advocate)

//Versus//

DEFENDANT:

1. Giramallappa S/o Ramappa Mirji,
Age: 45 years, Occ: Agriculture,
R/o: Bisanal, Tq: Rabakavi-Banahatti,
Dist.: Bagalkot.

(By Sri S.C.U., Advocate)

PARTIES ON I.A.No.III**Applicant/Plaintiff:**

1. Subhas S/o Vittal Mavarkar

//Versus//

Opponent/Defendant:

1. Managing Director (Sugarcane Bying Section),
Godavari Sugar Factory,
Sameerwadi, Tq: Rabakavi-Banahatti, Dist.: Bagalkot.

ORDER ON IA.III

1. The applicant/plaintiff filed IA No.III U/sec.94(e) R/w sec.151 of CPC to direct the managing director of Godavari Biorefineries Limited Sugar Factory , Sameerwadi to deposit the sugarcane bill amount in the court pertaining to sugarcane crops grown in suit property bearing RS No.41/7 measuring 02 acres 31 guntas situated at Bisnal village.
2. In the affidavits annexed to IA No.3, the plaintiff has averred that, he is the owner and in possession of the suit property bearing RS No.41/7 measuring 02 acres 31 guntas

situated at Bisnal village, via registered sale deed. The defendant has trespassed the suit property and has cut down the sugarcane crops grown in the suit property by the plaintiff. Thus, the plaintiff has filed the above said application.

3. The defendant has filed memo praying to treat the contents of his written statement as objections to IA No.3. In the objections, the said defendant denied the entire averments of the plaintiff and contended that, there has been no any transaction between the plaintiff and defendant. The plaintiff by taking advantage of innocency of brother of defendant and by colluding with revenue officials has illegally got created sale deed with respect to suit property in favour of plaintiff. The sisters of defendant have filed suit bearing OS No.362/2023 before the Sr. Civil Judge, Banahatti seeking relief of partition against the present defendant and his brother by name Anand. The said suit is still pending and also that the daughter of the plaintiff has falsely filed case U/ sec.138 of NI Act against Anand Mirji for the amount of

Rs.38,00,000/- and the said case is also still pending. The plaintiff in order to harass the defendant and his family has been filing false suits and private complaints against the defendant. When the plaintiff is not in possession of the suit property, there is no question of growing sugar cane crops in the suit property. The defendant, his brother and his four sisters are in joint possession of the suit property and have grown sugar cane crops by investing huge amount. Thus, prayed to reject the above said application.

4. Upon hearing the arguments and on perusal of materials placed on record, the following points that arise for consideration are;

(1) Whether the plaintiff has made out sufficient grounds to allow the IA No.III?

(2) What order?

5. The findings of this court to the above points are as under;

Point No.1 : In the Negative

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

REASONS

6. Point No.1:- The facts of the present application are already narrated above to avoid repetition.

In brief, it is the case of the plaintiff that, he has purchased the suit property from the brother of the defendant via registered sale deed and since the date of purchase, the plaintiff is in the possession of the suit property. But, the defendant by trespassing the suit property has cut down the sugarcane crops grown in the suit property by the plaintiff and has transported the said crops to the opponent's factory

7. Perused the materials placed on record. It is pertinent to note that, the present suit is one for bare permanent injunction, wherein the scope of adjudication is limited to determining whether the plaintiff was in lawful possession of the suit property as on the date of the suit and whether there was interference by the defendant. In such a suit, the Court is not required to conduct an elaborate enquiry regarding the title of the parties or detailed accounts relating to the crop.

The relief sought in the present application for directing the sugar factory to deposit the sugarcane bills does not have a direct bearing on the limited issue involved in the present suit for injunction, particularly when the question of possession is to be determined on the basis of the material placed by the parties. Therefore, the said application appears to be beyond the limited scope of the present proceedings for permanent injunction and the plaintiff is at liberty to seek appropriate relief in accordance with law in appropriate proceedings. As stated above, the present suit is one for bare permanent injunction, wherein the Court is required only to decide the question of possession and interference. The Court is not called upon to determine the entitlement of the parties to the proceeds of the sugarcane crop or the factory bills. In a suit of this nature, even if the plaintiff ultimately succeeds, the Court cannot pass a decree directing allotment or distribution of the sugarcane factory bills, as is usually done in a suit for partition and separate possession where the shares of the parties and consequential benefits are

determined. Therefore, the relief sought by the plaintiff in the application under Section 94(e) of the Code of Civil Procedure, seeking direction to the sugar factory to deposit the sugarcane bills before the Court, is beyond the scope of the present suit for permanent injunction. Such a relief relating to distribution or entitlement of proceeds cannot be adjudicated in the present proceedings. Hence, this court answered point No.1 in the **Negative**.

8. Point No.2: For the foregoing reasons assigned in point No. 1, this court proceeds to pass the following :

ORDER

IA No.III filed by the plaintiff/
applicant U/sec.94(e) R/w sec.151 of
CPC is hereby rejected.

No order as to cost.

(Dictated to the stenographer directly on computer typed by him, corrected by me, then pronounced in the open court on this the 13th day of March, 2026)

(SAUMYA HOOLI)
Civil Judge & JMFC
Banahatti