

KACM200006792025



IN THE COURT OF SENIOR CIVIL JUDGE,
AT: KADUR

Present:- Sri. IRFAN.

B.A., LL.B.,

Senior Civil Judge & JMFC,
Kadur, Chikkamagaluru District.

Dated: this the 30th day of April – 2026.

O.S. No.271/2025

Plaintiff:-

Smt. Pushpa U.B.,
D/o U.H. Basvegowda and
A.C. Anasuya,
Age: 57 years,
R/at Flat No. B 31, No.11,
Tallam Residency,
Serpentine Road,
Next to SBI Bank,
Kumara Park,
Bangalore – 560 020.

(By: Sri. G. Manukumar, Advocate)

V/s

Defendants:-

1. Sri. A.C. Prabhu Rajshekar,
S/o Late A.C. Chandre Gowda,



Age: 79 years,
R/at No.7F, Crescent Court,
Crescent Road, High Grounds,
Bangalore – 560 001.

2. Sri. A.P. Pavan Chandra,
S/o Late A.C. Prabhu Rajshekar,
Age: 55 years,
R/at Huligere, Kadur Taluk,
Chikkamagaluru District –
577 138.
3. Sri. A.P. Kiran Chandra,
S/o Late A.C. Prabhu Rajshekar,
Age: 49 years,
R/at Huligere, Kadur Taluk,
Chikkamagaluru District –
577 138.
4. Smt. Arathi Sharat Kumar
@ A.P. Arathi,
D/o Late A.C. Prabhu Rajshekar,
W/o Sharat Kumar,
Age: 54 years,
R/at No.265, 17th Cross,
Sadashivanagar,
Bangalore North,
Bangalore-560 080
5. Sri. A.C. Niranjan,
S/o Late A.C. Chandre Gowda,
Age: 74 years,
R/at Huligere Estate,
Huligere Post,
Kadur Taluk,



Chikkamagaluru District -
577 101.

6. Sri. A.N. Chandan,
S/o A.C. Niranjana,
Age: 47 years,
R/at Huligere Estate,
Huligere Post, Kadur Taluk,
Chikkamagaluru District -
577 101.
7. Sri. A.N. Charan,
S/o A.C. Niranjana,
Age: 44 years,
R/at Huligere Estate,
Huligere Post, Kadur Taluk,
Chikkamagaluru District -
577 101.
8. Smt. A.C. Rathnamma,
W/o H.B. Lokeshwar,
D/o late A.C. Chandre Gowda,
Since dead, represented by
her legal heirs.
- 8(a) Smt. Soubhagya B.L.,
D/o H.B. Lokeshwar and
A.C. Rathnamma,
Age: 70 years,
R/at Sowbhagya Estate,
Handli Estate,
Somarpeta,
Kodagu District – 571 236.



- 8(b) Sri. Sharath Kumar B.L.,
S/o H.B. Lokeshwar and
A.C. Rathnamma,
- 8(c) Sri. Jayachandra B.L.,
S/o H.B. Lokeshwar and
A.C. Rathnamma,
9. Smt. A.C. Anasuya,
W/o U.H. Basvegowda,
D/o late A.C. Chandre Gowda,
Since dead, represented by
her legal heirs.
- 9(a) Smt. U.B. Nandini,
W/o Dr. Harsha,
D/o U.H. Basvegowda,
Age: 65 years,
R/at 253, 15th main,
RMV Extension,
Bangalore – 560 080.
- 9(b) Smt. U.B. Sumathi,
D/o Smt. A.C. Anasuya,
Age: 63 years,
R/at 11, Tallam residency,
Kumar Park West,
Bangalore – 560 020.
10. Smt. A.C. Shashimukhi,
W/o B.K. Jagadish Chandra,
D/o A.C. Chandre Gowda,
Since dead, represented by
her legal heirs.



- 10(a) Smt. B.J. Madhumathi,
W/o A.S. Shankargowda,
D/o B.K. Jagadish Chandra,
Age: 55 years,
R/at 379/9, 6th A Cross,
13th main, RMV Extension,
Sadashivnagar,
Bangalore – 560 080.
- 10(b) Sri. B.J. Manu,
S/o B.K. Jagadish Chandra,
Age: 53 years,
R/at #458, 11th Main,
RMV Extension,
Sadashivnagar,
Bangalore – 560 080.
11. Smt. A.C. Poornima,
W/o C.R. Renukardhya,
D/o late A.C. Chandre Gowda,
Age: 72 years,
R/at 66, Railway Parallel Road,
Kumara Park West,
Bangalore – 560 020.
12. Smt. C.R. Babitha,
W/o Rakesh Uppini,
D/o C.R. Renukardhya,
Age: 49 years,
R/at Flat 7A,
Crescent Court Apartments,
Crescent Road, High Grounds,
Bangalore – 560 001.
13. Smt. C.R. Anitha,



W/o A.C. Chandrasaha,
D/o C.R. Renukardhya,
Age: 45 years,
R/at 66, Railway Parallel Road,
Kumara Park West,
Bangalore – 560 020.

14. Smt. C.R. Kavitha,
D/o C.R. Renukardhya,
Age: 47 years,
R/at 66, Railway Parallel Road,
Kumara Park West,
Bangalore – 560 020.
15. M/s Himalaya Wellness
Company, A company registered
under the Indian Companies
Act, 1956, Having its Principal
place of business at Makali,
Tumkur Road,
Bengaluru – 562 123.
Represented by its GPA holder -
Smt. Jayashree Ullal,
D/o Dayananda Ullal.

