



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

Present: **Sri. Vishwanath A.,** B.B.A., L.L.B.
Prl. Civil Judge & JMFC.,
Mudigere.

DATED: THIS THE 03rd DAY OF JANUARY 2026

ORIGINAL SUIT No: 19/2025

BETWEEN :

Dhruv Choudhry,
Aged about 35 years,
S/o Samir Choudhry,
No.1, Sangeet Apartments,
Between 17th & 18th Cross,
Malleswaram,
Bangalore-560 055.
GPA holder for
Sampigekhan Estate II,
A partnership Firm.

.... Plaintiff
(By Sri.Prasanna.R, Adv.,)

AND :

1. Motaiah.D.N,
Aged about 82 years,
S/o late Ningaiah.D.P,
R/o Devarunda Village,
Gonibeedu Hobli,
Mudigere Taluk.
Since Dead by LR's

1(a). D.M.Sujatha,
Aged about 54 years,
D/o late Motaiah.D.N,
W/o M.M.Erappa,
Home Maker,
R/o Markal Village,



Niduvale Post, Balur Hobli,
Mudigere Taluk-577 132,
Chikkamagaluru District.

1(b). D.M.Sudha,
Aged about 52 years,
D/o late Motaiah.D.N,
W/o M.R.Divakara,
Home Maker,
R/o Mugrahalli,
Halekote Village,
Bidarahalli Post,
Kasaba Hobli,
Mudigere Taluk-577 132,
Chikkamagaluru District.

1(c). D.M.Roopa,
Aged about 46 years,
D/o late Motaiah.D.N,
W/o K.I.Dharmapal,
Home Maker,
R/o Kunnahalli Village,
Halase Post, Kasaba Hobli,
Mudigere Taluk-577 132,
Chikkamagaluru District.

1(d). D.M.Shobha,
Aged about 44 years,
D/o late Motaiah.D.N,
W/o K.A.Ajithkumar,
Home Maker,
R/o Kanachuru Village,
Hanthuru Post,
Gonibeedu Hobli,
Mudigere Taluk-577 132,
Chikkamagaluru District.

Defendants No.1(a) to 1(d) are
R/by their GPA holder
Dayananda.D.M,
Aged about 44 years,
S/o late Motaiah.D.N,



Agriculturist,
R/o Devarunda Village,
Hanthuru Post,
Gonibeedu Hobli,
Mudigere Taluk-577 132,
Chikkamagaluru District.

2. Dhayanand.M,
Aged: Not known,
S/o Motaiah.D.N.
3. Basavaraju.D.N,
Aged: Not known,
S/o late Ningaiah.D.P.
4. Vijaya.B,
Aged: Not known,
S/o Basavaraju.D.N.
5. Ramachandra.D.N,
Aged: Not known,
S/o late Ningaiah.D.P.
6. Prasad.R,
Aged: Not known,
S/o Ramachandra.D.N.
7. Ravi Prakash.DN,
Aged: Not known,
S/o Ramachandra.D.N.
8. Thamanna.D.N,
Aged: Not known,
S/o late Ningaiah.D.P.
9. Prathap.T,
Aged: Not known,
S/o Thamanna.D.N.
10. Ganesh.D.N,
Aged: Not known,
S/o late Ningaiah.D.P.

Devarunda Village,



Hanthuru Post,
Gonibeedu Hobli,
Mudigere Taluk.

... Defendants

(D1-Abated)

(D2 to 10-By Sri. B.T. Nataraj, Adv.,)

PARTIES ON I.A.NO.I

BETWEEN :

Dhruv Choudhry

... Applicant

AND :

Motaiah.D.N & Ors.

... Opponents

i	Provision under which the application is filed	Order XXXIX Rule 1 and 2 of CPC
ii	Relief sought for	Temporary injunction
iii	The date on which the application is filed	12.02.2025
iv	Number of the application	I
v	The date on which the objections are filed by different opponents	Written Statement dated 07.07.2025 treated as objections
vi	The date on which the orders were passed on the said application	03.01.2026

PARTIES ON I.A.NO.XI

BETWEEN :

Dhruv Choudhry

... Applicant

AND :

Motaiah.D.N & Ors.

