

KABR410011862022



IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC,

DODDABALLAPURA.

Dated this the 17th day of March 2026.

PRESENT: SMT. SHILPA.H.A.

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

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

Doddaballapura.

O.S.No.881/2022

Plaintiffs:

- 1. SMT. D. GOWRAMMA**
W/o T.Karagappa,
D/o Late Doddaiah,
Aged about 59 years,
R/at, Varadanahalli Village,
Veerapura Post,
Kasaba Hobli,
Doddaballapura Taluk.

(By Sri. N.B., Advocate for plaintiffs)

-Vs-

Defendants:

- 1. SMT. ANJINMMA**
W/o Kempanna,
Since dead by her LR's.
- 1a. SRI. MUNEGOWDA**
S/o Kempanna and Late Anjinamma,
Aged about 43 years,
R/at, Mayasandra Village,

Kundana Hobali,
Devanahalli Taluk.

1b. SMT. ANANDAMMA

D/o Kempanna and Late Anjinamma,
Aged about 45 years,

1c. SMT. SHANTHAMMA

D/o Kempanna and Late Anjinamma,
Aged about 40 years,
D1b and c are
R/at, Varadanahalli Village,
Kasaba Hoblim
Doddaballapura Taluk.

1d. SMT. RASHMI

D/o Kempanna and Late Anjinamma,
Aged about 35 years,
R/at, Kadasignahalli Village,
Kasaba Hobli,
Shidlaghatta Taluk.

1e. SMT. MALA

D/o Kempanna and Late Anjinamma,
Aged about 31 years,
R/at, Kadasignahalli Village,
Kasaba Hobli,
Shidlaghatta Taluk,
And 9 others.

**(By Sri. U.T Advocate for defendant No.1a to e, Sri.B.B.,
Advocate for defendant No.2 to 5 Sri. M.M.,
Advocate for proposed defendant No.6,
Sri. S.S.M., Advocate for defendant No.7 to 10)**

* * * * *

ORDER ON I.A.No.XII

Plaintiff has filed this I.A.No.12 under order 39 Rule 1 and 2 R/w Sec.151 of CPC seeking an order of temporary injunction restraining the defendant No.6 to 10 from putting up construction over the suit schedule properties till the disposal of the suit.

2. Description of suit schedule property

Sl.No.	Sy.No.	Acres-guntas	Situated at
1.	62	5.34 guntas out of 1.08 guntas	Varadanahalli Village, Kasaba Hobli, Doddaballapura Taluk.
2.	62	5.34 out of 1.08 guntas	Varadanahalli Village, Kasaba Hobli, Doddaballapura Taluk.
3.	62	5.34 guntas out of 1.08 guntas	Varadanahalli Village, Kasaba Hobli, Doddaballapura Taluk.

3. FACTS IN BRIEF:

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 legitimate share in the suit schedule properties. Suit schedule properties are the Ancestral and Joint Family properties of plaintiff and defendant No.1 to 5 and they are in joint

possession and enjoyment over the suit schedule properties. This court has granted an order of Temporary Injunction restraining the defendant No.2, 4 & 5 from alienating the suit schedule properties vide its order dated:05.11.2022 and the said interim order was made absolute till further orders vide its order dated:24.02.2023. Subsequently defendant No.2, 4 & 5 have filed written statement and application under order 7 Rule 11 of CPC for rejection of plaint. Thereafter the I.A came to be rejected on 24.02.2023. Prior to filing of the suit defendant No.2, 4 & 5 have already alienated some extent in the item No.1 to 3 of the suit schedule properties in favour of defendant No.6 under Registered sale deeds dated:23.04.2003, without the knowledge of the plaintiff and therefore she had not made the purchaser as necessary party to the suit. Thereafter defendant No.6 was impleaded. After being impleaded in the suit, the defendant No.6 has violated the court order and alienated the suit schedule properties in favour of defendant No.7 to 10 under Registered sale deed dated:11.07.2025. The proposed purchaser being pendente lite purchasers are trying to change the nature of the

suit schedule properties and put up construction without having any manner of right, title and interest over the suit schedule properties. By taking undue advantage of the Revenue entries standing in the names of defendant No.7 to 10 they are trying to change the nature of the suit schedule properties. If the defendant No.6 to 10 succeeds in their acts, plaintiff will be deprived of her legitimate share over the suit schedule properties which cannot be compensated in terms of money and it also leads to multiplicity of proceedings. Plaintiff has made out prima-facie and balance of convenience lies in their favour. If this I.A is allowed no harm or prejudice would be caused to the defendants. At the same time if an order of T.I is not granted plaintiff will be put to untold hardship and irreparable injury. Hence, prays allow the I.A in the interest of justice and equity.