(Defendants No.1, 3 and 4 by: Sri. Hareesh Singatagere,
and Sri. Hemaraj T, Advocates)

(Defendant No.2 – Exparte)

RANK OF THE PARTIES ON I.A.NO.I

Applicant/
Plaintiff

: Smt. Pushpa U.B.,



V/s

Opponents/
Defendants : Sri. A.C. Prabhu Rajshekar
and others.

i	<i>Provision under which the application is filed</i>	<i>U/O 39 Rule 1 and 2 R/w Sec.151 of CPC</i>
ii	<i>Relief sought for</i>	<i>Temporary Injunction.</i>
iii	<i>The date on which the application is filed</i>	<i>15.12.2025.</i>
iv	<i>Number of the application</i>	<i>1</i>
v	<i>The date on which the objections are filed by different opponent</i>	<i>06.01.2026. Consider the written- statement of defendants No.1, 3 and 4 as objections to IA No.1</i>
vi	<i>The date on which the orders were passed on the said application</i>	<i>30.04.2026.</i>

At the institution of the suit, the plaintiff has filed this application.

ORDERS ON I.A.I

This interim application has been filed by the plaintiff, under Order XXXIX Rule 1 and 2 R/w Sec.151 of CPC seeking for an order of temporary injunction to restrain the defendants or anybody else acting on their behalf from alienating or creating any third party rights



over the suit schedule property in any manner, till the final adjudication.

2. This application is accompanied by an affidavit filed by plaintiff, which is nothing but reiteration of plaint averments. The defendants No.1, 3 and 4 filed a memo seeking to consider their written statement averments itself as objections to this IA. The respective contentions shall be put-forth while assigning reasons.

3. Heard Sri.MG, Advocate for plaintiff and Sri. HS for defendants No.1, 3 and 4. Learned counsel for plaintiff also filed notes of arguments.

4. The points that arise for consideration are as follows:

1. Whether the applicant / plaintiff has made out prima-facie case in her favour ?



2. Whether the applicant / plaintiff has made out balance of convenience in her favour?
3. Whether the applicant / plaintiff would suffer irreparable loss and injuries, if the injunction is not granted?
4. What order?
5. With reference to the material made available on record the above points answered as follows:-

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

6. **Point No.1 to 3:-** These points are taken up together for common discussion.

Before proceeding to discuss upon the merits of this application, it is just to put-forth that this suit was



initially filed before the 1st Addl. Civil Judge, Kadur under OS No. 163/2025 and same was returned to be presented before this court on the grounds of pecuniary jurisdiction as per its order dated 02.12.2025 U/O VII Rule 10 of CPC. If the said proceedings are taken into consideration, it is a matter of record that as per the orders of Hon'ble High Court of Karnataka in WP No.6838/2025 (GM-CPC), dated 10.03.2025, the parties to the said suit proceedings were directed not to create any third party interest in respect of the disputed properties on hand. The said order was continued in existence till the date of return of plaint as stated above. Now after re-presenting the instant suit, the plaintiff again pressed upon an order of temporary injunction to restrain the defendants from alienating or creating any third party rights over the suit schedule properties pending disposal of the present suit. The plaintiff in order to demonstrate the prima-facie overt



act of the defendants has produced the photo-stat copies of several sale agreements with respect to the disputed properties on hand. The encumbrance certificate produced by the plaintiffs also demonstrate the said facts. It is the contention of the plaintiff that she being the joint family member and descendant of A.C. Chandregowda through her mother – Smt. Anusuya sought for the allotment of her specific share in the suit schedule properties by specifically seeking to declare the partition deeds dated 16.09.1965, settlement deed dated 06.02.1973 and partition deed dated 11.05.2007 as null and void by contending that the plaintiffs' mother was being defrauded in execution of the aforesaid deeds. On the other hand, the defendants have not disputed the relationship, but have specifically asserted that there has already been a partition effected by metes and bounds under a registered partition deed dated 16.09.1965 and



settlement deed dated 06.02.1973 and the plaintiff herein by taking undue advantage of the mistake committed by the draftsman while preparing the document dated 11.05.2007 has filed this false suit for unlawful gain. The plaintiff is not in cordial terms with the family of 1st defendant since 40 years and she is in very good terms with 5th defendant and therefore, she has instituted this false suit, which is also claimed to be not maintainable on the grounds of limitation.

7. By going through the documentary evidence placed on record with reference to the relationship as narrated above and admitted facts, the respective rights of the parties are to be adjudicated upon and having considering the duly certified copies of the registered sale agreements entered in the year 2024 produced under documents No.11 to 18 and subsequent sale deed produced by the plaintiff dated 09.03.2026, which is executed during the pendency of consideration of IA



No.I, it is found necessary to restrain the defendants from alienating or creating any third party rights over the suit schedule properties till the final adjudication. The properties in question runs about hundreds of acres and if the defendants proceeds to dispose of suit schedule properties, it leads to multiplicity of proceedings and therefore, in order to curtail the said aspect and also to protect the interest of respective parties, it is found necessary to pass an order of temporary injunction as sought under this application. No harm or prejudice would be caused to the defendants and on the other hand, it would cause much hardship to the plaintiff. Thus the plaintiff has made out prima-facie case and balance of convenience lies in her favour rather than the defendants. Accordingly, **the points No.1 to 3 under consideration are answered in the Affirmative.**



8. **Point No.4** :- In view of the discussions in foregoing points, the following;

ORDER

IA No.I filed by the plaintiff, under order XXXIX Rule 1 and 2 of CPC is allowed.

No order as to costs.

The defendants or anybody else acting on their behalf are temporarily restrained from alienating or creating any third party rights over the suit schedule property, till final adjudication.

(Dictated to the Stenographer on computer, corrected, initialed and then pronounced by me in open Court on this the 30th day of April, 2026)

Sd/-
(IRFAN)
Senior Civil Judge,
Kadur.