... Opponents

i	Provision under which the application is filed	Section 151 of CPC
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ii	Relief sought for	Seeking police help
iii	The date on which the application is filed	08.12.2025
iv	Number of the application	XI
v	The date on which the objections are filed by different opponents	08.12.2025
vi	The date on which the orders were passed on the said application	03.01.2026

(Vishwanath A.)
Prl. Civil Judge & JMFC,
Mudigere.

COMMON ORDERS ON IA NO.I AND IA NO.XI

The plaintiff has filed IA. No.1 seeking for an order of temporary injunction restraining the defendants, their men, agents and any other persons acting on their behalf from interfering with the peaceful possession of the suit schedule properties by way of crossing through the said properties by the use of cart, bullock cart or any other machinery or with any other way from either side of the suit schedule properties to affect the peaceful possession of the plaintiff along with his brother, pending disposal of the above suit. IA No.11 is also filed by the very plaintiff under section 151 of CPC seeking for a direction directing the Gonibeedu Police to extend protection to comply with the order of ex-parte temporary injunction.

2. The plaintiff's case is that he along with his brother Angad Choudhry are the absolute owners in peaceful possession of the properties described as suit item No.1 properties having acquired the



same under registered sale deed dated 06.01.2021. It is also his case that he and his brother have entered into an agreement to sell dated 06.01.2021 in connection to the suit item No. 2 properties under which the possession of said properties have been handed over to them. The defendant No.1 had earlier filed Original Suit No.43/2021 claiming encroachment of his property in Survey No. 293/1 to an extent of 6.15 acres of Devarunda Village. But the said suit came to be dismissed for non-prosecution. Even after that, the defendants have been claiming that there is encroachment in their properties. On 10.02.2025 when the defendants attempted to trespass into the suit schedule properties with their henchmen and while attempting to intrude by damaging the barbed wire fence, the plaintiff has taken the assistance of the workers at their estate and has resisted and protected his property from the intrusion and thus has avoided dispossession from the suit schedule properties. The defendants have also been claiming ownership and possession of the land in Survey No. 300 of Devarunda Village. Whereas the current RTC of that land does not reflect their name as owners. The defendants along with assistants of rowdy elements have been threatening that they would barge inside the suit properties claiming that property belongs to them. One Mr.Suresh, the contractor currently working on the suit properties has approached the jurisdictional police at Gonibeedu police station as per the instruction of plaintiff. But the police have advised to approach the Civil Court as the issue is of civil in nature.

3. Plaintiff has further contended that the defendants have no title whatsoever to the property in Survey No. 300 of Devarunda Village. The claim of encroachment of land in Survey No. 293/1 and ownership of land in Survey No. 300 is a gross misrepresentation with malafide



intention, vexatious, concocted and figment of imagination of the defendants. The defendants are threatening to illegally trespass into the suit properties to make a purported claim of ownership on the suit properties. Defendants who have knowledge that the plaintiff is based out of Bangalore and the plaintiff and his brother does not live on the suit properties are flexing their muscle to penalize the plaintiff. If the temporary injunction is not granted, then the plaintiff's right will be affected, the age old trees, coffee plants will be destroyed and the plaintiff and his brother will be subjected to serious hardship and loss which cannot be compensated in terms of money. In spite of ex-parte temporary injunction granted in this suit, defendants have tried to trespass into the suit properties and on complaint, police have registered NC No. 261/2025 and suggested to approach civil court. On these averments, the plaintiff has sought for allowing the applications.

4. The defendants have filed a memo adopting the written statement as objections to the present application. It is the defendant No.10 who has filed the written statement and the same is adopted by the other defendants. In the written statement, the defendants have contended that the plaintiff is neither the owner nor in possession of suit properties for which specific boundary sketch, extent or proper identification of any alleged encroached portion is not provided. The alleged sale deed and agreement to sale dated 06.01.2021 do not confer any valid or enforceable title upon the plaintiff. The revenue records such as mutation entries, RTC extracts, and Khatha records, clearly reflect that the defendants and their ancestors are the lawful owners and possessors of the suit land. The defendants have been in continuous peaceful and lawful possession, cultivating the land and



regularly paying land revenue. The plaintiff has never been in actual possession and his baseless claim amounts to gross abuse of process of law.

