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IN THE COURT OF PRL. CIVIL JUDGE AND J.M.F.C, TARIKERE

PRESENT: Sri. Rahul Shettigar, B.Com (Hons.), LL.B
Prl. Civil Judge & J.M.F.C, Tarikere

DATED THIS THE 15th DAY OF JULY, 2026

ORIGINAL SUIT No. 91/2025

BETWEEN:

PLAINTIFFS

1. Sri. Siddappa.Y.N,
S/o. Late. Sri. Nanjappa,
Aged about 63 years,
Agriculturist,
R/o. Megala Street,
Yaradankalu village,
Lingadahalli Hobli,
Tarikere Taluk,
Chikkamagalur District.
2. Sri. Lokeshappa.S,
S/o. Sri. Shekharappa,
Aged about 47 years,
Agriculturist,
R/o. Yaradankalu village,
Lingadahalli Hobli,
Tarikere Taluk,
Chikkamagalur District.
3. Smt. Geethamani.K.E,
W/o. Sri. Shivakumar.A.N,
Aged about 48 years,
Agriculturist,
R/o. Yaradankalu village,
Lingadahalli Hobli,
Tarikere Taluk,
Chikkamagalur District.

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4. Sri. Veerupakshappa.Y.N,
S/o. Late. Sri. Nanjappa,
Aged about 53 years,
Agriculturist,
R/o. Yaradankalu village,
Lingadahalli Hobli,
Tarikere Taluk,
Chikkamagalur District.

5. Sri. Revanasiddappa.Y.S,
S/o. Sri. Siddappa,
Aged about 45 years,
Agriculturist,
R/o. Yaradankalu village,
Lingadahalli (Kaval) Hobli,
Tarikere Taluk,
Chikkamagalur District.

6. Smt. Sarojamma,
W/o. Sri. Yogeesh.N,
Aged about 57 years,
Agriculturist,
R/o. Yaradankalu village,
Lingadahalli Hobli,
Tarikere Taluk,
Chikkamagalur District.

7. Sri. Shekharappa,
S/o. Late. Sri. Rudrappa,
Aged about 68 years,
Agriculturist,
R/o. Yaradankalu village,
Lingadahalli Hobli,
Tarikere Taluk,
Chikkamagalur District.

(By Sri. M.K. Thejamurthy, Advocate)

-AND-

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1. Sri. Nagaraja.Y.G,
S/o. Sri. Gurubasappa,
Aged about 50 years,
Agriculturist,
R/o. Yaradankalu village,
Lingadahalli Hobli,
Tarikere Taluk,
Chikkamagalur District.

DEFENDANTS

2. Sri. Mallikarjuna.A.S,
S/o. Sri. Siddappa,
Aged about 52 years,
Agriculturist,
R/o. Yaradankalu village,
Lingadahalli Hobli,
Tarikere Taluk,
Chikkamagalur District.

3. Sri. Shivakumar,
S/o. Late. Sri. Erappa,
Aged about 53 years,
Agriculturist,
R/o. Yaradankalu village,
Lingadahalli Hobli,
Tarikere Taluk,
Chikkamagalur District.

4. Sri. Nagaraja.Y.B,
S/o. Late. Sri. Basappa,
Aged about 58 years,
Agriculturist,
R/o. Yaradankalu village,
Lingadahalli Hobli,
Tarikere Taluk,
Chikkamagalur District.

5. Sri. Lokesh,
S/o. Late. Sri. Rudrappa,
Aged about 50 years,
Agriculturist,

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R/o. Yaradankalu village,
Lingadahalli Hobli,
Tarikere Taluk,
Chikkamagalur District.

6. Sri. Siddappa.Y.S,
S/o. Sri. Siddappa.M.K,
Aged about 60 years,
Agriculturist,
R/o. Yaradankalu village,
Lingadahalli Hobli,
Tarikere Taluk,
Chikkamagalur District.

