

IN THE COURT OF PRL. CIVIL JUDGE AND JMFC, ANEKAL.

12th day of February 2026

PRESENT: Sri. Shankarareddy.D.V., L.L.B., PGD in IR & PM.,
Prl. Civil Judge and JMFC, Anekal.

OS.No. 218/2025

Plaintiffs : Sri. Devaraja.M and another,

V/s.

Defendants : Sri. N.Sashidhar & others.,

IA No.I

Plaintiffs/ Applicants : Sri. Devaraja.M and another,

V/s.

Defendants/Opponents : Sri. N.Sashidhar & others.,
_ _

ORDERS ON IA No.I

IA No.I filed by the plaintiffs U/o.XXXIX Rule 1 & 2 of CPC seeking an interim order of temporary injunction restraining the defendants and their men from interfering with their peaceful possession and enjoyment of suit schedule property pending disposal of the suit.

2. Brief facts of the plaintiffs case are set out hereunder:-

Originally property bearing Sy.No.259, measuring 2 acre 9 guntas situated at S.Bingipura village, Jigani Hobli, Anekal Taluk, Bengaluru District belongs to M.Annaiyappa S/o Munivenkatappa. He sold the same to one Mohammed Yusuff under the sale deed dated 12-08-1997. In turn, the said Mohammed Yusuff sold the same to one Sandyag Kumar under the sale deed dated 19-12-2006. Thereafter, the said Sandyag Kumar sold the same to R.Prabakar Reddy under the sale deed dated 12-06-2012. Subsequently, the said R.Prabhakar Reddy formed the residential layout in the said land and suit schedule site sold to one Fahmeeda Bano under the sale deed dated 23-06-2012 through his power of attorney holder. Thereafter, the said Fahmeeda Bano sold the same to plaintiffs under the sale deed dated 10-01-2024. Accordingly, katha transferred to the name of plaintiffs and they are in possession of the same. The defendants have no manner of right, title or interest over the suit schedule property. Such being the case, on 11-11-2024 the defendants disturbed to the plaintiffs peaceful possession of suit schedule property. Hence, plaintiffs constrained to file the present suit for

permanent injunction in respect of suit schedule property along with present application for the aforesaid relief.

3. Defendant No.1 to 3 resisted the present suit by filing written statement and along with adoption memo. Considering the memo, written statement treated as objection IA No.I.

4. **Brief facts of the averments of written statement of defendant No.1 to 3 are set out hereunder:-**

Defendant No.1 to 3 admitted the fact that originally property bearing Sy.No.259, measuring 2 acre 9 guntas belongs to said Annaiyappa. The said Annaiyappa had five sons and one daughter namely A.Narayanappa, A.Krishnappa, A.Venkataswamy, A.Sampangi, A.Narasimhamurthy & Venkatalakshmi. The said A.Narayanappa died and the defendant No.1 to 3 herein are his children. The defendant No.4 is daughter of said A.Krishnappa. The defendant No.5 is the son of said A.Venkataswamy.

It is further case of the defendant No.1 to 3 that the said Annaiyappa sold the said 2 acre 9 guntas in Sy.No.259 to Mohammed Yusuff. Subsequently, the said Mohammed Yusuff sold the same to one Sandyag Kumar under the sale deed dated

19-12-2006. Thereafter, the said Sandyag Kumar sold the same to R.Prabakar Reddy under the sale deed dated 12-06-2012. Subsequently, the said R.Prabhakar Reddy formed the residential layout in the said land without obtaining approvals from concerned authorities and suit schedule site said to have sold to one Fahmeeda Bano under the sale deed dated 23-06-2012. Then, the said Fahmeeda Bano sold the same to the plaintiffs under the sale deed dated 10-01-2024.

It is further case of the defendant No.1 to 3 that said Annaiyappa belongs to SC/ST community and said land granted to him by the concerned authority. But without obtaining prior permission from concerned authority, the said Annaiyappa sold the same to Mohammed Yusuff without prior approval of concerned authority. Therefore, defendant No.1 to 3 and other some of his family members initiated proceedings at PTCL No.41/2023 before the Assistant Commissioner, Bengaluru South in respect of said 2 acre 9 guntas of Sy. No.259 of S.Bingipura village, Anekal Taluk and said proceedings are pending for adjudication.

Further case of the defendant No.1 to 3 that the defendants and their family members retained 2 acres in the said survey number, to which the plaintiffs herein tried to interfere. Therefore, present suit and present application are devoid on merit. Accordingly, defendant No.1 to 3 prayed to dismiss present application with cost.