5. Defendants have further contended that the land to an extent of 6 acres 15 guntas in Survey No. 293/1 of Devarunda Village is lawfully held, possessed and cultivated by them. The boundaries to the said property is towards east - Survey No. 313 and 293/2, west - remaining portion of land in Survey No. 293/1 and 298, north - Survey No. 299, 300 and 293/2 and towards south - Survey No. 313 and remaining portion of land in Survey No. 293/1. The said land was originally owned by one Soofi Byarry S/o Ahmed Byarry, as recorded in RR and ILR No.1081. However, the deceased defendant No.1 was in long standing, uninterrupted and peaceful possession, occupation and cultivation of the said property. The unauthorized occupation of the said land has been regularized by the Land Tribunal vide its order dated 27.11.1979 in LRF No. 1807/1975/76 wherein the application in Form No. 7 filed by the deceased defendant No.1 is considered. Consequent to the order of the Land Tribunal, the katha of said land has been mutated to the name of defendant No.1 as per M.R. No.29/1979-80. Defendant No.1 died on 11.03.2025 and thus his legal heirs i.e., defendant No.2, Dhayanada D.M., and also other defendants have succeeded to his estate and are in continued peaceful, lawful and uninterrupted possession and cultivation of the said property wherein they have cultivated coffee, pepper, silver oak trees and are generating substantial revenue serving as the primary source of livelihood for the defendants. In case of plaintiff's interference based upon the unregistered agreement to sell, it would cause irreparable hardship,



injury and economic loss to the defendants. Plaintiff is misusing the interim order to create artificial grounds for police involvement. On these averments, defendants have sought for rejection of both the applications.

6. Having heard the arguments addressed on behalf of the respective parties, 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 favour to grant temporary injunction as sought for?**
- 2. Whether the balance of convenience lies in favour of the plaintiff?**
- 3. Whether the plaintiff will be put to irreparable injury if temporary injunction is not granted in his favour?**
- 4. Whether the plaintiff is entitled for police aid as sought for in IA No.11?**
- 5. What order?**

7. The answers of this court on the above points are as under:

Point No.1 : **In the Negative**

Point No.2 : **In the Negative**



Point No.3 : **In the Negative**

Point No.4 : **In the Negative**

Point No.5 : **As per final order
for the following:**

REASONS

8. Points No.1 to 4: Since these points require common consideration of facts and materials, they are taken for common discussion so as to avoid repetitions.

The plaintiff who pleads about his possession over the suit schedule properties asserts that the properties described as suit schedule item No.1 properties having following description have been acquired under the registered sale deed dated 06.01.2021.

Description of suit schedule item No.1 properties:

All that piece and parcel of coffee estate commonly known as 'Geetanjali Estate', in Devavrunda Village, Gonibeedu Hobli, Mudigere Taluk, Chikkamagaluru District-Karnataka coming within the registration Sub District of Sub-Registrar, Mudigere, Chikkamagaluru District, Karnataka consisting of the following survey numbers:

Sl. No.	Survey Number	Kind of crop	Extent Acre-Gunta	Village
1.	294	Coffee	1-00	Devavrunda
2.	295	Coffee	2-36	Devavrunda
3.	296	Coffee	0-09	Devavrunda
4.	297	Coffee	1-25	Devavrunda
5.	298	Coffee	6-21	Devavrunda



6.	299	Coffee	0-35	Devavrunda
7.	307	No crop Info	0-07	Devavrunda
8.	309/1	Coffee	5-00	Devavrunda
9.	309/2	Coffee	0-24	Devavrunda
10.	309/3	Coffee	0-10	Devavrunda
11.	310	Coffee	2-00	Devavrunda
12.	311	Coffee	0-35	Devavrunda
13.	312/1	Coffee	3-00	Devavrunda
14.	312/2	Coffee	1-34	Devavrunda
15.	312/3	Coffee	0-30	Devavrunda
16.	415	Coffee	7-13	Devavrunda
17.	416	Coffee	3-31	Devavrunda
18.	423	Coffee	2-00	Devavrunda
		Total Extent	40-30	