(By Sri. C.S. Shivaprasad, Advocate)

IN I.A.NO.I

Sri. Siddappa.Y.N and others

**APPLICANTS/
PLAINTIFFS**

-AND-

Sri. Nagaraju.Y.G and others

**OPPONENTS/
DEFENDANTS**

PARTICULARS

I	<i>Provision under which the application is filed</i>	<i>Order XXXIX Rule 1 and 2 R/w. S.151 of CPC</i>
ii	<i>Relief sought for</i>	<i>Order of T.I</i>
iii	<i>The date on which the application is filed</i>	<i>22.02.2025</i>
iv	<i>Number of the application</i>	<i>I.A.No.I</i>
v	<i>The date on which the objections are filed by Opponents/ Defendant</i>	<i>03.02.2026</i>
vi	<i>The date on which the orders were passed on the said application</i>	<i>15.07.2026</i>

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**ORDERS ON I.A. NO.I**

1. Applicants/ Plaintiffs have filed the instant application under Order XXXIX Rules 1 & 2 r/w. Section 151 of C.P.C seeking the relief of temporary injunction by restraining the Opponents/ Defendants, their sons and representatives, from unlawfully interfering with the Plaintiffs' peaceful possession and enjoyment of the suit schedule property, pending disposal of the suit.
2. In the affidavit accompanying the application, it is contended that the present suit has been instituted seeking the relief of permanent injunction. It is stated that Item Nos. 1 to 7 of the suit schedule properties are ancestral properties of the Plaintiffs and that they have been in peaceful possession and enjoyment of the same for several years. It is further contended that the Defendants have no manner of right, title, or interest over the said properties. However, according to the Plaintiffs, the Defendants have recently started interfering with their peaceful possession and enjoyment of the suit schedule properties, thereby necessitating the institution of the present suit. It is, therefore, contended that the Plaintiffs

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have established a prima facie case, that the balance of convenience lies in their favour, and that they would suffer irreparable injury if an order of temporary injunction is not granted. On these grounds, the Plaintiffs have prayed for allowing the application.

3. *Per contra*, the Defendants have filed a memo requesting that the written statement be treated as their objections to I.A. No. I. In the written statement, while denying the averments made in the plaint, it is contended that the Plaintiffs are not in possession and enjoyment of the suit schedule properties, as falsely alleged by them. It is further contended that the lands bearing Sy. Nos. 16 and 19 of Yaradankalu Village originally belonged to the deity, Narasimma Devaru, and are Devadaya Inam lands. According to the Defendants, the said temple lands have always been managed by the villagers on behalf of the deity, and committees were periodically constituted for the maintenance of the temple and for its daily rituals and viniyogas. It is further contended that such committees used to permit certain villagers to cultivate the lands on a yearly basis. Since the lands have all along remained under the

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control and management of the villagers on behalf of the temple, the Plaintiffs cannot claim any independent right, title, or interest over the said lands in their individual capacity. The Defendants further contend that they have no knowledge of the Plaintiffs' assertion that their ancestors were tenants of the lands and were granted occupancy rights by the Land Tribunal, Tarikere, as the Defendants were not parties to the said proceedings. It is further contended that the properties in question, being Devadaya Inam lands, are governed by the provisions of the Inams Abolition Act and not by the provisions of the Land Reforms Act. Consequently, according to the Defendants, the Land Tribunal had no jurisdiction to confer occupancy rights in respect of the said lands upon the Plaintiffs' ancestors. On that basis, it is contended that the order of the Land Tribunal is without jurisdiction and is, therefore, void ab initio. It is also alleged that the Plaintiffs have approached this Court by suppressing these material facts and, therefore, are not entitled to the equitable relief sought in the suit. Accordingly, the Defendants have prayed for dismissal of the application.

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4. Heard both sides. Learned Counsel for Defendants banks on the following Judgments in support of his contention –

- a. *ILR 1999 Page 1825, (1998 6 KLJ 863*
- b. *1989(3) KLJ 68*
- c. *Civil Appeal No. 8616/ 2017 (Hon'ble Supreme Court of India)*
- d. *2011(4) KCCR 2961*

5. Having heard the rival contention and on perusal of the materials, the points that would now arise for my consideration are as under-

- Point No.1** : Whether the Plaintiffs have made out a prima-facie case as against the Defendants?
- Point No.2** : Whether the balance of convenience lies in favour of Plaintiffs?
- Point No.3** : Whether denial of temporary injunction would cause irreparable injury or hardship to the Plaintiffs?
- Point No.4** : What Order?

