



**IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC,**

**DODDABALLAPURA.**

**Dated this the 8<sup>th</sup> day of September 2025.**

**PRESENT: SMT.SHILPA.H.A.**

**B.A.L., LL.B.,**

**Senior Civil Judge & J.M.F.C.**

**Doddaballapura.**

**O.S.No.9/2011**

**Plaintiff/s:**

**1. SMT. SHANTAMMA**

W/o Yellappa

D/o Anjinappa

Aged bout 40 years,

R/at Thogarighatta village,

Kasaba Hobli,

Doddaballapura Taluk.

**(By Sri. A.N.L., Advocate for plaintiff)**

**-Vs-**

**Defendant/s:**

**1. SRI. Anjinappa**

S/o Munishamappa

Major in age,

R/at No.717,2 Main, 2<sup>nd</sup> Cross,

R.K. Heggadenagar,



Arabic Collage Post  
Bangalore,  
and others.

**(By defendant No.1, 2 placed exparte,  
Sri. A.K., Advocate for defendant No.3,  
Sri K.M.,Advocate for defendant No. 4 & 5)**

**\* \* \* \* \***

**ORDER ON I.A.No.XVI**

Plaintiff has filed this I.A.No.XVI under order 39 Rule 1 and 2 of CPC., restraining the defendant No.3, his henchmen, agents, servants or any persons from dispossessing the Plaintiff from Suit Schedule property till the disposal of this suit.

**SCHEDULE**

Land bearing Sy No.123 measuring 0.19 guntas situated at kestur village,kasaba hobli,Doddaballapur Taluk,bounded on:

East by: Gangappa property

West by: Smt.Papamma Property

North by: Govt.hall

West by: Chandrashekar peoperty



2. Plaintiff has sworn to an affidavit in support of this I.A and contended that she has filed this suit for partition and separate possession seeking her share in the suit schedule property. Suit schedule property is her Ancestral and Joint Family property and she is in continuous possession and enjoyment over the same 22.07.2025 when she was cultivating Ragi crops in the suit schedule property, the defendant No.3 has filed false complaint before the Doddaballapura Rural Police Station. Thereafter ASI of said Police Station and defendant No.3 have entered in to suit schedule property and threatened the plaintiff not to enter the suit schedule property and if she enters then she will be sent to Jail. On 27.07.2025 the defendant and his henchmen have come up with large number of men and material and tried to dispossess the plaintiff from the suit schedule property. Plaintiff has made out prima faice case and balance of convenience lies in his favour



and at the same time if the Temporary Injunction is rejected he will put to irreparable loss and injury. Hence, prays to allow the I.A in the in the interest of justice and equity.

3. Defendant No.3 has filed objection to this I.A. and denied all the I.A and affidavit averments as false and further contended that he is in peaceful possession and enjoyment over the suit schedule property. The plaintiff has filed this IA with only intention to harass the defendant and drag on the proceedings to have wrongful gain. The plaintiff has not approached the court with clean hands and she is not entitled for any relief. Plaintiff has not made out prima facie case. If the IA is allowed defendant will be put to irreparable loss and injury. On the other hand if the IA is dismissed no injury or hardship will be caused to the plaintiff. Hence, prays to dismiss the I.A with exemplary cost in the interest of justice and equity.



4. Heard the arguments and perused the materials placed before me.

**5. My points are arises for my consideration are:**

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

**6. My findings to the above points are as follows:**

- |                         |          |                                              |
|-------------------------|----------|----------------------------------------------|
| <b>POINT No.1</b>       | <b>:</b> | <b>In the Negative</b>                       |
| <b>POINT No.2 and 3</b> | <b>:</b> | <b>Does not arise for consideration.</b>     |
| <b>POINT No.4</b>       | <b>:</b> | <b>As per final order for the following;</b> |



### REASONS

**7. POINT NO.1:** Plaintiff has filed this suit for partition and separate possession seeking her 1/3<sup>rd</sup> share in the suit schedule property and to declare the Registered Sale Deed dated: 01.12.2006 executed by defendant No.1 in favour of defendant No.3 is not binding on with with other consequential reliefs. It is the case of the plaintiff that suit schedule property is her ancestral and joint family property and the same was acquired by her father, after his death defendant No.1 has changed Khatha and alienated the same in favour of defendant No.3. Recently defendant No.3 is trying to interfere with her peaceful possession and dispossess her.

8. In support of the contention of the plaintiff she has already led evidence and got marked documents. Now the matter is posted for further cross of DW1 and at this stage she has filed



this IA to restrain the defendant No.3 from dispossessing her from the suit schedule property. Ex.P.2 is the Certified copy of the Registered sale deed dated:01.12.2006 which goes to show that defendant No.1 has sold the suit schedule property in favour of defendant No.3 and handed over possession. As per Ex.P.2 suit schedule property has been Poded infavour of defendant No.3. Ex.P.4 is the RTC of the year 2010-11 pertaining to the suit schedule property which goes to show that Khatha stood in the name of defendant No.1 through M.R.No.2/1998-99. Ex.D1 is the RTC of the suit schedule property for the year 2020-2021 which stands in the name of defendant No.3 vide M.R.No.33/2006-07. Ex.D2 is the original Registered sale deed dated:01.12.2006 which speaks that defendant No.1 along with his only daughter Sarojamma have jointly alienated the suit schedule property in favour of defendant No.3 and handed over the possession. Since



then Khatha has been transferred in the name of purchaser which has remained unchallenged till 2011.

9. Plaintiff has produced photos of the suit schedule property which are marked as Ex.P.5 to Ex.P.19. Wherein she has kept a board stating that suit in respect of said property is pending before Civil Court and she is cultivating the same with Ragi crop. On the other hand the defendant No.3 has produced photos showing that he is cultivating the suit schedule property. Plaintiff has not produced G-Tree to show that she is the daughter of defendant No.1. But she has produced copy of the G-Tree showing Anjinappa i.e., defendant No.1 has two wifes namely Ramakka and Huvamma, Ramakka has a daughter who is dead and 2<sup>nd</sup> wife has only one daughter by name Sarojamma. On perusal of the Registered sale deed dated:01.12.2006 and revenue documents pertaining to the suit schedule property, it prima facie



goes to show that defendant No.1 has sold the same in favour of defendant No.3 in the year 2006 and handed over its possession. Under such circumstances the question of plaintiff cultivating the suit schedule property does not arise. Though the suit was filed in the year 2011 and during that time Khatha was standing in the name defendant No.3, plaintiff has not alleged about interference till now. Hence there is no prima facie case made out by the plaintiff for grant of an order of Temporary Injunction. I answer

**Point No.1 in the Negative.**

**10. POINTS No.2 & 3:** Since these two points are inter-connected in order to avoid repetition of facts they are taken together for discussion. Since, plaintiffs and defendant has failed to make out prima-facie the question of balance of convenience and irreparable loss and injury doesn't arise for consideration.



Accordingly, **I answer Point No.2 & 3 does not arise for consideration.**

**11. POINT No.4:** For the aforesaid reasons, I proceed to pass the following;

**:ORDER:**

**I.A.No.XVI filed by the plaintiff under Order XXXIX Rule 1 and 2 of CPC is hereby dismissed.**

**No order as to cost.**

(Dictated to the Stenographer transcribed, typed and printout taken by her, corrected by me and then pronounced in the open court on this the 8<sup>th</sup> day of September 2025)

**(SHILPA. H.A)**  
Senior Civil Judge & JMFC  
Doddaballapura.