



**IN THE COURT OF THE I ADDL.CIVIL JUDGE & JMFC, AT
KADUR**

PRESENT:- SMT.AMRIN SULTANA B.A.L., LL.B.,

Prl. Civil Judge & JMFC, Kadur.

C/c. Of I Addl.Civil Judge & JMFC., KADUR.

Dated this 26th day of February 2026

O.S.NO.776/2024

PLAINTIFF

Sri.Chandranaika S/o
Lalyanaika, Aged about 41 years,
Agriculturist, R/o L.Agrahara
Tandya village, Sakharayapatna
Hobli, Kadur taluk, Chikmagalur
district.

(Reptd. by Sri. H.T., Advocate)

V/s-

DEFENDANT

Sri.Vijayanaika S/o Lalyanaika,
Aged about 39 years,
Agriculturist, R/o L.Agrahara
Tandya village, Sakharayapatna
Hobli, Kadur taluk, Chikmagalur
District.

(Reptd. by Sri. KRU., Advocate)

**I.A. No. I****APPLICANT/
PLAINTIFF****: Sri. Chandranaika
-V/s-****OPPONENTS /
DEFENDANT/S****: Sri. Vijanaika**

1.	Number of IA	I.A.No.I
2.	Provision of law	Under Order 39 Rule 1 and 2 R/w Sec.151 CPC
3.	Filed by	Plaintiff
4.	Date of filling	20.11.2024
5.	Date of filling of objections	14.07.2025
6.	Date of Order	26.02.2026

ORDERS ON I.A NO. I

The plaintiff has filed the present suit seeking the relief of permanent injunction, restraining the defendant from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property and from harvesting



or plucking the arecanut crop by causing damage to the suit schedule property.

2. Along with the plaint, the plaintiff has also filed I.A. No.1 under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, praying for an interim order of temporary injunction restraining the defendant from trespassing into the suit schedule property and from plucking or harvesting the arecanut crop from the trees standing therein, pending disposal of the suit.

➤ In the affidavit filed in support of the said interlocutory application, the plaintiff has stated that he purchased the suit schedule property under a registered sale deed dated 28.07.2008 and registered on 12-05-2011, bearing Document No. 513/2011-12, from the lawful owners. Since the date of purchase, the plaintiff has been in lawful possession and enjoyment of the suit schedule property. The



revenue records and katha stand mutated in the name of the plaintiff.

➤ After purchase of the property, the plaintiff has invested huge amounts and hard labour for development of the land. He has planted about 1200 arecanut plants, dug two borewells, and also planted coconut trees. At present, the coconut trees are yielding, and the plaintiff and his family members are entirely dependent upon the income derived from the suit schedule property for their livelihood. The arecanut crop is now ready for harvest.

➤ The plaintiff has availed crop loan and land development loan from Canara Bank, Sakleshpur Branch, by mortgaging the suit schedule property, and he has been regularly repaying the loan amounts from the income earned from the said property.

➤ The defendant has no manner of right, title, or interest over the suit schedule property and is in no way



concerned with the same. The defendant does not own any property adjacent to or surrounding the suit schedule property. However, at the instigation of certain persons who are not on good terms with the plaintiff, the defendant has been making illegal and high-handed attempts to obstruct and interfere with the plaintiff's peaceful possession and enjoyment of the suit schedule property.

➤ The defendant has also been attempting to prevent the plaintiff from harvesting the arecanut crop and is further trying to pluck the arecanut crop himself by causing damage to the suit schedule property. Such acts of the defendant are illegal, arbitrary, and without authority of law. Though the plaintiff has tried to resist the illegal acts of the defendant, the defendant is a powerful person having men and political influence. The plaintiff is not in a position to effectively prevent the illegal interference of the defendant on his own.



➤ If the defendant is not restrained by an order of temporary injunction, the plaintiff will be put to irreparable loss, hardship, and humiliation, and the very purpose of filing the suit would be frustrated. The plaintiff has made out a prima facie case, and the balance of convenience lies in favour of the plaintiff. If the injunction is not granted, the plaintiff would suffer irreparable injury, which cannot be compensated in terms of money. Hence, the plaintiff prayed to allow I.A. No.1 and grant an order of temporary injunction as prayed for.

3. On the other hand, the defendant has filed a statement of objections to I.A. No.1, contending that the plaintiff and the defendant are brothers. It is further contended that the defendant is a Government servant, and due to certain service-related formalities and restrictions applicable to Government employees for purchase of immovable property, the defendant had purchased the suit



schedule property from the vendor in the name of the plaintiff, though the entire consideration was paid by the defendant.

➤ It is further contended that the actual possession and enjoyment of the suit schedule property has always been with the defendant alone, and not with the plaintiff, as falsely alleged. The defendant asserts that he is in continuous and lawful possession of the suit schedule property.