6. Now, my finding on the above points are as follows-

Point No.1 : In the Affirmative
to 3

Point No.4 : As per the final order, for the following -

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REASONS

- 7. Point No.1 to 3:** The instant suit is filed seeking relief of permanent injunction restraining the Defendants, their children or representatives, from unlawfully interfering with the Plaintiffs' peaceful possession and enjoyment of the suit schedule properties and such other ancillary reliefs. The instant application is filed seeking an order of temporary injunction with the prayer which is same as that of the main relief.
- 8.** Before advertng to the factual matrix any further, it would be beneficial to first understand the overall concept of temporary injunction. The grant of temporary injunction is governed by Specific Relief Act of 1963 as well as the C.P.C. Section 37(1) of the Specific Relief Act of 1963 provides that the grant of temporary injunction would be regulated by C.P.C. Order XXXIX Rules 1 & 2 and Section 94 (c) of C.P.C provide circumstances under which an order of temporary injunction can be granted. That apart, it is now settled that Sections 151 of C.P.C also can be invoked sparingly to grant an order of temporary injunction to meet the ends of justice if the

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circumstances are not covered either under Order XXXIX Rules 1 & 2 or Section 94 (c) of C.P.C (See **MANOHAR LAL CHOPRA VS RAI BAHADUR RAO RAJA SETH HIRALAL** reported in **AIR 1962 SC 527**). Though the above provisions provide the circumstances under which an order of temporary injunction could be granted, the principles governing grant of an order of temporary injunction is evolved by judicial pronouncements. The Hon'ble Supreme of Court of India in **GUJARAT BOTTLING CO. LTD. V. COCA COLA CO.** reported in **(1995) 5 SCC 545** has held at Para No.43 as under –

"The grant of an interlocutory injunction during the pendency of legal proceedings is a matter requiring the exercise of discretion of the court. While exercising the discretion the court applies the following tests – (i) whether the Plaintiff has a prima facie case; (ii) whether the balance of convenience is in favour of the Plaintiff; and (iii) whether the Plaintiff would suffer an irreparable injury if his prayer for interlocutory injunction is disallowed. The decision whether or not to grant an interlocutory injunction has to be taken at a time when the existence of the legal right assailed by the Plaintiff and its alleged violation are both contested and uncertain and remain uncertain till they are established at the trial on evidence. Relief by way of interlocutory injunction is granted to mitigate the risk of injustice to the Plaintiff during the period before that uncertainty could be resolved. The object of the interlocutory injunction is to protect the Plaintiff against injury by violation of his right for which he could not be adequately compensated in damages recoverable in the

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action if the uncertainty were resolved in his favour at the trial. The need for such protection has, however, to be weighed against the corresponding need of the defendant to be protected against injury resulting from his having been prevented from exercising his own legal rights for which he could not be adequately compensated. The court must weigh one need against another and determine where the "balance of convenience" lies. [See:Wander Ltd.v.Antox India (P) Ltd.[1990 Supp SCC 727] , (SCC at pp. 731-32.) In order to protect the defendant while granting an interlocutory injunction in his favour the court can require the Plaintiff to furnish an undertaking so that the defendant can be adequately compensated if the uncertainty were resolved in his favour at the trial".

9. In GOWRISHANKARA SWAMIGALU V. SRI

SIDDHAGANGA MUTT reported in **1989 SCC ONLINE KAR**

116, the Hon'ble High Court of Karnataka has held at Para

No.18, 25 & 26 as under –

(i) Grant of ad-interim injunction has to course through the following slots : (i) prima facie case; (ii) balance of convenience; (iii) irreparable injury to the Plaintiff, and (iv) lastly, all injunctions being absolutely discretionary in nature whether there was any overriding consideration that supported the refusal of the injunction by the Court-below.

