

**IN THE COURT OF THE ADDITIONAL CIVIL JUDGE AND
JMFC., AT GOWRIBIDANUR**

Dated this 4th day of June, 2026

:: PRESENT::
Smt. PUSHPA .D
B.Com, L.L.B.,

Addl. Civil Judge & J.M.F.C,
Gowribidanur

ORIGINAL SUIT NO.206/2026

PLAINTIFF : Smt. Lakshamma
W/o. Late Rangappa,
Aged about 74 years,
R/at. Gurupanahalli Village,
Hossur Village and Hobli,
Gowribidanur Taluk,
Chikkaballapur District.

(Represented by Sri. V.V.K., Advocate)

// Versus //

DEFENDANTS :

- 1.** Sri. Ramakrishna
S/o. Bhuthappa,
Aged about 55 years,
- 2.** Smt. Arunamma
W/o. Ramakrishna,
Aged about 48 years,
- 3** Sri. Bujendra
S/o. Ramakrishna
Aged about 28 years
- 4** Sri. Srinivasa
S/o. Ramakrishna,
Aged about 25 years,

All are R/at Gurupannahalli Road,
Hosuru Village and Hobli,
Gowribidanur Taluk,
Chikkaballapur District.

(Represented by Sri. A.V.R., Advocate)

PARTIES TO THE I.A.NO.I

APPLICANT/S: Smt. Lakshamma
(Plaintiff)

-Vs-

OPPONENT/S: Sri. Ramakrishna and others
(Defendants)

ORDER ON I.A No.I FILED BY PLAINTIFF

UNDER ORDER XXXIX RULE 1 & 2 OF C.P.C.

The plaintiff has filed this I.A under Order XXXIX Rule 1 & 2 praying for an ad-interim order of interim temporary injunction to restraining the defendants, his coolies, attorneys, legal heirs, or anybody claiming on behalf of defendants for illegally interfering and illegally continued to lay the pipeline (Digging the pipeline) where the plaintiff property is situated and trying to obstruct the agricultural work by encroaching over the peaceful possession of the suit schedule property till pending disposal of the suit.

2. The sum and substance of the plaintiff's case are:

That the suit schedule property originally belonged to one Late Rangappa, who was the husband of the plaintiff. After his demise, the plaintiff has been in peaceful possession and enjoyment of the suit schedule property. The revenue records have been duly mutated in her name by way of *Pavathi Varasu*. It is further stated that the defendants have their own property for the purpose of laying a pipeline. However, instead of utilizing their own land, the defendants have illegally attempted to lay the pipeline through the plaintiff's property. Such acts of the defendants amount to unlawful interference with the plaintiff's peaceful possession and enjoyment of the suit schedule property, and they are also obstructing the plaintiff's agricultural activities. The defendants have no manner of right, title, or interest over the suit schedule property. Despite the same, they are attempting to interfere with the plaintiff's possession without any lawful authority. Hence, the plaintiff is constrained to file the present suit.

3. The plaintiff has sworn to the accompanying affidavit reiterating the averments made in the plaint. It is stated that if the defendants are permitted to proceed with the illegal act of

digging and laying a pipeline over the suit schedule property, the plaintiff will be put to irreparable loss, hardship, and injury. On the other hand, no hardship or prejudice would be caused to the defendants if the application is allowed. It is further stated that the balance of convenience lies in favour of the plaintiff. Therefore, the plaintiff has prayed that this Court may be pleased to grant an ad-interim order of temporary injunction restraining the defendants, their agents, servants, or anybody claiming through or under them from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property, pending disposal of the suit.

4. In pursuance of the suit summons, the defendants No.1 to 4 have appeared before the Court through their counsel filed written statement and objections to the I.A No.1

5. It has stated that land bearing Sy. No. 117 belongs to the defendants, wherein a borewell is situated. The said Sy. No. 117 is located on the southern side of the road, and immediately after the said road, the plaintiff's property bearing Sy.No.72 is situated. Further, Sy. No. 73 also belongs to the defendants. The defendants states that for the purpose of supplying water from the borewell situated in Sy. No. 117 to their land in Sy. No. 73, a

pipeline is required to be laid. The most convenient and feasible route for laying the said pipeline is through Sy. No. 72, which belongs to the plaintiff. It is further contended that if the pipeline is laid through Sy. No. 72, the distance would be approximately 1000 feet, whereas if an alternative route is adopted, the distance would exceed 2500 feet, making it highly inconvenient and costly. The defendants states that the plaintiff is obstructing them from digging and laying the pipeline through Sy. No. 72. They contend that if the pipeline is not permitted to pass through the said land, their agricultural activities will come to end and they will occur loss, and that they have no other alternative. Further, they have filed an application under Section 90A of the Karnataka Land Revenue Act, before the Tahasildar which came to be closed and issued endorsement to that effect and they have prayed to dismiss the application filed by the plaintiff.