4. Defendant No.6 to 10 have filed written statement and memo adopting the written statement as objection to this I.A and denied entire I.A and affidavit averments as false and further contended that one Daddaiah was the absolute owner of the suit schedule properties, after his Daddaiah, his wife and children have

entered into unregistered partition deed and as per the said Parikath plaintiff and Smt.Bachamma were allotted land bearing Sy.No.73 measuring 13 guntas and house property bearing 36/50 measuring 65X40 feet as per the 'A' schedule mentioned in the Panchayath Palupatti dated:10.01.1995. Similarly defendant No.2 was allotted 'B' schedule, defendant No.4 was allotted 'C' schedule and defendant No.5 was allotted 'D' schedule. Subsequently the lands allotted to plaintiff and Bachamma were acquired by KIADB and in this regard plaintiff has received compensation amount. After receiving said compensation amount, she has approached the court with unclean hands. Plaintiff has suppressed the earlier partition effected between the Joint family members. Defendant No.7 to 10 have purchased 1 acre 34½ guntas in Sy.No.61/1, an extent of 10 guntas in Syt.No.61/7 and 1 acre 34 guntas in Sy.No.61/9 and 1 acre 28 ¼ guntas in Sy.No.62/3 totally measuring 5 acre 27.25 guntas under Registered sale deed dated:16.07.2025 from defendant No.6. The vendor of defendant No.7 to 10 ie., defendant No.6 had acquired right, title, interest and possession over the said properties having purchased

the same under Registered sale deeds dated:22.07.2003, 17.05.2004 & 23.04.2023. The defendant No.6 had also obtained registered confirmation deed dated;24.04.2024 from the family member Sri.Avinash.R. Defendant No.7 to 10 have got mutated revenue records in their names as per MR.No.T9/2025-26 and they are in possession and enjoyment over the same. The item No.1 to 3 are not in agricultural status as alleged by the plaintiff. The defendant No.7 to 10 have developed the said lands by investing hard earned money. Since the said properties were partitioned in the year 1995 and the same were alienated way back in the year 2003 itself, after lapse of 27 years the plaintiff has filed this partition suit with an intention to grab the valuable property of these defendants. The lands purchased by defendant No.7 to 10 are converted lands which is suppressed by the plaintiff. Hence, prays to dismiss the IA with exemplary cost in the interest of justice and equity.

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

6. 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?

7. My findings to the above points are as follows:

- POINT No.1 : In the Negative**
POINT No.2 & 3 : Does not arise for consideration
POINT No.4 : As per final order

for the following;

REASONS

8. POINT NO.1: Plaintiff has filed this suit for partition and separate possession in respect of 3 properties totally measuring an extent of 3 acre 24 guntas out of 5 acre 34 guntas in Sy.No.62. She has mentioned an extent of 1 acre 08 guntas each in item No.1 to 3. The present IA.No.12 is filed by the plaintiff in respect of said 3

properties wherein she has mentioned the extent of item No.1 as 1.28.04 guntas. In support of the contention of the plaintiff, she has led evidence and got marked 12 documents. Ex.P4 is the G-Tree which goes to show that the propositus Doddaiah has 6 children who are plaintiff and defendant No.1 to 5 herein which is not disputed by the defendants. Ex.P5 is the MR extract pertaining to MR.No.27/83-84 which goes to show that khata of Sy.No.62/2 was transferred in the name of defendant No.2 through inheritance. Ex.P7 is the RTC of Sy.No.62 which goes to show that out of total extent of 5 acre 34 guntas in Suit Sy.No.62 vide MR.No.3/98-99 on the basis of partition khata of said property has been independently transferred in the name of defendant No.2, 4 & 5 to an extent of 1 acre 8 guntas each and remaining extent of 2 acre 10 guntas was transferred in the name of Nagaraju S/o M.N.Chowdappa. As per Ex.P8 to P12 the said entry continued till 2023.

