

KABR610076142025



IN THE COURT OF I ADDL. CIVIL JUDGE & JMFC.,
NELAMANGALA.

Dated this the day 17th day of March, 2026

PRESENT: Sri. Manju.M, B.Sc., L.L.B.,
I Addl. Civil Judge & JMFC.,
Nelamangala.

O.S.No.306/2025

Plaintiff/s: Rangaswamaiah C.G S/o Garudappa,
Aged about 58 years,
R/at No.381/A, Near Mount Senoria
school, 2nd Cross Road, 1st Main,
Swathantya Yodara Nagara,
Bengaluru-560058

[By Sri. S.V.G., Advocate]

V/s

Defendant/s:1. Manjunatha.R S/o Revanna.B
Aged about 50 years,

2. Revanna.B,
S/o late Byregowda @ Siddabyrappa,
Aged about 73 years,

D1 and D2 are R/at Dombarahalli
village, Opposite to Anganavadi,
Lakshmipura Post, Dasanapura Hobli,
Bengaluru North Taluk,

Bengaluru-562 162.

3. Smt Sowbhagyama.R W/o Shivalingaiah,
Aged about 67 years,
R/at No.33, 7th A Main Road,
Sharada Colony, KHBCS Layout,
4th Block,3rd Stage, Basaweshwaranagara,
Bengaluru-560 079.

[By Sri. S.H.G., Advocate]

PARTIES IN IA NO.1

Applicant/Plaintiff : Rangaswamaiah C.G

V/s.

Opponent/Defendants: Manjunatha.R and others.

**ORDERS ON I.A.NO.1 FILED UNDER ORDER 39 RULE 1
AND 2 OF CIVIL PROCEDURE CODE.**

This is an application under Order 39 Rule 1 and 2 of CPC filed by the Plaintiff praying to pass an order to restraining the Defendant No.1 and 2 from interfere with possession and enjoyment of the plaintiff over the suit schedule property by putting up construction in the suit schedule property in any manner whatsoever, till disposal of the suit.

2. This application is supported by an affidavit of the Plaintiff. In the said affidavit the Applicant has submitted that, the plaintiff has purchased the suit schedule property under registered sale deed dated 17.01.2008 and the katha of the suit schedule property had been mutated into the name of plaintiff herein. Further, it is submitted that after phody proceedings, new Sy.No.9/8 had been assigned to the suit property. Further, it is submitted that the plaintiff has constructed compound wall to the suit property. Further, it is submitted that the defendant No.1 and 2 without having any right, title or possession over the suit property tried to interfere to the suit schedule property for the purpose of construction. Hence this application.

3. Further, the Applicant raises the usual plea of prima facie case and balance of convenience and irreparable loss and injury. Further, the Applicant has also contends that if this application is allowed no prejudice would be caused to the Defendants. By

contending so, the Applicant has prayed for allowing this application.

4. This application is opposed by the defendant No.1 and 2 by filing memo to adopt the written statement as objection to I.A.No.1 and denied the allegation of fact made by the plaintiff and contended that the plaintiff has already alienated the entire extent of 16 guntas that is suit schedule property by forming a private layout in favour of third parties and most of them and rest of them in favour of wife of plaintiff namely Smt Lakshmidevi.N under different gift deeds on various dates. Further, it is contended that the plaintiff did not retain even half inches of land in the suit schedule property and the plaintiff is not entitled to claim ownership and possession over the suit property. Further, it is contended that the suit of the plaintiff is barred by limitation. Further, it is contended that the defendant No.1 has raised the foundation and wall in his property which comes within 30 guntas of land purchased by the

defendant No.3 for valuable sale consideration. Further, it is contended that the plaintiff has suppressed the true facts and filed this suit. Hence, prays to dismiss the application.

5. Heard arguments of counsel for plaintiff and defendants. Perused the documents on record.

6. Following points arise for my consideration.

1. Whether the Plaintiff has made out a prima facie case for grant of temporary injunction?
2. Whether the Plaintiff will be put to irreparable loss and hardship, if the injunction is not granted?
3. Whether the balance of convenience lies in favour of the Plaintiff?
4. What order?

7. My findings on the above points are as follows:-

Point No.1: In the Negative

Point No.2: In the Negative

Point No.3: In the Negative

Point No.4: As per final order for the following:-

REASONS

8. Point No.1 to 3: Since these points are interlinked to each other, they are taken up together for common discussion in order to avoid repetition of facts and circumstances.