6. Heard arguments on both sides. During the course of arguments, defendants files a memo along with documents.

7. On considering the plaint, I.A No.1, its accompanying affidavit and the objections, the points that arise for consideration are as under:

POINTS FOR CONSIDERATION

1. *Whether the plaintiff /applicant has made out a prima-facie case for the grant of temporary injunction?*
2. *Whether the balance of convenience/inconvenience lies in favor of the plaintiff/applicant?*
3. *Whether irreparable loss and injury would be caused to the plaintiff/applicant, if the temporary injunction is refused?*
4. *What order?*

8. My answer to the above points are as under:

Point No.1 : In the **Affirmative;**

Point No.2 : In the **Affirmative;**

Point No.3 : In the **Affirmative;**

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

:: R E A S O N S ::

9. **Point Nos.1 to 3:** This is a suit for permanent injunction filed by the plaintiff against the defendants.

10. It is averred by the plaintiff that she is the absolute owner of the schedule property by way of Pavathi Varasu and she is in peaceful possession over the suit schedule property, the defendant having no manner of right or title interfering with the

peaceful possession and enjoyment over the suit schedule property.

11. It is important to note that while dealing with the application of this nature, the only function of the Court is to see whether the applicants have made out a prima-facie case and in whose favor the balance of convenience/inconvenience lies and in case of refusal to grant temporary injunction, which side would suffer the most irreparable loss and injury. Prima facie case means that the plaintiff should have a arguable case before proceeding further. It is a well settled principle of law that when there is a doubt regarding the case of the plaintiff, injunction cannot be granted. Let consider the documents produced by the parties.

12. To support the case of the plaintiff, she has produced G-Tree, computerised RTC, mutation entry, encumbrance certificate, Photos and C.D.

13. Per contra, the defendants have also produced as many as documents in support of their claim, including the photographs, copy of sketch, endorsement from Tahasildar dated 20.03.2026.

14. The plaintiff has filed this suit against the defendant for the relief of Permanent injunction with respect to suit schedule property. The question is whether the plaintiff is in possession and enjoyment of the suit schedule property, and whether the defendant has interfered with such possession. On perusal of the documents produced by the plaintiff, it is seen that the RTC for the year 2025-2026 in respect of the suit schedule property stands in the name of the plaintiff. In Column No. 10, the entries disclose that the mutation has been effected by way of *Pavathi Varasu*. Further, on perusal of the Mutation Entry dated 08.06.2022, it is evident that the suit schedule property has been mutated in the name of the plaintiff from her husband, Late Rangappa and it prima facie appears that at this stage, the plaintiff is in possession of the property. At this preliminary stage, the documents produced by the plaintiff, including the RTC, Mutation entry, encumbrance certificate and photographs, prima facie indicate that she has acquired the property by way of pavathi varasu and she in possession over the same. Accordingly, the plaintiff has made out a prima facie case.

15. On the other hand, the defendants contend that Sy. No. 117 belongs to them and is situated on the southern side of

the road, and immediately after the said road, the plaintiff's property bearing Sy. No. 72 is located. It is further contended that Sy. No. 73 also belongs to the defendants. The defendants contends that for the purpose of carrying out agricultural activities, they require water from the borewell situated in Sy. No. 117 to their land in Sy. No. 73, and for the said purpose, a pipeline is required to be laid. The most convenient and feasible route for laying the pipeline is through Sy. No. 72, which belongs to the plaintiff. It is further contended that if the pipeline is laid through Sy. No. 72, the distance would be approximately 1000 feet, whereas if an alternative route is adopted, the distance would exceed 2500 feet, thereby making it highly expensive. The defendants further contend that if the pipeline is not permitted to pass through the said land, their agricultural activities will come to a standstill, resulting in substantial loss, and that they have no other alternative. Whether the defendants are in peaceful possession of Sy. Nos. 73 and 117, and that they require a pipeline to carry water from Sy. No. 117 to Sy. No. 73 for agricultural purposes through Sy. No. 72, i.e., the plaintiff's property, stating that the distance would be approximately 1000 feet through the plaintiff's land and would exceed 2500 feet if an alternative route is adopted, thereby causing substantial loss, in