9. Defendant No.2, 4 & 5 have also filed written statement and taken specific contention that suit schedule properties along with other Ancestral and Joint Family properties were partitioned on

10.01.1995 and accordingly 'A' schedule was allotted to the share of plaintiff and her mother Bachamma and 'B', 'C' & 'D' schedule were allotted to the shares of defendant No.2, 4 & 5 respectively. In support of their contention they have relied upon Panchayath Paalupatti, RTC's from 1984 to 2022-23 and MR.No.3/98-99. These documents speaks that there was partition and separate possession between the children of Doddaiiah including the plaintiff way back in the year 1995 and in the said partition 'A' schedule bearing Sy.No.73 measuring 1 acre 24 guntas and one house property was allotted to the share of plaintiff and her mother. As per the RTCs and MR extract said 1995 partition has been acted upon. As per the said MR.No.3/98-99 khata was transferred in their names.

10. The defendant No.7 to 10 are claiming right over Sy.No.61/1, 61/7 & 61/9 which is not the suit schedule properties. They are also claiming right in respect of 1 acre 28¼ guntas in suit Sy.No.62/3 having purchased the same under Registered sale deed dated:16.07.2025. Plaintiff herself has produced copy of the 3 Registered sale deeds dated:23.04.2003 which goes to show that her

brothers ie., defendant No.2, 4 & 5 have alienated an extent of 1 acre 08 guntas which was allotted to their share in 1995 partition in favour of defendant No.6 wherein it is clearly mentioned that said property is converted for industrial purpose. As per these Registered sale deeds the defendant No.2, 4 & 5 have alienated the suit schedule property long back in the year 2003 ie., 20 years back and the same has remained unchallenged by the plaintiff. Even in this suit also plaintiff has not challenged said sale deeds. Plaintiff has produced copy of the Registered sale deed dated:11.07.2025 which goes to show that defendant No.6 has alienated an extent of 1 acre 28¼ guntas in suit Sy.No.62 in favour of defendant No.7 to 10 and accordingly khata has been transferred in their names vide MR.No.T9/2025-26. Plaintiff has also produced photos of the suit schedule properties which goes to show that the same are being developed.

11. On perusal of the pleadings and documents relied by both the parties it prima-facie goes to show that Ancestral and Joint Family properties of Doddaiah were divided between his wife and children

including the plaintiff under Panchayath Parikath dated:10.01.1995 and the same was acted upon vide MR.No.3/98-99 in which suit schedule properties were allotted to the share of defendant No.2, 4 & 5 and accordingly khata was transferred in their names which has remained undisputed for a period of 27 years. In spite of this, plaintiff has not challenged said Panchayath Parikath till today i.e., for a period of 30 years. Apart from that defendant No.2, 4 & 5 have also filed detailed written statement and taken specific contention that in the year 1995 itself suit schedule properties were partitioned and they have alienated the same in the year 2023. Defendants have also produced copy of the conversion order dated:12.04.2003 which also speaks that as per the application given by defendant No.2, 4 & 5 an extent of 1 acre 34¼ guntas was converted into NA land and the same has not remained as agricultural land as mentioned by the plaintiff in the suit schedule. As per the pleadings and documents relied by the both the parties it prima-facie goes to show that suit schedule properties were divided in the year 1995, it has been converted in the year 2003 and alienated in favour of defendant No.6 in the year 2003

and in turn he has alienated the same in favour of defendant No.7 to 10 and they are developing the same and thus there is no prima-facie for grant of an order of Temporary Injunction. hence, I answer **Point No.1 in the Negative.**

12. POINT NO.2 & 3: Since these two points are inter-connected in order to avoid repetition of facts they are taken together for discussion. Since, plaintiff 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.**

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

:ORDER:

**I.A.No.XII 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 17th day of March 2026)

(SHILPA.H.A)

Senior Civil Judge & JMFC
Doddaballapura.