These land parcels, numbered 1 to 18 have the following common boundaries as below;

East : By Survey nos.293/2, 300 & 313

West : By Survey nos.326, 327, 328, 348 & 378

North : By Survey nos.308, 328 & 417

South : By Survey nos.313

9. The plaintiff further contends to be in possession of the suit item No.2 properties having following description by virtue of registered agreement to sell dated 06.01.2021.

Description of suit schedule item No.2 properties:



All that piece and parcel of coffee estate commonly known as 'Geetanjali Estate', in Devavrunda Village, Gonibeedu Hobli, Mudigere Taluk, Chikkamagaluru District-Karnataka coming within the registration Sub District of Sub-Registrar, Mudigere, Chikkamagaluru District, Karnataka consisting of the following survey numbers:

Sl. No.	Survey Number	Kind of crop	Extent Acre-Gunta	Village
1.	293/1	Coffee	24-39	Devavrunda
2.	300	Coffee	3-10	Devavrunda
3.	308	No crop info	2-25	Devavrunda
4.	308	No crop info	0-08	Devavrunda
		Total Extent	31-02	

i) All that piece and parcel of coffee plantation land, situated in Sy.No.293/1, measuring 24 acres 39 guntas part of coffee plantation commonly known as 'Geetanjali Estate', in Devavrunda Village, Gonibeedu Hobli, Mudigere Taluk, Chikkamagaluru District-Karnataka coming within the registration Sub District of Sub-Registrar, Mudigere and bounded by;

East : By Survey No.313
 West : By Survey No.415
 North : By Survey No.294, 298, 299 & 300
 South : By Survey No.313

ii) All that piece and parcel of coffee plantation land, situated in Sy.No.300, measuring 3 acres 10 guntas part of coffee plantation



commonly known as 'Geetanjali Estate', in Devavrunda Village, Gonibeedu Hobli, Mudigere Taluk, Chikkamagaluru District-Karnataka coming within the registration Sub District of Sub-Registrar, Mudigere and bounded by;

East : By remaining portion of Survey No.300
West : By Survey nos.297 & 299
North : By remaining portion of Survey No.300
South : By Survey No.293/1

iii) All that piece and parcel of coffee plantation land, situated in Sy.No.308, measuring 2 acres 33 guntas part of coffee plantation commonly known as 'Geetanjali Estate', in Devavrunda Village, Gonibeedu Hobli, Mudigere Taluk, Chikkamagaluru District-Karnataka coming within the registration Sub District of Sub-Registrar, Mudigere and bounded by;

East : By Survey No.309
West : By Survey No.302
North : By remaining portion of Survey No.308
South : By Survey No.296 & 297

10. In order to substantiate his contention, plaintiff has produced certified copy of registered Sale Deed dated 06.01.2021 which indicates that the properties described as suit item No.1 properties have been purchased by the plaintiff and one Angad Choudhry from M/s Sampigekhan Estate-2. Plaintiff has also produced the certified copy of registered Agreement of Sale dated 06.01.2021 which goes to show



that the very M/s Sampigekhan Estate-2 having agreed to sell the properties described as suit item No.2 properties is said to have handed over possession of said properties to the plaintiff and one Angad Choudhry. Plaintiff has also produced the RTCs pertaining to the suit properties which goes to show that the name of plaintiff and Angad Choudhry has been mutated in respect to suit item No.1 properties by virtue of registered sale deed dated 06.01.2021 and the RTCs pertaining to suit item No.2 properties are in the name of M/s Geethanjali Estate. As per the plaintiff, the suit properties are commonly known as Geethanjali Estate.

