



IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC,
DODDABALLAPURA.

Dated this the 23rd 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.791/2024

Plaintiff/s:

- 1. SMT. BASAMMA**
W/o Late Malleshappa,
Aged about 65 years,
- 2. SRI. SHIVANANDA**
W/o Late Malleshappa,
Aged about 38 years,

Both are R/at Maralenahalli Village
Kasaba Hobli,
Doddaballapura Taluk,
Bengaluru Rural District.

(By Sri. S.G.P., Advocate for plaintiffs)

-Vs-



Defendant/s: **1. SRI. SIDDAGANGAPPA**
S/o Late Hanumaiah,
Aged about 67 years,
R/at Maralenahalli Village,
Kasaba Hobli,
Doddaballapura Taluk,
Bengaluru Rural District.

(By Sri. N.R.S., Advocate for defendant)

ORDER ON I.A.No.I AND II

Plaintiffs have filed this I.A.No.I under Order 39 Rule 1 and 2 R/w Sec.151 of CPC., seeking an order of temporary injunction restraining the defendant from interfering with their peaceful possession and enjoyment over the suit schedule properties till the disposal of the suit.

Plaintiffs have filed this I.A.No.II under Order 39 Rule 1 and 2 R/w Sec.151 of CPC., seeking an order of temporary injunction restraining the defendant from alienating on creating third party interest over item No.1 and 2 of the suit schedule properties till the disposal of the suit.

2. Description of suit schedule property

Sl.No.	Sy.No.	Acres-guntas	Situated at
01	Sy.No.24, New	Measuring to an	Maralenahalli Village, Kasaba Hobli,



	Sy.No.24/1	extent of 2 Acres	Doddaballapura Taluk. Bengaluru Rural District.
02	Sy.No.24, New Sy.No.24/1	Measuring to an extent of 0-36 Guntas	Maralenahalli Village, Kasaba Hobli, Doddaballapura Taluk. Bengaluru Rural District. District.

3. FACTS IN BRIEF:

This is a suit filed by the plaintiffs for the relief of declaration and permanent injunction in respect of suit schedule properties.

4. Plaintiff No.2 has sworn to an affidavit in support of these I.A and contended that they are the absolute owners in possession of the suit schedule properties having acquired the same through their ancestors along with other property measuring 10 acres belongs to Mallikarjunaiah S/o Late Shivaiah and the said property was granted in his favour of 22.02.1945 through option sale made by the Tahasildar since their Mallikarjunaiah was enjoying the suit schedule property as absolute owner. The katha stood in his name from 1962 to 1990 and



he had obtained loan from PLD Bank by mortgaging the suit schedule property on 23.10.1968. Though defendant has got no manner of right title or possession over the suit schedule property, in order to grab the same has colluded with third parties and other land grabbers and real estate mafia and created sale deeds. Said Chikkabylappa inturn created the sale in favour of Smt. Chikkarevamman on 30.07.1951 which is a forged and fabricated document. By taking undue advantage of plaintiff No.1 being widow and aged and plaintiff No.2 being helpless person having no worldly knowledge assistance, the defendants have illegally interfered with their peaceful possession and enjoying over the suit schedule properties and also trying to alienate the same in favour of third parties. In this regard plaintiffs have approached the jurisdictional Police with a written complaint on 10.07.2024 but they have not given any protection. The plaintiffs have made out prima facie case and the balance of convenience lies in their favour. At the same time if T.I is not granted plaintiffs will be put to



untold hardship and irreparable loss and injury. Hence, prays allow the I.A in the interest of justice and equity.