order to substantiate these contentions, a full-fledged trial is required. The burden is on the Defendants to prove these facts, he can lead cogent and convincing evidence during the course of trial. The plaintiff contends that if the defendants are permitted to dig and lay the pipeline through the suit schedule property, it would result in destruction of the standing crops and cause substantial loss to the plaintiff. It is further contended that there exists an alternative route available to the defendants for laying the pipeline. Despite the same, with an intention to make unlawful gain and without any right, the defendants are attempting to lay the pipeline through the plaintiff's property. At this stage, the plaintiff has made out a prima facie case by producing the RTC for the year 2025–2026, which indicates that agricultural operations are being carried out in the suit schedule property. In order to protect the suit schedule property and the possession of the plaintiff, it is necessary to consider the material on record, which discloses an arguable case in favour of the plaintiff.. Whenever an arguable case is established, it can be held that a prima facie case exists. Accordingly, for the aforesaid reasons, **Point No. 1 is answered in the Affirmative.**

16. **Point Nos.2 and 3** :- Both these points are taken up together for common discussion to avoid repetition of facts. The Court has to see whether the applicant will sustain such injuries or loss which cannot possibly and adequately remedied by way of damage and the said damage would be inadequate in case of the success of the applicants As far as the question of balance of convenience/inconvenience is concerned, the Court has to see the mischief or inconvenience which may be caused to either of the parties and see whether it is necessary or proper to maintain status quo till the adjudication of dispute finally decided. The ingredients are to be established by the parties who seek injunction in his favor. The grant of injunction is a discretionary relief and the parties who claim such a relief should come to the Court with clean hands and place all the materials before the Court so that Court is satisfied about the case in favor of the parties seeking the order.

17. It is to be noted here that the plaintiff has sought for temporary injunction against the defendants restraining them from interfering with the peaceful possession of the plaintiff over the suit schedule property till the disposal of this suit, in the interest of justice and equity. The plaintiff have produced a RTC,

Mutation entry, encumbrance certificate and photographs, pertaining to the suit schedule property which prima-facie at this preliminary stage disclose that the plaintiff is in possession over the suit schedule property and the revenue documents have been mutated to her name by way of pavathi varasu. Although the defendants have contended that they are in peaceful possession of Sy. Nos.73 and 117, and that they require a pipeline to carry water from Sy. No.117 to Sy. No.73 for agricultural purposes through Sy. No.72, i.e., the plaintiff's property, stating that the distance would be approximately 1000 feet through the plaintiff's land and would exceed 2500 feet if an alternative route is adopted, thereby causing substantial loss, they have not produced any cogent documentary evidence at this stage to substantiate their possession over Sy. No.73 or that they are carrying out agricultural activities therein. Though the defendants have produced certain photographs, mere production of photographs is not sufficient, at this preliminary stage, to establish their peaceful possession or agricultural operations in Sy. No. 73. Hence, the possibility of the defendants interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property cannot be ruled out. If the defendant is not prevented at this stage, he may succeed in digging the pipe line

from plaintiff's property, the plaintiff which may cause irreparable loss and injury and the balance of inconvenience lies in favor of the plaintiff under such circumstances. Therefore, this Court opines that the balance of convenience/inconvenience lies in favor of the plaintiff and that if the I.A is not allowed, the plaintiff would be put to irreparable loss. Hence, I have answered **Point No.2 and 3** in the **Affirmative**.

18. **Point No.4** :- In view of the findings on Points No.1 to 3, the plaintiff is entitled to the relief of temporary injunction as sought for. Hence, this Court proceeds to pass the following:

ORDER

I.A filed by the plaintiff under Order XXXIX Rule 1 & 2 of C.P.C is hereby allowed.

The defendant, or his agents, assignees, collies, or anybody, are hereby restrained, by an order of temporary injunction from digging or laying any pipeline in the suit schedule property and from in any manner interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property, till the disposal of this suit.

No order as to costs.

For compliance u/s 89 of CPC by
17.09.2026

(Typed by me on my own computer, corrected and then pronounced by me in
open court on this day i.e., 04th June, 2026)

(PUSHPA D.)
ADDL. CIVIL JUDGE & JMFC.,
GOWRIBIDANUR