

KABR610001962026



**IN THE COURT OF PRL. CIVIL JUDGE & J.M.F.C.,  
NELAMANGALA**

**Dated this the 4<sup>th</sup> day of April-2026**

**SMT. POOJA SHETTI, B.A., LL.B (Hons)  
Prl. Civil Judge & J.M.F.C.,  
Nelamangala.**

**O.S.No.23/2026**

**Plaintiff :-**

1. Smt. Venkatamma,  
W/o late Hanumanthaiah,  
@ Hanumanthappa,  
Aged about 63 years,  
R/of Kudurugere Village,  
Aluru Post,  
Dasanapura Hobli,  
Benglauru North Taluk.

**( By Sri. K.N.P., Advocate)**

**- V/S -**

**Defendants :-**

Sri. Chandrashekara H.B.,  
S/o Bhyregowda,  
Aged about 49 years,  
R/at: No.127, Harokyatanahalli,  
Makali Post,  
Dasanapura Hobli,  
Bengaluru North Taluk.

And also at:  
Kudurugere Village,  
Alur Post,  
Dasapura Hobli,  
Bengaluru North Taluk.

**( By Sri.O.M.G., Advocate )**

**I.A. NO.2**

**APPLICANT** :-Smt. Venkatamma,

V/S

**OPPONENT** :- Sri. Chandrashekara H.B.

**ORDER ON IA NO.2**

This is an application filed by plaintiff against the defendant seeking the relief of ad-interim order of temporary injunction restraining the defendant, his legal heirs, henchmen or any persons claiming under him from putting up any sort of construction over suit 'B' schedule property in any manner till disposal of the suit.

2. In the application, it is the submission of the applicant that she is absolute owner in possession and enjoyment of suit 'A' schedule property, which was originally granted to her husband by name Hanumanthaiah @ Hanumanthappa, by virtue of grant in case number LND. Sr 522/1978-79 dated 15.01.1979, granted by Deputy Commissioner, Bengaluru Rural District and based upon the said grant certificate,

Khata of suit 'A' schedule property has been changed to the name of husband of plaintiff herein.

3. Further according to applicant, her husband has died on 17.08.1993, leaving behind plaintiff and her children as his legal heirs.

4. Further according to plaintiff, after the death of her husband, khata of suit 'A' schedule property has been changed to her name and she is in possession and enjoyment of the same along with her children.

5. Further according to applicant, though the defendant is stranger to suit 'A' schedule property, he along with his workers have illegally encroached a portion of suit 'A' schedule property which has been described in the application schedule as suit 'B' schedule property measuring east to west 30 feet and north to south 40 feet and started to put up illegal construction over suit 'B' schedule property by way of illegal means on 23.12.2025.

6. Further according to applicant, when plaintiff and her children questioned the illegal act of defendant, the defendant and his followers/workers have threatened the plaintiff with dire consequences. Hence son of plaintiff by name Nataraju has lodged a complaint against the defendant before Madanayakanahalli Police Station on 23.12.2025, wherein the concerned Police have issued endorsement to that effect.

7. Further according to applicant, though the plaintiff has resisted illegal act of defendant with the interventions of well-wishers, elders and friends, the defendant and their henchmen have threatened the plaintiff with dire consequences.

8. Further according to applicant, by taking advantage of Christmas vacation, the defendant and his men came to suit 'B' schedule property and started to put up construction over suit 'B' schedule property in a brisk manner on 29.12.2025. Hence, the plaintiff approached the jurisdictional Police again. However, the jurisdictional Police advised the plaintiff to approach Jurisdictional Civil Court.

9. Further according to applicant, the defendant has eye over suit schedule property as there is a steep raise in the price of land. Further, as defendant is very powerful person, in the said area, having men and money at his disposal, his illegal act cannot be resisted without the order of this Court. Hence, prays to allow the application.

10. On the other hand, after the service of suit summons defendant appeared through his counsel and filed written statement along with an adoption memo to adopt his written statement contentions to IA No.2.

11. In the written statement, the defendant has denied all the allegations made in the plaint specifically and contented that he has purchased property bearing old

Assignment No.18, new Assignment No.18/1, Gramatana Khata No.255, present Khata No.387, Kanishumari Site No.2 measuring east to west 30 feet and north to south 40 feet with AC sheet house under registered sale deed dated 11.03.2015 from his vendor by name Smt. Padma.

12. Further according to defendant, his vendor by name Padma has purchased the aforesaid property from one Murthy son of Byrappa and his family members under registered sale deed dated 28.08.1997 and the said Murthy son of Byrappa had 1 acre of land in Survey No.18 of Kuduregere Village, Dasanapura Hobli, Bangalore North Taluk and he has formed revenue sites and has sold the same to 3<sup>rd</sup> parties including vendor of defendant by name Smt. Padma.

13. Further according to defendant, he has demolished the old AC sheet house and has constructed a RCC roofed house and he is residing in it with his family members. Hence, the plaintiff has no right, title, interest or possession over defendant's property and the plaintiff with an intention to grab the property of defendant, has filed the present suit. Hence, prays to reject the application.

