

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

26th day of September 2025

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

OS.No.548/2024

Plaintiff : A.P Siddachari,

V/s.

Defendant : L Muniraju and others.

IA No.I

Plaintiff/ Applicant : A.P Siddachari

V/s.

Defendant/Opponent : L Muniraju and others,

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ORDER ON IA No. I

The plaintiff has filed the present application U/o. XXXIX Rule 1 & 2 R/w Sec.151 of CPC seeking an interim order of temporary injunction restraining the defendants and their men from interfering with his peaceful possession and enjoyment of suit schedule property pending disposal of the suit.

2. In the affidavit annexed to the present application, plaintiff stated that property bearing Sy.No.27/2 measuring 3 acres including 4 guntas karab situated at Kannanayakana

Agrahara Dhakale, Jigani Hobli, Anekal Taluk, Bengaluru District originally belongs to one K.K Sheriff. He sold the same to one Mustan Sab under the registered sale deed dated 26-05-1972. Thereafter, the said Mustan Sab died leaving his wife and children ie., Beebijan, Ameerjan and Gulabjan. Thus, on the death of said Mustan Sab, his wife and children got right over the said property and they sold the same to one L Muniraju (defendant No.1 herein) under the registered sale deed dated 03-09-1976. Thereafter, the said L Muniraju (defendant No.1) formed residential layout in the said land and he sold 12 sites ie., site No.53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63 and 70 infavour of Sri.V.S Neelakantha and also executed GPA in his favour on 21-02-2005. Thereafter, the said V.S Neelakantha sold the suit schedule property (site No.54) to the plaintiff under the registered sale deed dated 24-03-2006. Since then, he is in possession and enjoyment of the same. Such being the case, the defendants tried to interfere with plaintiff's peaceful possession and enjoyment of suit schedule properties on 02-07-2024. Therefore, plaintiff knocked the doors of this court by filing present suit for

permanent injunction along with present application for the aforesaid reliefs.

3. Defendant No.1 to 3 appeared before the court through counsel and resisted the suit of the plaintiff by filing written statement and they also filed memo praying to adopt the written statement as objection to IA No.1. Accordingly, written statement treated as objection to IA No.1. In the written statement, defendants denied the entire case of the plaintiff in-toto as false and not set up any specific defence and also not set up any right, title or interest over the suit schedule property. With this, the defendants prayed to reject the present application.

4. Having heard both side and on perusal of material available on record, the following points arise for consideration;

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

5. 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

6. Point No.1:- In support of his case, plaintiff produced copy of sale deed dated 26-05-1972, copy of RTC, copy of sale deed dated 03-09-1996, copy of MR, copy of RTC, copy of GPA dated 21-02-2005 and copy of sale deed dated 24-03-2006.

On perusal of the said documents, prima-facie appears that originally property bearing Sy.No.27/2 measuring 3 acres including 4 guntas karab situated at Kannanayakana Agrahara Dhakale, Jigani Hobli, Anekal Taluk, Bengaluru District belongs to one K.K Sheriff. He sold the same to one Mustan Sab under the registered sale deed dated 26-05-1972. Thereafter, the said Mustan Sab died leaving his wife and children ie., Beebijan, Ameerjan and Gulabjan. Thus, on the death of Mustan Sab, his wife and children got right over the said property and they sold the same to one L Muniraju (defendant No.1 herein) under the registered sale deed dated 03-09-1976. Thereafter, the said L Muniraju (defendant No.1) formed residential layout in the said land and he executed GPA in favour of V.S Neelakantha on 21-

02-2005 in respect of site Nos.53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63 and 70. Thereafter, the said V.S Neelakantha sold the suit schedule property (site No.54) to the plaintiff under the registered sale deed dated 24-03-2006. Since then, he is in possession and enjoyment of the same.

Per contra, except denial of the plaintiff's case by the defendants, not made any claim in respect of suit schedule properties. In the circumstance, it can be said that the plaintiff has made out arguable and triable case in his favour. Therefore, this court of the view that plaintiff has made out prima-facie case in her favour.

7. Point No.2 and 3:- Plaintiff has made out Prima-facie case with regard to his possession over the suit property. In the circumstance, if interim order as prayed by the plaintiff in the present application is not granted, then defendants may dispossess the plaintiff from suit property during the pendency of trial and same would cause irreparable loss and injury to the plaintiff and same cannot be compensated in any manner. Therefore, the balance of convenience lies infavour of plaintiff. In the result, point No.2 and 3 answered in the Affirmative.

8. Point No.4: For the reasons assigned in point No.1 to 3, the plaintiff is entitled the relief of temporary injunction as prayed in the present application. Accordingly, this court proceeds to pass the following:-

ORDER

IA No-I filed by the plaintiff under order XXXIX Rule 1 and 2 R/W section 151 of CPC is hereby allowed.

The defendants and their men are hereby restrained from interfering with plaintiff's 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 26th day of September 2025.)

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

1. Whether the plaintiff proves his lawful possession over the suit schedule properties as on the date of suit?

Whether the plaintiff proves the interference by the defendants to his peaceful possession and enjoyment of suit schedule properties?

Whether the suit of the plaintiff is maintainable without seeking the relief of declaration of title?

Whether the plaintiff is entitled the relief of permanent injunction as sought for?

What order or decree?