



IN THE COURT OF THE PRL. CIVIL JUDGE AND JMFC.,
MUDIGERE

Present: Smt. Suraksha K.K., B.B.M., L.L.B.
 C/C Prl. Civil Judge & JMFC.,
 Mudigere.

DATED: THIS THE 07th DAY OF APRIL 2026

ORIGINAL SUIT No: 81/2024

BETWEEN :

Sri.Raju,
 Aged about 43 years,
 S/o Late Huchaiah,
 R/o Hosamane, Chinniga Village,
 Gonibeedu Hobli, Mudigere Taluk. Plaintiff
(By Sri.K.M.Prashanth, Adv.,)

AND :

Smt. Sudha,
 Aged about 38 years,
 W/o Late. Annappa,
 R/o Hosamane, Chinniga Village,
 Gonibeedu Hobli, Mudigere Taluk. Defendant
(By Sri. H.K.Devaraj, Adv.,)

PARTIES ON I.A.NO.I

BETWEEN :

Sri.Raju ... Applicant

AND :

Smt.Sudha ... Opponent

i	Provision under which the application is filed	Order XXXIX Rule 1 and 2 of CPC
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ii	Relief sought for	Temporary injunction
iii	The date on which the application is filed	29.06.2024
iv	Number of the application	I
v	The date on which the objections are filed by different opponents	Written Statement dated 03.06.2025 treated as objections
vi	The date on which the orders were passed on the said application	07.04.2026

(Suraksha K.K.)
C/C Prl. Civil Judge & JMFC,
Mudigere.

ORDERS ON I.A.NO.I

The present application has been filed by the plaintiff against the defendant seeking for the relief of temporary injunction by restraining the defendant her men, agents, servants or anybody claiming right through her from trespassing the schedule property by removing the fence in western side of the schedule property and dispossessing the plaintiff from the schedule property or in any way disturbing the plaintiff's peaceful possession, cultivation and enjoyment of the suit schedule property.

2. It is the case of plaintiff that the plaintiff, Puttaiah, Puttaswamy, Lokaiah and Subbaiah are brothers and also the children of late Huchhaiah. The suit schedule property has been originally granted in favour of the father of the plaintiff i.e., late Huchhaiah under Akkarma and Sakkarma scheme and also issued



saguvali chit dated 30.11.2014. Since, then the father of the plaintiff is in possession over the suit schedule property and after the demise of the father the katha of the schedule property has been mutated into the name of the plaintiff and his brothers under MR No.H10/2014-15. Since, then the plaintiff and his brothers are in possession and enjoyment of the schedule property. Now, the defendant who is having the residential house on the western side of the schedule property is always trying to dispossess the plaintiff from the schedule property. Hence this application.

3. In counter defendant has denied the entire contention of the plaintiff and further contents that the defendant is the owner in possession, occupation and enjoyment of the property in Sy.No.198 measuring 2.00 acres situated at Chinniga Village, Gonibeedu Hobli, Mudigere Taluk and the same has been granted into the name of the defendant as per order passed by the Tahsildar and the saguvali Chit No.264/1979-80 has also been issued. In order to encroach the said property the plaintiff has come up with application and to harass the defendant and prays to reject the application.

4. Heard learned counsel for plaintiff, learned counsel for defendant filed written arguments and this Court has carefully perused the entire materials available on record. In view of the above contentions, the following points arise for consideration:

1. Whether the plaintiff has made out prima-facie case in his favor to grant temporary injunction as sought for?



2. Whether the balance of convenience lies in favor of the plaintiff?

3. Whether the plaintiff will be put to irreparable injury if temporary injunction is not granted in his favour?

4. What order?

5 The answers of this Court on 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:**

REASONS

6. Points No.1 to 3: Since these points require common consideration of facts and materials, they are taken for common discussion so as to avoid repetitions.

It is the case of plaintiff that the plaintiff, Puttaiah, Puttaswamy, Lokaiah and Subbaiah are brothers and also the children of late Huchhaiah. The suit schedule property has been originally granted in favour of the father of the plaintiff i.e., late Huchhaiah under Akkarma and Sakkarma scheme and also issued saguvali chit dated 30.11.2014. Since then the father of the plaintiff is in possession over the suit schedule property and after the demise of the father the katha of the schedule property has been mutated into the name of the plaintiff and his brothers under MR No.H10/2014-15. Since, then the plaintiff and his brothers are in



possession and enjoyment of the schedule property. Now the defendant who is having the residential house on the western side of the schedule property is always trying to dispossess the plaintiff from the schedule property, hence this application.

7. In support of his contention plaintiff has also produced the following documents i.e., copy of saguvali chit, RTC, Mutation register, kandayam receipts, photographs and compact disc of the suit schedule property.

8. In counter defendant has denied the entire contention of the plaintiff and further contents that the defendant is the owner in possession, occupation and enjoyment of the property in Sy.No.198 measuring 2.00 acres situated at Chinniga Village, Gonibeedu Hobli, Mudigere Taluk and the same has been granted into the name of the defendant as per order passed by the Tahsildar and the saguvali Chit No.264/1979-80 has also been issued. In order to encroach the said property the plaintiff has come up with application and to harass the defendant.

9. In support of her contention the defendant has produced any documents.

10. On perusal of the pleadings and the materials placed on record it could be seen that the plaintiff has prima-faciely shows that he has acquired the suit schedule property in Sy.No.149/4 measuring 2.00 Acres through pouthi katha and the suit schedule properties are jointly standing in the name of the plaintiff and his brothers after the death of their father and also produced kandayam receipts in order to prove his possession over the suit schedule



property by paying kadayam and also produced photos in order to show the interference caused by the defendant over the suit schedule property. On perusal of the said documents no grounds made out to disbelieve the contention raised by the plaintiff and plaintiff has prima-faciely shows that he is in peaceful possession over the suit schedule property. On the other hand in order to prove that the plaintiff is trying to encroach the property in Sy.No.198 situated at Chinniga Village, which is in possession of defendant, the defendant has not produced any documents in support of said contention.

11. On considering the above discussion this Court is of view that, plaintiff has made out prima-facie case and balance of convenience in his favour. If the defendant is not restrained from interference over the suit schedule property then the plaintiff who will put to great hardship, irreparable loss and injury. As per above discussion the plaintiff has prove his case that he is in the possession over the suit schedule property. Hence, in order to avoid the multiplicity of proceedings, it is necessary to restrain the defendant from interfering over the plaintiff peaceful possession over the suit schedule property. Hence, points No.1 to 3 are answered in '**Affirmative**'.

12. Point No.4: In view of the above findings recorded on points No.1 to 3, this Court is of view to allow the present application. Hence, the following;

**ORDER**

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

The defendant, her men, agents, servants or anybody claiming right through her is hereby restrain from trespassing the schedule property by removing the fence in western side of the schedule property and dispossessing the plaintiff from the schedule property or in any way disturbing the plaintiff's peaceful possession, cultivation and enjoyment of the suit schedule property till pending disposal of the suit.

To hear on case management.

Call on 04.06.2026.

(Dictated to the Stenographer, typed by him on computer, corrected and then pronounced by me in the open court on this the **07th day of APRIL, 2026**).

(Suraksha K.K.)
C/C Prl. Civil Judge & JMFC.,
Mudigere.

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