5. Having heard both side on IA No.I and on perusal of material available on record, the following points arise for consideration;

1. Whether the plaintiffs have made out prima-facie case in their favour?
2. Whether the balance of convenience lies in-favour of plaintiffs?
3. Whether the irreparable injury would be caused to the plaintiffs, if present application is disallowed?
4. What order?

6. On appreciation of material available on record, the above points are answered as under;

POINT No.1 to 3 :- In the Affirmative,

POINT No.4 :- As per final order,

for the following ;

REASONS

7. Point No.1:- Defendant No.1 to 3 have not denied the fact that property bearing Sy.No.259, measuring 2 acre 9 guntas of S.Bingipura village, Anekal Taluk originally belongs to their grandfather by name Annaiyappa and he sold the same to one Mohammed Yusuff. Subsequently, said Mohammed Yusuff sold the same to one Sandyag Kumar under the sale deed dated 19-12-2006. Thereafter, the said Sandyag Kumar sold the same to R.Prabakar Reddy under the sale deed dated 12-06-2012. Subsequently, the said R.Prabhakar Reddy formed the residential layout in the said land and suit schedule site sold to one Fahmeeda Bano under the sale deed dated 23-06-2012. Then, the said Fahmeeda Bano sold the same to the plaintiffs under the sale deed dated 10-01-2024. The said facts prima-facie proves from the copies sale deeds, katha extracts etc., produced by the plaintiffs.

The core contention of the defendants that the said R.Prabhakar Reddy formed the residential layout in the said 2 acre 9 guntas without obtaining necessary approvals from concerned authorities and sold the sites, therefore plaintiffs are

not entitled for temporary injunction. If the said R.Prabhakar Reddy formed the sites in the said land without obtaining necessary approvals from concerned authority, then the concerned authorities may take necessary action against the said R.Prabhakar Reddy and any other persons in accordance with law. Therefore, the said contention of the defendants before this court will not be sustainable.

Another main contention of the defendant No.1 to 3 that their grandfather sold the said land without taking prior permission of Government, hence they questioned same under the provisions of of PTCL Act at PTCL No.41/2023 before the Learned Assistant Commissioner, Bengaluru South and same is pending for adjudication. If defendant No.1 to 3 succeeded in the said proceedings, obviously the concerned authorities would restore the possession of suit property to the defendants. Therefore, till then the defendants cannot disturb the possession of suit schedule property of plaintiffs. As such, this court of the view that said contention of the defendant No.1 to 3 unsustainable at this stage.

Yet another contention of the defendant No.1 to 3 that in Sy.No.259 the defendants are in possession of 2 acres land and to the same, the plaintiffs interfered. If that is so, the defendants may take necessary legal action against plaintiffs herein. Therefore, the said contention also unsustainable.

As discussed herein above, the documents produced by the plaintiffs clearly prima-facie go to show that the plaintiffs are in possession of suit schedule property. Further, it is not the specific case of the defendants that they are in possession of suit schedule property. Rather, their case is denial of plaintiff averments and they have taken aforesaid unacceptable contentions. Thus, this court of the view that the plaintiffs have made out prima-facie case with regard to their possession over the suit schedule property. Hence, point No.1 answered in the Affirmative.

8. Point No.2 & 3 :- In order to avoid repetition of facts, these two points are taken up together for consideration. In Point No.1 this court comes to the conclusion that plaintiffs have established prima-facie case that they are in possession of suit schedule property. In the circumstance if present application is

not allowed, then the defendants would not allow the plaintiffs to continue their possession in the suit property and same would cause irreparable injury to the plaintiffs and same cannot be compensated in any manner. Therefore, balance of convenience lies infavour of plaintiffs. In the result, point No.2 and 3 answered in the Affirmative.

9. Point No.4: For the reasons assigned in point No.1 to 3, the plaintiffs are entitled the relief of temporary injunction as prayed in the present application. Therefore, this court proceeds to pass the following:-

ORDER

IA No-I filed by the plaintiffs under Order XXXIX Rule 1 and 2 of CPC is hereby allowed.

The defendants are hereby restrained from interfering with plaintiffs peaceful possession and enjoyment of suit schedule property pending disposal of the suit.

(Directly dictated to steno, corrected, signed and pronounced by me in Open Court on this the 12th day of February 2026.)

(Sri. Shankarareddy D.V)
Prl. Civil Judge & JMFC., Anekal.