

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

20th day of July 2026

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

OS.No. 731/2024

Plaintiff : Sri. Krishnappa and others,

V/s.

Defendants : Sri. Jayaram and others,

IA No.I

Plaintiff/ Applicant : Sri. Krishnappa and others,

V/s.

Defendants/Opponents: Sri. Jayaram and others,

*_ *_*

ORDERS ON IA No.I

IA No.I filed by the plaintiffs 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 plaintiffs peaceful possession and enjoyment of suit schedule property pending disposal of the suit.

2. Brief facts of plaintiffs' case is set out hereunder:-

Property bearing Sy.No.64/P62, present Sy.No.64, measuring 5 acre 4 guntas situated at Bhootanahalli village, Jigani Hobli,

Anekal Taluk, Bengaluru District bounded on east by Hakki Pikki Colony road, west by private land, north by Kaggalipura road and south by property of Jayaram S/o Pothalappa (hereinafter referred to as suit schedule property for short) originally belongs Government and same has been granted to the mother of plaintiff No.1 and 3 and grand mother of plaintiff No.2 by name Muniyamma W/o Chinnappa vide order number LND 309/128/58-59 passed on 06-02-1961 in Mis No.128/58-59. Thereafter, said Muniyamma/grantee name entered in revenue documents in respect of suit schedule property and she continued in possession of the same. Thereafter, the said Muniyamma died intestate. As such, the plaintiff No.1 and 3 and father of plaintiff No.2 by name Ramaiah succeeded the suit schedule property as legal heirs of said Muniyamma and continued in possession of suit schedule property.

It is further case of the plaintiffs that defendant No.1 and his mother Nagamma along with others have created and manipulated the illegal, fraudulent and vide documents such as gift deed dated 10-04-202, sale deed dated 10-05-1993 and collusive decree obtained in OS No.173/1993 in respect of suit

schedule property. Therefore, defendant No.1 and others filed petition No. K SC/ST (PTCL) No.24/2008-09 challenging the said gift deed, decree and sale deed before the Learned Assistant Commissioner, Bengaluru South Sub-Division and same came to be allowed vide order dated 08-02-2013 and in pursuance of said order suit schedule property restored to the plaintiffs. Accordingly, the plaintiffs are in possession and enjoyment of suit schedule property.

It is further case of the plaintiffs that the defendant No.1 claiming to be adjacent owner of property Sy. No. 64/P60 measuring 4 acre 13 guntas situated towards southern side of suit schedule property and same is no concerned to the suit schedule property.

It is further case of the plaintiffs that defendants have no manner of right, title or interest over the suit schedule property. Such being the case, on 10-08-2024 the defendants tried to encroach southern portion of suit schedule property. Hence, plaintiffs constrained to file the present suit for the relief of permanent injunction along with present application for the aforesaid relief.

3. The defendants opposed the present suit by filing written statement along with adoption memo praying to adopt the written statement as objection to IA No.I. Considering the same, written statement treated as objection to IA No.I.

4. Brief facts of the written statement are set out hereunder;-

Defendants denied the plaintiffs case in toto. Defendants contends that defendant No.1 is the absolute owner in possession and enjoyment of property bearing Sy.No.64/P60, measuring 4 acre 13 guntas situated at Bhootanahalli village, Jigani Hobli, Anekal Taluk, Bengaluru District. It is further case of the defendants that originally said property granted to defendant No.1 father by name Muniswamy S/o Subbaiah. Subsequently, the said Muniswamy sold the same to one Venkateshappa and others. Thereafter, the defendant No.1 and others filed petition No.K SC/ST(A) No.1/1998-99 before the Assistant Commissioner, Bengaluru South Division and same came to be allowed vide order dated 21-01-2000 and said land restored to the defendant No.1 and he is in possession and enjoyment of the same with his family. The defendants further contends that they were

constructed a house in the said property and they were also dug a bore well in the said property and took electric connection to the said property and also grew various trees in the said property.

It is further case of the defendants that the plaintiffs have no manner of right, title or interest over the said property. Further, contends that suit schedule property not at all in existence as per the version of plaintiff and thereby they are not in possession and enjoyment of suit schedule property and the plaintiffs filed the false suit with a malafide intention. With these and other grounds the defendants prayed to reject the 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 :- In the Negative,

POINT No.2 & 3 :- Do not survive for consideration,

POINT No.4 :- As per final order,

for the following ;

REASONS

7. **Point No.1:-** In support of their case, plaintiffs produced copy of Grant certificate, copy of death certificate of Muniyamma, copy of Family tree of plaintiffs, Mutation register, Order dated 08-02-2013 passed in K SC/ST (PTCL) No.24/2008-09 and photographs. On the other hand, the defendants produced copy of Grant certificate, RTCs, Photographs and copy of Order passed in RRT (2) (A) C.R.42/2009-10 in support of their case.

Carefully perused the aforesaid documents produced by the plaintiffs and defendants. During the course of argument, learned counsel for the defendants vehemently argued that alleged suit schedule property not at all in existence and the plaintiffs are trying to interfere with defendants property on the strength of

aforesaid false and created documents. On perusal of the photographs produced by the plaintiffs, prima-facie appears that in the alleged suit schedule property Coconut trees have been grown. On perusal of the photographs produced by the defendants, prima-facie appears that defendants also grown Coconut trees in their land and further appears that house and bore well are in existence in their land. During the course of argument, learned counsel for the defendants further argued that the photographs produced by the plaintiffs are in relation to property of defendants and by showing said photographs, the plaintiffs are claiming to be in possession of defendants property. It is relevant to note that it is not the specific case of plaintiffs that they grew Coconut trees in the suit schedule property and put-up construction of house in the suit schedule property. In the circumstance, it may not be ruled that the photographs produced by the plaintiffs might be property of defendants as per the argument of learned plaintiffs counsel. Nonetheless, the plaintiffs not produced any Survey sketch, Phodi or any survey report to prove the prima-facie case with regard to existence of suit schedule property. More importantly, plaintiffs also not

produced any material before the court to prove the prima-facie case with regard to restoration of the possession of suit schedule property as per the order dated 08-02-2013 passed in K SC/ST (PTCL) 24/2008-09. That being the case, existence of suit schedule property appears to be doubtful. Under these circumstances, it cannot be said that plaintiffs proved prima-faice case with regard to existence of suit schedule property and their possession over the same on the basis of aforesaid documents produced by the plaintiffs. Therefore, this court of the view that plaintiffs failed to prove the prima-facie case in their favour. In the result, point No.1 answered in the negative.

8. Point No.2 and 3:- In **Kashi Nath Samsthan Vs Shrimad Sudhindra Thirtha Swamy (2010) I SCC 689** – The Hon’ble Supreme Court observed that “Prima-facie case must precede an order of injunction. Only when prima-facie case is established, the court will consider other factors. If applicant fails to prove prima-facie case, he is not entitled to temporary injunction”. In the case on hand, plaintiffs failed to made out prima-facie case in their favour. Therefore, consideration of these

two points do not arise. In the result, point No.2 & 3 answered as do not survive for consideration.

9. Point No.4:- Plaintiffs failed to make out prima-facie in their favour. Therefore, plaintiffs are not entitled the relief of temporary injunction as prayed for. Accordingly, this court proceeds to pass the following:-

ORDER

IA No-I filed by the plaintiffs U/o. XXXIX Rule 1 and 2 R/w Sec.151 of CPC is hereby dismissed.

(Directly dictated to steno, corrected, signed and pronounced by me in Open Court on this the 20th day of July 2026.)

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