(ii) The existence of a prima facie case in the matter of granting injunction is really the harbinger or the all clear sign to go ahead in investigating other aspects of the question governing the grant or refusal of injunction. If there was no prima facie case at all or the case put forward was so weak and tainted having very little prospect of being accepted by the Court, further questions of balance of convenience and irreparable loss need not be considered since the Plaintiff would fall at

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the very first stile itself. But if there was a prima facie case then other considerations governing the grant of injunction would come into play and will also have to be evaluated before granting or refusing the injunction. In other words the existence of a prima facie case or even a very strong prima facie case does not permit, leap-frogging by the Plaintiff directly to an injunction without crossing the other hurdles in between....Even granting that the Plaintiff has an invincible prima facie case, he will not be entitled ex debitaie justiciae, to the grant of an injunction, unmindful of other consequences. If the consequences of granting an injunction are detrimental in nature then an injunction will not be granted even though the Plaintiff might have an unbeatable prima facie case.

- 10.** These two celebrated judgement one of the Hon'ble Supreme Court of India and the other of the Hon'ble High Court of Karnataka beautifully encapsulate the principles underlying the grant of temporary injunction and there arises no necessity to look any further.
- 11.** In order to be entitled for an order of temporary injunction, the Applicant has to first satisfy the court that he has a prima-facie case in his favour. Prima-facie case is the harbinger or the all clear sign to go ahead in investigating other aspects and on failure to establish it, further questions of balance of convenience and irreparable loss would fade into insignificance. Prima facie case, however, should not be

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confused with a case that is required to be proved to the hilt. The Court while examining if the Applicant has a prima facie case or not while deciding question of his entitlement for an order of temporary injunction, should not examine the merits of the case closely because at that stage, it is not expected to decide the suit finally. Once prima-facie case is established, the other aspects would have to be examined first being balance of convenience which in other words mean that the Court must be satisfied that the comparative mischief, hardship or inconvenience which is likely to be caused to the Applicant by refusing the injunction will be greater than that which is likely to be caused to the Opposite Party by granting it. Next, the applicant must further satisfy the Court by showing that he will suffer irreparable injury if the injunction as prayed is not granted, and that there is no other remedy open to him by which he can protect himself from the consequences of apprehended injury. The expression irreparable injury however does not mean that there should be no possibility of repairing the injury. It only means that the injury must be a material one, i.e., which cannot be

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adequately compensated by damages. Apart from these principles, the grant of temporary injunction being purely discretionary, other aspects would also factor in while considering entitlement for temporary injunction. The relief of temporary injunction may be refused on the ground of delay, laches or acquiescence or where the Applicant has not come with the clean hands or has suppressed material facts, or where monetary compensation can be an adequate relief. Establishing prima-facie case though is harbinger in examining other aspects, even where prima-facie case is established, it would not automatically entitle the Applicant to an order of temporary injunction unless he establishes the other aspects aforesaid. With these principles in mind, it would now be appropriate to delve into the essential facts of the case only to the extent necessary for disposal of this application.

- 12.** The case of the Plaintiffs is that the suit schedule properties were granted in favour of their ancestors several years ago. It is their further case that, upon the demise of their ancestors, they succeeded to the said properties as legal heirs and, by

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virtue of certain family arrangements and registered documents executed inter se among the family members, have continued to remain in lawful possession and enjoyment of the suit schedule properties. According to the Plaintiffs, the Defendants have no manner of right, title, or interest over the suit schedule properties. However, the Defendants have been initiating various proceedings before the revenue authorities and have also been interfering with the Plaintiffs' peaceful possession and enjoyment of the suit schedule properties, thereby necessitating the institution of the present suit seeking the relief of permanent injunction.

- 13.** On the other hand, the contesting Defendants, in their written statement, have primarily questioned the very maintainability of the suit. It is their contention that the suit schedule properties were originally Devadaya Inam lands and are governed by the provisions of the Karnataka Certain Inams Abolition Act, 1977. According to them, the Land Tribunal, which derives its jurisdiction under the Karnataka Land Reforms Act, had no jurisdiction to entertain or adjudicate upon claims in respect of the suit schedule properties.

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Consequently, the grant of occupancy rights made by the Land Tribunal is contended to be without jurisdiction and void in law. On this premise, it is contended that the Plaintiffs cannot claim either title or possession over the suit schedule properties on the strength of such grant and that, therefore, the present suit is not maintainable.