11. Plaintiff has further produced the certified copy of registered sale deed dated 20.03.1995 under which one Patrick Xavier Fernandes through his SPA Holder S.H.Lobo has sold the following properties to Sampigekhan Estate-2 and the Khatha of the said properties has been mutated pursuant to the said sale deed vide MR No.1/1995-96.

Description of proprieties in Sale Deed dated 20.03.1995:

Estate, situated in Devavrunda Village, Gonibeedu Hobli, Mudigere Taluk, coming within the registration Sub District of Sub-Registrar, Mudigere, consisting of the following survey numbers:

Sl. No.	Sy. No.	Kind	Extent A-G	Assst. Rs.-P	Village
1.	293/1p	Coffee	24-39	311-12	Devavrunda
2.	309/p	Coffee	5-24	6-83	Devavrunda
3.	294	Coffee	1-06	9-14	Devavrunda
4.	295	Coffee	2-36	26-50	Devavrunda
5.	296	Coffee	0-09	2-14	Devavrunda



6.	297	Coffee	1-27	14-86	Devavrunda
7.	298	Coffee	6-31	77-55	Devavrunda
8.	299	Coffee	0-37	8-02	Devavrunda
9.	300/p	Coffee	3-10	38-63	Devavrunda
10.	416	Coffee	3-31	24-51	Devavrunda
11.	(old 313/p) 415	Coffee	7-13	66-94	Devavrunda
12.	(old 313/p) 308/p	Wet	2-25	14-62	Devavrunda
13.	308/p	Wet	0-08	2-31	Devavrunda
14.	307	Cardamom Coffee	0-07	1-56	Devavrunda
			61-23		

12. The Sale Deed dated 06.01.2021 has also got reference to the sale deed dated 20.03.1995. As could be seen from the description of properties as noted herein above, the suit item No.2 properties and the properties in Sl. No.1 to 9, 16 and 17 of suit item No.1 properties are shown to have got common boundary i.e., towards East - Lands of Ramaiah and Motaiah, West and South - Government Land and towards North - Properties of Ramalingeshwara Deity. However, in the Sale deed dated 06.01.2021 executed in favour of plaintiff and Angad Choudhry, the boundary to the lands in Sl. No.1 to 9, 16 and 17 of suit item No.1 properties along with the land to an extent of 2 acres in Sy No.310, 0.35 acre in Sy No.311, 3 acres in Sy No.312/1, 1.34 acres in Sy No.312/2, 0.30 acre in Sy No.312/3 and 2 acres in Sy No.423 are show to have got common boundary i.e., towards East - Survey nos.293/2, 300 & 313, West - Survey nos.326, 327, 328, 348 & 378, and North - Survey nos.308, 328 & 417 and towards South - Survey nos.313. In the



agreement of sale dated 06.01.2021, the boundary to the land in Sl. No.1 of the suit item No.2 properties is show as East - Survey No.313, West - Survey No.415, North - Survey No.294, 298, 299 & 300 and South - Survey No.313. The boundary to Sl. No.2 property is shown as East - remaining portion of Survey No.300, West - Survey nos.297 & 299, North - remaining portion of Survey No.300, South - Survey No.293/1, and the boundary to Sl. No.3 and 4 properties are shown as East - Survey No.309, West - Survey No.302, North - remaining portion of Survey No.308, South - Survey No.296 & 297.

13. The defendants have disputed the boundaries furnished to the suit properties and contended that they are in lawful possession of land to an extent of 6 acres 15 guntas in Survey No.293/1 of Devarunda Village, bounded towards east - Survey No.313 and 293/2, west - remaining portion of land in Survey No.293/1 and 298, north - Survey No.299, 300 and 293/2 and towards south - Sy No.313 and remaining portion of land in Sy No.293/1. Defendants further contend that the said land was originally owned by one Soofi Byarry S/o Ahmed Byarry, however, the deceased No.1 was in long standing, uninterrupted and peaceful possession, occupation and cultivation of the said property and his unauthorized occupation of the said land has been regularized by the Land Tribunal vide its order dated 27.11.1979 in LRF No. 1807/1975/76. In support of their contention, defendants have produced the certified copy of grant certificate dated 27.11.1979 vide No.LRF(7) 1807/75-76, Form No.7, order sheet of the Land Tribunal which goes to show that the unauthorized occupation of defendant No.1 over the land to an extent of 6.15 acres in Sy. No. 293 of Devarunda Village, has been regularized. It is also mentioned in the grant certificate that the khatha



of lands granted to defendant No.1 was in the name of one Soofi Byarry. IL and RR of the said land also indicate the same. However, the RTC with respect to the said land has been mutated to the name of defendant No.1 as per order in LRF(7) 1807/75-76.