9. The law relating to grant of temporary injunction is well settled. The Plaintiff who approaches the court has to prove three basic principles namely existence of prima facie case, balance of convenience and irreparable loss and injury. The court must be satisfied that there must be a prima facie case in favour of the Plaintiff that there is balance of convenience in favour of the Plaintiff and if the temporary injunction is refused the Plaintiff would be put to irreparable loss and injury. Apart from this the conduct of the party approaching the court has also to be considered. Injunctive relief is a discretionary relief and an equitable relief. Thus being the case, the person who seeks equity must do equity. In order to grant relief of temporary injunction the Plaintiff has to establish that

three vital aspects, i.e., prima facie case, balance of convenience lies in his favour and that they would be put to irreparable loss and injury in case injunction is not granted.

10. In order to prove plaintiff's contention, the plaintiff has produced photocopy of extract of mutation register, photocopy of sale deed dated 30.12.1999, photocopy of sale deed dated 03.01.2008, photocopy of sale deed dated 12.05.2008 executed in favour of plaintiff herein in respect of suit property, RTC extracts in respect of Sy.No.9/2, 9/7 and 9/8, extract of mutation register, photocopy of 11E sketch, photocopy of phody and hissa survey sketch, photocopy of endorsement dated 19.06.2025, photocopy of gift deed dated 15.07.2022, photos, photocopy of sale deed dated 01.03.2006 executed in favour of Revanna.B.

11. On the other hand, the defendant No.1 and 2 have produced the photocopy E-katha extract, photocopy of

gift deed dated 15.07.2022, photocopy of encumbrance certificate in respect of site No.105, photocopy of demand register extract in respect of site No.105, photocopy of layout plan, photocopy of sale deed dated 01.03.2006, tax paid receipts, copy of electricity bills, copy of power supply, RTC extract in respect of Sy.No.9/2, 9/7 and 9/8, extract of mutation register, certified copy of sale deeds dated 26.09.1996, certified copy of sale deeds dated 24.03.2005, photocopies of encumbrance certificates, certified copy of survey documents, photocopy of E-katha extract, photocopy of tax paid receipts. Photocopies of sale deeds dated 30.10.2004, tax paid receipts. Further, the defendant No.1 and 2 has produced the digital copy of sale deed dated 25.05.2012, 28.04.2023, 28.04.2023, 28.04.2023, 25.09.2023, digital copy of the gift deed dated 11.06.2024 and 19.08.2024, copy of encumbrance certificate, photos.

12. Having considered the arguments of both the parties and materials available on record, it is relevant to note that the plaintiff claiming the suit property that is new Sy.No.9/8, old Sy.No.9/2 measuring 16 guntas situated at Dombarahalli village as a agricultural land but the documents produced by the defendant No.1 and 2 and also photos available on record clearly discloses that the nature of the suit property was changed from agricultural to residential purpose by executing various sale deeds in respect of suit property. Further, the plaintiff herein has suppressed the facts that he has sold several sites to different persons in the suit schedule property and also gifted some property by executing gift deeds in favour of his wife in respect of suit property. Further, even though the sale deeds dated 25.05.2012, 28.04.2023, 25.09.2023 and gift deeds dated 11.06.2024 and 19.08.2024 executed by plaintiff herein in respect of suit property, the plaintiff has claimed the total extent of 16 guntas in this suit by suppressing the true facts. In

order to appreciate the contention of both the parties, a full fledged trial is required.

13. At this stage the plaintiff has not made out a prima facie case and balance of convenience also not lies in favour of the plaintiff. Considering all these facts, this court is of the opinion that, the plaintiff has failed to prove that the above said three mandatory components are in his favour at this stage. Accordingly, I proceed to answer **point No.1 to 3 in the Negative.**

14. **Point No.4:** In view of my findings on point No.1 to 3, I proceed to pass the following;

ORDER

I.A.No.1 filed by the Plaintiff under Order 39 Rule 1 and 2 of CPC is hereby dismissed.

Under the circumstances parties shall bear their own cost.

(Dictated to the Stenographer directly on computer, typed by him, corrected and signed by me and then pronounced in the open Court, on this **17th day of February, 2026**)

Sd/-
I Addl. Civil Judge & JMFC,
Nelamangala.