



IN THE COURT OF THE I ADDL. CIVIL JUDGE AND JMFC.,
MUDIGERE

Present: **Smt. Suraksha K.K.,** B.B.M., L.L.B.
I Addl. Civil Judge & JMFC.,
Mudigere.

DATED: THIS THE 08th DAY OF APRIL 2026

ORIGINAL SUIT No: 153/2024

BETWEEN :

1. Smt. Seethamma,
Aged about 60 years,
W/o Late. Gopalagowda,
R/o Hosuru, Mavinakere Village,
Kalasa Hobli and Taluk,
Chikmagalur District.
2. Sri. Chetan H.G.,
Aged about 39 years,
S/o Late. Gopalagowda,
R/o 1st Floor, Doddaballapura Road,
Behind Govt. School Puttenahalli,
Bangaluru North, Bengaluru.

.... Plaintiffs

(By Sri.B.N.Vaishaka, Adv.,)

AND :

1. Sri. Krishnegowda,
Aged about 54 years,
S/o Bobegowda.
2. Sri. Divin Kumar,
Aged about 25 years,
S/o Krishnegowda.

Both are R/o Hosuru,
Mavinakere Village,



Kalasa Hobli and Taluk,
Chikmagalur District.

.... Defendants

(By Sri. G.B.Venkatesh, Adv.,)

PARTIES ON I.A.NO.I

BETWEEN :

Smt. Seethamma and one

... Applicants

AND :

Sri.Krishnegowda and one

... 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	19.11.2024
iv	Number of the application	I
v	The date on which the objections are filed by different opponents	Written Statement dated 18.08.2025 treated as objections
vi	The date on which the orders were passed on the said application	08.04.2026

(Suraksha K.K.)

I Addl. Civil Judge & JMFC,
Mudigere.

ORDERS ON I.A.NO.I

The present application has been filed by the plaintiffs against the defendants seeking for the relief of temporary injunction by restraining the defendants their men, agents, servants or anybody claiming right through them from trespassing upon the schedule



property by removing the fence in eastern side of the schedule property and damaging the suit schedule property and dispossessing the plaintiffs from the schedule property or in any way disturbing the plaintiffs' peaceful possession, cultivation and enjoyment of the suit schedule property.

2. It is the case of plaintiffs that the suit schedule property are the joint family property of husband of plaintiff No.1, defendant No.1 and others. As per partition deed bearing SR No.1060/2002-03 dated 24.02.2023 the suit schedule property has been fallen to the share of the husband of the plaintiff No.1 and the katha has been standing in the joint name of the plaintiffs. Since, then the plaintiffs are in peaceful possession, occupation and cultivation of the suit schedule property. Now the defendants who are having the land towards eastern side of the schedule property are trying to obstruct the plaintiffs from cultivation and enjoyment of the suit schedule property and also trying to trespass into the schedule property. Hence this application.

3. In counter defendants have denied the entire contention of the plaintiffs and further contents that the defendant No.1 is aged about 60 years and the other defendants are residing near by the defendant No.1. The defendants further contends that the plaintiffs are not residing in the suit schedule property and the defendant No.1 is aged about 60 years. Hence there is no question of interference by the defendants. In order to harass the defendants and to disposes the defendant No.1 from his possession the plaintiff has come up with this application. Hence, prays to reject the application.



4. Learned counsel for plaintiffs filed written arguments. Heard learned counsel for defendants 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 plaintiffs have made out prima-facie case in their favor to grant temporary injunction as sought for?

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

3. Whether the plaintiffs will be put to irreparable injury if temporary injunction is not granted in their 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 plaintiffs that the suit schedule property are the joint family property of husband of plaintiff No.1, defendant



No.1 and others. As per partition deed bearing SR No.1060/2002-03 dated 24.02.2023 the suit schedule property has been fallen to the share of the husband of the plaintiff No.1 and the katha has been standing in the joint name of the plaintiffs. Since, then the plaintiffs are in peaceful possession, occupation and cultivation of the suit schedule property. Now the defendants who are having the land towards eastern side of the schedule property are trying to obstruct the plaintiffs from cultivation and enjoyment of the suit schedule property and also trying to trespass into the schedule property.

7. In support of their contention plaintiffs have also produced the following documents i.e., partition deed, mutation register, index of land, records of rights, tax paid receipts, acknowledgment issued by the police and photographs of the suit schedule property.

8. In counter defendants have denied the entire contention of plaintiff and contended that the defendant No.1 is aged about 60 years and the other defendants are residing near by the defendant No.1. The defendants further contends that the plaintiffs are not residing in the suit schedule property and the defendant No.1 is aged about 60 years. Hence there is no question of interference by the defendants. In order to harass the defendants and to disposes the defendant No.1 from his possession the plaintiff has come up with this application.

9. In support of their contention the defendants have not produced any documents.

10. On perusal of the pleadings and the materials placed on record it could be seen that the plaintiffs have acquired the suit



schedule property through partition deed bearing SR No.1060/2002-03 dated 24.02.2003 and the plaintiffs are in possession over the suit schedule property by changing the katha into their name. The plaintiffs have also produced kandayam receipt in order to show their possession and the acknowledgment issued by the police in order to show the interference caused by the defendants over the suit schedule property. On perusal of the said documents no grounds made out to disbelieve the contention raised by the plaintiffs and plaintiffs have prima-faciely shows that thy are in peaceful possession over the suit schedule property. On the other hand the defendants have not produced any documents in order to show that only to harass the defendants the plaintiffs have come up with this application.

11. On considering the above discussion this Court is of view that, plaintiffs have made out prima-facie case and balance of convenience in their favour. If the defendants are not restrained from interference over the suit schedule property then the plaintiffs who will put to great hardship, irreparable loss and injury. As per above discussion the plaintiffs have prove their case that they are in the possession over the suit schedule property. Hence, in order to avoid the multiplicity of proceedings, it is necessary to restrain the defendants from interfering over the plaintiffs 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 plaintiffs under Order XXXIX Rules 1 & 2 of Code of Civil Procedure, is hereby allowed.

The defendants, their men, agents, servants or anybody claiming right through them are hereby restrain from trespassing upon the schedule property by removing the fence in eastern side of the schedule property and damaging the suit schedule property and dispossessing the plaintiffs from the schedule property or in any way disturbing the plaintiffs' peaceful possession, cultivation and enjoyment of the suit schedule property till pending disposal of the suit.

To hear on case management.

Call on 01.06.2026.

(Dictated to the Stenographer, typed by him on computer, corrected and then pronounced by me in the open court on this the **08th day of APRIL, 2026**).

(Suraksha K.K.)
I Addl. Civil Judge & JMFC.,
Mudigere.

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