- 14.** In the light of these rival contentions, it becomes necessary to examine the documents produced by both parties. The Plaintiffs have produced RTC extracts, certified copies of mutation register extracts, tax-paid receipts, certified copies of encumbrance certificates, copies of the registered partition deeds dated 26.10.2009, 06.09.2018, and 19.03.2024, a copy of the registered Will dated 26.08.2009, a copy of Form No. 10, and certified copies of the orders passed by the Deputy Director of Land Records, Chikkamagaluru, in LRA Nos. 26/1987, 27/1987, 122/1987, and 123/1987. On the other hand, the Defendants have produced a copy of the order sheet in W.P. No. 34426/2025, a copy of the order passed by the Tahsildar, Tarikere, in DVSCR No. 02/2025-26, and copies

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of the petition, objections, and affidavit filed in DVSCR No. 02/2025-26.

- 15.** The documents produced by the Plaintiffs prima facie indicate that the suit schedule properties were granted by the Land Tribunal in favour of their ancestors and that, thereafter, the properties have devolved upon the Plaintiffs by virtue of succession and registered family arrangements. The revenue records, including the RTCs and mutation entries, presently stand in the names of the Plaintiffs. Although entries in the revenue records are not documents of title, they are relevant for the limited purpose of indicating possession. The documents produced by the Plaintiffs, taken as a whole, prima facie disclose that they are in possession and enjoyment of the suit schedule properties.
- 16.** The Defendants, on the other hand, have sought to raise complicated questions relating to the legality and validity of the grant made by the Land Tribunal and have, in substance, questioned the very title of the Plaintiffs. It is pertinent to note that the present suit is one for bare permanent injunction. In a suit of this nature, an enquiry into the legality

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or otherwise of the grant made by the Land Tribunal is beyond the permissible scope of adjudication. This Court cannot, while considering an application for temporary injunction, embark upon an examination of the jurisdiction exercised by the Land Tribunal or the validity of its orders. If the Defendants are aggrieved by the grant made by the Land Tribunal, it is always open to them to challenge the same before the forum competent in law.

- 17.** In these circumstances, the defence sought to be raised by the Defendants regarding the validity of the grant cannot be gone into at this interlocutory stage and is liable to be ignored for the limited purpose of deciding the present application. The judgments relied upon by the Defendants at Sl. Nos. (a) to (d) also indicate the appropriate forum and remedy for challenging such grants. Consequently, the said decisions do not advance the case of the Defendants while adjudicating the present application for temporary injunction.
- 18.** At this stage, upon consideration of the materials placed on record, I am of the considered opinion that the Plaintiffs have made out a prima facie case and are entitled to the relief of

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temporary injunction. With these observations, **Point No.1**, which has arisen for my consideration, is answered in the **Affirmative.**

- 19. Point No.2 & 3:** The Court having already held that the Plaintiffs have shown a *prima-face* case, would now examine into the other aspects. Given the facts of the case afore-narrated, if the Defendants are not restrained from interfering with the possession of the schedule properties, the comparative mischief, hardship or inconvenience that is likely to be caused in my opinion is more to the Plaintiffs than that which is likely to be caused to the Defendants. The same would also cause irreparable injury to the Plaintiffs, which in my opinion is material one and cannot be compensated in terms of cash or kind. Accordingly, **Point No.2 & 3** which have arisen for my consideration are also answered in the **Affirmative.**

- 20. Point No.4:** For the foregoing reasons, I proceed to pass the following -

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ORDER

I.A No.I filed by the Applicants/ Plaintiffs under Order XXXIX Rules 1 & 2 r/w. Section 151 of C.P.C is hereby allowed.

Defendants, their sons and representatives etc., are hereby restrained from unlawfully interfering with the Plaintiffs' peaceful possession and enjoyment of the suit schedule properties, pending disposal of the suit.

(Dictated to Stenographer, after transcription, print out corrected and then pronounced by me in the Open Court on this the 15th of JULY, 2026)

sd/-

**(Rahul Shettigar)
Prl. Civil Judge & J.M.F.C,
Tarikere.**

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