14. Heard both side counsel, perused materials available on record.

15. The following points arise for my consideration:

**POINTS**

- 1. Whether the plaintiff has made out a prima- facie case?**
- 2. Whether balance of convenience lies in favor of plaintiff?**
- 3. Whether the plaintiff will be put to irreparable loss and injury, if the application is not allowed?**
- 4. What order ?**

**16.** My answer to the above points are;

- |            |   |
|------------|---|
| Point No.1 | : In the Negative,                          |
| Point No.2 | : In the Negative,                          |
| Point No.3 | : In the Negative,                          |
| Point No.4 | : As per the final order for the following. |

**REASONS**

**17. Point No.1 to 3** : As these points are inter linked with each other they are taken up together for consideration.

18. In the present application, it is the submission of the plaintiff that originally suit 'A' schedule property was granted to her deceased husband Hanumanthaiah @ Hanumanthappa by virtue of grant certificate dated 15.01.1979 and from the date of grant, it is him who has in possession of suit 'A' schedule property and accordingly

revenue khata has been changed to his name and after his death, Khata of suit 'A' schedule property has been changed to the name of plaintiff herein and she is in possession and enjoyment of the same along with her children.

19. Further according to plaintiff, though the defendant has no right, title or interest over suit schedule property, having regard to steep raise in the price of suit schedule property, in order to grab the land belonging to plaintiff, the defendant along with his men encroached suit 'B' schedule property, which is part and parcel of suit 'A' schedule property and which measures east to west 30 feet and north to south 40 feet on 23.12.2025 and started to put up illegal construction over the same. Hence, her son by name Nataraju has also filed a complaint before Madanayakanahalli Police Station.

20. According to plaintiff, in spite of the aforesaid complaint, the defendant has again entered the suit schedule 'B' property on 29.12.2025.

21. On the other hand, it is the contention of the defendant that he has purchased a property bearing old Assignment No.18, new Assignment No.18/1, Gramatana Khata No.255, present Khata No.387, Kanishumari Site No.2

measuring east to west 30 feet and north to south 40 feet with AC sheet house under registered sale deed dated 11.03.2015 from his vendor by name Smt. Padma.

22. Further according to defendant, his vendor by name Padma has purchased the aforesaid property from one Murthy son of Byrappa and his family members under registered sale deed dated 28.08.1997 and the said Murthy son of Byrappa had 1 acre of land in Survey No.18 of Kuduregere Village, Dasanapura Hobli, Bangalore North Taluk and he has formed revenue sites and has sold the same to 3<sup>rd</sup> parties including vendor of defendant by name Smt. Padma.

23. Further according to defendant, he has demolished the old AC sheet house and has constructed a RCC roofed house and he is residing in it with his family members. Hence, the plaintiff has no right, title, interest or possession over defendant's property and the plaintiff with an intention to grab the property of defendant, has filed the present suit.

24. At the time of hearing, counsel for plaintiff has relied upon photocopy of grant certificate, certified handwritten RTCs and computerized RTCs pertaining to Survey No.18 Block No.2 from the year 1998-1989 till the year 2024-2025 to prima facie prove the flow of title and grant of suit 'A' schedule property to the husband of plaintiff.

25. On perusal of the aforesaid documents, prima facie it appears that in Survey No.18 Block No.2 of Kuduregere Village, Dasanpura Hobli, husband of plaintiff by name Hanumanthaiah was granted 1 acre of land and after his death, khata has been changed to the name of plaintiff herein.

26. On the other hand, the counsel for defendant relied upon copy of registered sale deed dated 28.08.1997 and on perusal of the same, one Murthy and others have sold property bearing Gramthana No.255, khata No.18, Assessment No.18, Kanisumari No.2, measuring East to West, 40 feet, North to South 30 feet, property to one Padma.

27. Further, the defendant has also produced photocopy of another registered sale deed dated 11.03.2015, on perusal of the same, prima facie it appears that the defendant has purchased the aforesaid property from the aforesaid Smt. Padma.

28. Further he has also relied upon the RTC produced by the plaintiff of the year 2024-2025 and on perusal of the same, in the said RTC it is prima facie evident that aforesaid murthy also had one acre of property in Survey No.18 of Kuduregere Village.

29. Further according to defendant, he has demolished the existing AC roofed house and has constructed new RCC house and he is already residing in the said house along with his family members.

30. Further on perusal of the documents produced by defendant, in the photocopies of registered sale deed there is entry about existence of house. Further, on perusal of the plaint, in the plaint prayer column, the plaintiff has also sought for mandatory injunction i.e. to direct defendant or any person claiming under him to remove the illegal construction and materials dumped in the suit schedule property and to hand over the vacant possession to the plaintiff.

31. Hence, the aforesaid prayer itself goes to show that the defendant has already started putting up construction over the aforesaid portion. However, whether he has encroached property of plaintiff or not is matter of trial.

32. Further, as suit is one for declaration pertaining to suit 'B' schedule property and when there is serious dispute about title over suit 'B' schedule property, if mandatory injunction is granted against the defendant, not to put up construction till disposal of the suit on merit, it will be the defendant who will be put to irreparable loss and injury,

comparatively that of plaintiff, as admittedly the defendant has already started construction and he has also stored materials for construction.

33. Hence, balance of convenience also lies in favour of defendant and if it is made out in the future that the defendant has encroached suit 'B' schedule property and has put up construction, the defendant cannot seek equity and if the suit is decreed, he has to hand over vacant possession to the plaintiff. Hence at this stage, if order of temporary injunction is granted as defendant has already stored materials for construction and as there is serious dispute about title over suit 'B' schedule property, it is the defendant who will be put to irreparable loss than the plaintiff. Hence, I answered Point No.1 to 3 in the negative.

**34. Point No.4 :** In view of above findings, I proceed to pass the following:

**ORDER**

The application filed by plaintiff U/O  
XXXIX rule 1 & 2 read with Section 151 of  
C.P.C is hereby rejected.

(The order dictated to the Stenographer directly on computer, transcribed and typed by her and corrected, signed and pronounced by me in the open court on this 4<sup>th</sup> day of April 2026)

**Pri. Civil Judge and JMFC  
Nelamangala.**