➤ The defendant submits that he has submitted an application to the concerned authorities for issuance of possession certificate. Pursuant to the said application, the concerned Revenue Inspector, after conducting a spot inspection, has submitted a report to the Tahsildar, clearly stating that the possession of the suit schedule property is with the defendant alone.

➤ It is further contended that the defendant has leased the suit schedule property to one Vijayanaika for



harvesting the arecanut crop, and the same is being done with the knowledge and consent of the defendant.

➤ The defendant further contends that the plaintiff has not produced any document to establish his possession over the suit schedule property. It is also contended that the plaintiff has wrongly mentioned the boundaries of the suit schedule property in the plaint, thereby creating serious doubt regarding the identity and possession of the property.

➤ The defendant submits that the plaintiff has no prima facie case, no balance of convenience in his favour, and would not suffer any irreparable injury if the relief of injunction is denied. On the contrary, granting injunction would cause serious hardship to the defendant, who is in actual possession of the property. It is further contended that the plaintiff is not the absolute owner of the suit schedule property and has filed the present suit with an ulterior motive, suppressing true and material facts. Hence, the



plaintiff is not entitled to any relief as claimed in the plaint or in I.A. No.1. Hence prayed to dismiss I.A. No.1 with costs.

4. Heard Argument from both side, perused materials available on record, the following points would arise for the consideration of this court.

1. Whether the plaintiff has made out a prima facie case for grant of temporary injunction as prayed in I.A. No.1?
2. Whether the balance of convenience lies in favour of the plaintiff?
3. Whether the plaintiff would suffer irreparable injury if the relief of temporary injunction is refused?
4. What order?

5. The answer of this court for the above points are 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 Following;



REASONS

6. Point No.1to 3:- These points are taken up together for consideration, as they are interlinked and arise out of the same set of facts.

7. At this interlocutory stage, the Court is not required to finally adjudicate the title or decide the rights of the parties conclusively. The scope of enquiry under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure is limited to examining whether the plaintiff has made out a prima facie case, whether the balance of convenience lies in his favour, and whether he would suffer irreparable injury if the relief of temporary injunction is refused.

8. In the present case, the plaintiff has produced RTC extracts, MR extracts, Record of Rights, land holding certificate, crop certificate, photographs, and a certified copy of the registered sale deed, all of which stand in the name of the plaintiff. These documents prima facie establish that the



revenue records stand in the name of the plaintiff and support his contention that he is in possession and enjoyment of the suit schedule property.

9. The plaintiff has further contended that he has developed the land by planting arecanut and coconut trees and that the arecanut crop is now ready for harvest. The plaintiff has also stated that he has availed crop loan and land development loan by mortgaging the suit schedule property and has been repaying the same from the income derived from the said property. These facts, supported by documentary material, lend credence to the plaintiff's claim of possession.

10. On the other hand, the defendant has not produced any registered document or revenue records standing in his name. The defendant has mainly relied upon the report submitted by the Revenue Inspector to the Tahsildar. However, it is not in dispute that the said report was



prepared without issuing any notice to the plaintiff and in his absence. At this interlocutory stage, such a report cannot prevail over the statutory revenue records standing in the name of the plaintiff.

11. The contention of the defendant that the property was purchased in the name of the plaintiff due to service-related restrictions applicable to Government servants is a matter that requires full-fledged trial and evidence, and the same cannot be conclusively decided at this stage.

12. If the defendant is permitted to interfere with the possession of the plaintiff or to harvest the arecanut crop pending disposal of the suit, the plaintiff would suffer serious hardship, including loss of agricultural produce and damage to standing crops. Such loss cannot be adequately compensated in terms of money and would defeat the very purpose of filing the suit.



13. On the other hand, granting an order of temporary injunction would only maintain the status quo and would not cause irreparable hardship to the defendant, whose rights, if any, can be adjudicated in the main suit.

14. In view of the above facts and circumstances, this Court is of the considered opinion that the plaintiff has made out a prima facie case, that the balance of convenience lies in his favour, and that he would suffer irreparable injury if the relief of temporary injunction is refused. Accordingly, Point Nos.1 to 3 are answered in the **Affirmative**.

15. Point No.4 : in view of the above, I proceed to pass following;

O R D E R

I.A. No.1 filed by the plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure is hereby allowed.

The defendant, his agents, men, or any person claiming through or under



him are hereby restrained by an order of temporary injunction from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property and from trespassing into the suit schedule property.

The defendant is further restrained from plucking, harvesting, or causing damage to the arecanut crop or any other standing trees in the suit schedule property, pending disposal of the suit.

It is made clear that the observations made herein are only for the purpose of disposal of I.A. No.1 and shall not influence the trial or final adjudication of the main suit.

No order as to costs.

(Order dictated to the stenographer on computer typed by her, revised, corrected & then pronounced by me in open court on this the 26th day of February 2026)

**(SMT. AMRIN SULTANA),
Pr1. CIVIL JUDGE &J.M.F.C.,
KADUR.**