5. Defendant has filed written statement and adopted the same as objection to I.A.No.1 and 2 and denied entire I.A and affidavit averments as false and further contended that one Smt. Revamma @ Chikkarevamma @ Devamma D/o Late Hanumaiah W/o Late Narasimhaiah was the absolute owner in possession and enjoyment over the suit schedule property bearing old Sy.No.24 and New Sy.No.24/1 measuring 2 acres. Originally an extent of 10 acres in Sy.No.24 was belonged to one Mallikarjunaiah S/o Shivappa acquired through Government auction and inturn he has sold an extent of 4 acres to Chikkabailappa under Registered sale deed dared:10.07.1951. Thereafter said Chikkabailappa had sold said 4 acres to one Revamma @ Chikkarevamma @ Devamma who is the mother of defendant under a Registered sale deed dated:30.07.1951. Subsequently, said



Revamma had sold an extent of 2 acres in favour of one Ammayamma towards the northern said and retained 2 acres on southern side. The said retained 2 acres is newly numbered as Sy.No.24/1. Since, from the date of purchase said Revamman and her family members and later defendant is in possession and enjoyment of the suit schedule property. Till today revenue entries are not made in the name of Revamma based on said sale deed. There are revenue appeals pending before Asst Commissioner, Doddaballapura. By mistake or oversight in the RTC it is mentioned as Sarkaribylu to an extent of 2 acres 36 guntas. By taking undue advantage of the same, the defendant No.1 to 5 in OS.No.371/2023 have got the said land in the name of Mallikarjunaiah by colluding with revenue officials and have fraudulently executed sale agreement in favour of defendant No.6. Defendant is cultivating the suit schedule property by growing areca-nut and banana and he has also dug bore-well above 40 years back for the purpose of cultivation. On 22.08.2023 at 10.30 AM all of a



sudden the plaintiff and his family members along with some unknown persons have attempted to interfere with defendant's peaceful possession and enjoyment over the suit schedule property and tried to disposes him. Defendant had filed suit in OS.No.371/2023 before Addl Civil Judge at Doddaballapura for the relief of permanent injunction and obtained an interim order of Temporary Injunction restraining the defendants therein from interfering with his peaceful possession and alienating the suit schedule property. Hence, prays to dismiss the suit along with I.A's in the interest of justice and equity.

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

7. My points are arises for my consideration are:

1. Whether the plaintiffs have made out prima-facie case to grant temporary injunction in their favour as sought in IA.No.1?



2. Whether balance of convenience lies in favour of the plaintiffs?
3. Whether the irreparable loss or hardship will be caused to the plaintiffs, if injunction is not granted?
4. Whether the plaintiffs have made out prima-facie case to grant temporary injunction in their favour has sought in IA.No.2?
5. Whether balance of convenience lies in favour of the plaintiffs?
6. Whether the irreparable loss or hardship will be caused to the plaintiffs, if injunction is not granted?
4. What order?

8. My findings to the above points are as follows;

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|-------------------|----------|---|
| POINT No.1 | : | In the Negative |
| POINT No.2 | : | Does not arise for consideration |
| POINT No.3 | : | Does not arise for consideration |
| POINT No.4 | : | In the Affirmative |
| POINT No.5 | : | In the Affirmative |



POINT No.6 : In the Affirmative

**POINT No.7 : As per final order
for the following;**

REASONS

9. POINT NO.1 & 4: Plaintiffs have filed this suit for declaration and permanent injunction contending that the suit schedule property was acquired by their grandfather Mallikarjunaiah by way of public auction held on 22.02.1945, he died intestate and thereafter the same was succeeded by his son Shivanna and thereafter Malleshappa i.e., husband of plaintiff No.1 and the father of plaintiff No.2 and were put in possession and revenue entries continued in the name of original grantee till today.