14. Defendants have also produced the akarbandh, tax paid receipts and survey tippan which goes to show that the land in Sy. No.293 is sub-divided as Sy. No.293/1, 293/2 and 293/3. But the RTC of the year 2024-25 pertaining to the land in Sy. No.239/1 goes to show that out of the total extent of land i.e., 31.24 acres, the land to an extent of 24.39 acres is in the name of M/s Geethanjali Estate, land to an extent of 6.15 acres is in the name of defendant No.1 and the land to an extent of 0.10 acres is in the joint name of H.D.Vasanthappa and others. It could also be seen that the land to an extent of 2.00 acres in Sy. No.293/2 is in the joint name of H.D. Vasanthappa and others and the land to an extent of 6.37 acres in Sy. No.293/3 which has got kharab land to an extent of 0.13 acres is in the joint name of H.D. Vasanthappa and others. It is thus clear that the land in Sy. No.293 has got three hissa numbers and that the deceased defendant No.1 has got land to an extent of 6.15 acres in Sy. No.293/1. As per the other defendants, they being the LRs of defendant No.1 continued to be in possession of the said land. In this regard, defendants have produced death certificate of defendant No.1 and an affidavit showing his genealogy.

15. It is worth mentioning that as per the registered sale deed dated 20.03.1995, common boundary is shown to the suit item No.2 properties which includes land to an extent of 24.39 acres in Sy. No.



293/1 and also to the properties in Sl. No.1 to 9, 16 and 17 of suit item No.1 properties. As per the boundary forthcoming in the said sale deed, lands of Ramaiah and Motaiah is shown as eastern boundary. Herein the case, defendant No.1 is by name Motaiah D.N., who is seen to have got land to an extent of 6.15 acres in Sy. No.293/1. However, in the plaint schedule as well as in the schedule to the registered agreement to sell dated 06.01.2021, no properties either in very Sy. No.293/1 and other hissa of said survey number has been shown towards either side. It could also be seen that the boundary to the suit item No.1 properties as pleaded in the plaint and also in the registered sale deed dated 06.01.2021 is also not the same as forthcoming in the registered sale deed dated 20.03.1995. It is on basis on the sale deed dated 20.03.1995, the vendor of plaintiff has executed the sale deed dated 06.01.2021.

16. In a case involving immovable properties more particularly landed properties, proper description of said properties with clear boundary plays a vital role. Herein the case, plaintiff has not produced anything at this stage to show as to why there are differences in the boundary to the suit properties as pleaded in the plaint and the sale deed at the hands of his vendor. This being the case, prima-facie case of the plaintiff with respect to the properties within the boundaries mentioned in the plaint schedule, is not discernible. Under the circumstances, discussion regarding the balance of convenience and irreparable injury does not call for. When there is not temporary injunction, the question of granting police aid for implementation of an order of temporary injunction does not arise. Thus for the foregoing, this Court answers the Point No.1 to 4 in **Negative**.



17. POINT No.5: In view of the above findings recorded on points No.1 to 4, this Court is of view to reject the present applications. Hence, the following;

ORDER

I.A.No.I filed by the plaintiff under Order XXXIX Rules 1 & 2 of Code of Civil Procedure and IA.No.XI under Section 151 of Code of Civil Procedure are hereby rejected.

For plaintiff evidence by:11.02.2026.

(Dictated to the Stenographer, typed by him on computer, corrected and then pronounced by me in the open Court on this the **03rd day of JANUARY, 2026**).

(Vishwanath A.)
Prl. Civil Judge & JMFC.,
Mudigere.

VP

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