10. In support of the contention of the plaintiff they have relied upon document pertaining to public auction stating that an extent of 10 acre 2 guntas in Sy.No.24 was granted to Mallikarjunaiah. As per the RTC from 1974-75 till 1979 stood in the name of Mallikarjunaiah S/o Shivaiah. As per the RTC for the year 1988-89



katha of the said property has been transferred in the name of Ammayamma and another through MR.No.4/88-89 and 5/88-89 through sale deeds to an extent of 2 acres each. Subsequently, as per the mortgage deed said Mallikarjunaiah has mortgaged the property in Sy.No.24 to the Bank for availing loan. The EC from 01.04.1966 to 31.03.1970 discloses about said Mallikarjunaiah was having 10 acre 2 guntas in Sy.No.24 and he has mortgaged to PLD Bank and he has also leased in the year 1968. As per the death certificates, Mallikarjunaiah died in the year 1985 and his son Shivanna died in the year 1991 and Malleshappa S/o Shivanna died on 27.09.2008. Plaintiff has also produced sale deed dated:10.07.1951 and contending that though sale deeds are created in the name of Chikkaveeramma. Plaintiffs have produced recent RTC of the suit schedule property which speaks that khatha of 4 acres stands in the name of Ammayamma and remaining 2 acre 36 guntas stands in the name of Mallikarjunaiah S/o Shivaiah through partition. The property which



stood in the name of Mallikarjunaiah is shown has the suit schedule property. Plaintiffs have produced G-Tree to show that Mallikarjunaiah has a son by name Shivanna and he has got a son by name Malleshappa and plaintiffs are his wife and son. As per the order passed by the Assistant Commissioner in RA(D):82/2018 it goes to show that one Revamma @ Chikkarevamma has filed case against the Tahasildar, Devaraju, Srinivasamurthy and Prasannakumar wherein, after conducting enquiry it was observed that as per the sale deed dated;31.07.1951 Revanmma has purchased 4 acres in Sy.No.24 but katha is not transferred in her name and since there is doubt in respect of entry made in EC and coloum No.3 and 9 of the RTC parties were directed approach Civil Court. On the other hand defendant has not produced any documents in support of his contention. On perusal of the plaint and IA averments supported by documents it prima facie goes to show that katha of suit schedule properties stands in the name of Mallikarjunaiah. As per the MR.No.59/2023-24 an extent of 2



acres stands in the name of Revamma W/o Narasimahaiah, 4 acres stands in the name of Ammayamma and 2 acre 36 guntas in the name of Mallikarjunaiah. Since, defendant is claiming to be the son of said Revamma and Sy.No.24/1 has not been sub phoded and there is dispute with regard to title and possession over the suit schedule property and defendant has also filed suit in OS.No.371/2023 and appeals were also pending before revenue court, till title is adjudicated between the parties suit schedule property shall be prevented from alienation. So for as interference is concerned, as already discussed above the total extent of Sy.No.24/1 is 10 acre 2 guntas excluding 5 guntas of karab land whereas resent RTC shows that Sy.No.24/1 has not been sub-phoded but the extent is mentioned in front of their names. Since, boundaries are not fixed and defendant is claiming right over the suit schedule property, it is not just and proper to the grant of order of Temporary Injunction on IA.No.1. Plaintiffs have made out prima facie case to grant an order of



Temporary Injunction on IA.No.2 but failed to make out prima facie case in respect of item No.1. Hence, **I answer Point No.1 in the Negative and Point No.4 in the Affirmative.**

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

12. POINT NO.5 & 6: Since both the points are inter-connected in order to avoid repetition of facts they are taken together for discussion. The plaintiff has made out prima-facie case in her favour, if T.I is granted the balance of convenience lies in her favour. At the same time if the temporary injunction is rejected plaintiffs will be put to irreparable loss and injury. Accordingly, **I answer Point No.5 and 6 in the Affirmative.**



13. POINT NO.7: For the aforesaid reasons, I proceed to pass the following;

:ORDER:

**I.A.No.I filed by the plaintiffs
under Order XXXIX Rule 1 and 2 R/w
Sec.151 of CPC., is hereby dismissed.**

**I.A.No.II filed by the plaintiffs
under Order XXXIX Rule 1 and 2 R/w
Sec.151 of CPC., is hereby allowed.**

**Defendant is hereby restrained by an
order of Temporary Injunction from
alienating or creating third party rights
over the suit schedule property till the
disposal of the suit.**

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 23rd day of September 2025)

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