

IN THE COURT OF PRL. CIVIL JUDGE, & JMFC., AT
CHAMARAJANAGARA

Dated this 18th day of December 2025

: **PRESENT:**

SMT. SMITA NAGALAPUR., B.A.LL.B,
PRL. CIVIL JUDGE & JMFC.,
CHAMARAJANAGARA

OS.No.194/2023

Plaintiff : **Dhakshayanamma & another**
V/s

RESPONDENT/s: **Mahadevappa & Others**

I.A.No.I

APPLICANT/s : **Dhakshayanamma (Plaintiff)**
D/o Late Puttaswamappa,
W/o Chinnaswamy,
Aged about 54 years,
R/at, No.7784,
2nd Phase, Near Marimallappa
School, Vijayanagar 4th Stage,
Mysuru.

(By Sri.G.N., Advocate)

V/s

OPPONENTS/s: **1. Mahadevappa.**
S/o Late Puttaswamappa,
aged about 60 years,
R/at, Heggotara Village,
Kasaba Hobli,
Chamarajanagar.

2. Nagamma,
D/o Late Puttaswamappa,
W/o Late Parashivappa,
aged about 63 years,
R/at, Mallanapura Village,

Kasaba Hobli,
Chamarajanagar.

- 3. Yashodha,**
D/o Late Puttaswamappa,
W/o Siddappa,
aged about 57 years,
R/at, 2nd Phase,
Near Marimallappa School,
Vijayanagar 4th Stage,
Mysuru.
- 4. Mahesh Kumar,**
S/o Late Rajashekar,
Aged about 15 years,
Minor Represented by Natural
Guardian his mother Rekha
W/o Late Rajashekar,
R/at, Heggotara Village,
Kasaba Hobli,
Chamarajanagar
Presently R/at, No.7515,
2nd Phase, Near MRP Bar,
Vijayanagar 4th Stage,
Mysuru.
- 5. Rekha,**
W/o Late Rajashekar,
Aged about 40 years,
R/at Heggotara Village,
Kasaba Hobli,
Chamarajanagar
Presently R/at, No.7515,
2nd Phase, Near MRP Bar,
Vijayanagar 4th Stage,
Mysuru.

(D1 to 3 by Exparte)
(D4 & D5 by Sri.J.C.C., Advocate)

i.	<i>Provision under which the application is filed</i>	<i>XXXIX Rule 1 & 2 R/w Sec.151 of CPC</i>
ii.	<i>Relief sought for</i>	<i>Temporary Injunction</i>
iii.	<i>The date on which the applications are filed</i>	<i>11.07.2023</i>
iv.	<i>Number of the application</i>	<i>IA.No.I</i>
v.	<i>The date on which the objections are filed by different opponents</i>	<i>03.11.2025</i>
vi.	<i>The date on which the orders were passed on the said application</i>	<i>18.12.2025</i>

ORDER ON I.A.I

The counsel for Plaintiff filed I.A.No.I U/o XXXIX Rule 1 & 2 R/w Sec.151 of CPC praying therein to issue temporary injunction restraining the defendants from alienating the suit schedule properties by way of Sale, mortgage or in any other way till disposal of the suit.

Schedule

1. Agricultural land bearing Sy.No.471/1 measuring to an extent of 03 acres 5 and Sy.No.471/2 measuring to an extent of 03 acres 5 guntas together measuring 6 acres 10 guntas situated at Muthige Village, Kasaba Hobli, Chamarajanagar Taluk, bounded by

East : Land of Chikkamadayya
West : Land of Rajashekar
South : Road
North : Halla

2. Agricultural land bearing Sy.No.464 total measuring to an extent of 02 acres situated at Muthige Village, Kasaba

Hobli, Chamarajanagar Taluk, bounded by

East : Land of Subbaiah
West : Land of Chinnaswamappa
South : Halla
North : Land of Ramesh

3. Agricultural land bearing Sy.No.239 total measuring to an extent of 03 acres 10 guntas situated at Muthige Village, Kasaba Hobli, Chamarajanagar Taluk, bounded by

East : Land of Manju
West : Land of Karegar Basappa
South : Road
North : Land of Kencha Madanayak

2. Brief facts of the plaintiff case are as follows;

The plaintiff submits that, the suit schedule properties are ancestral joint family properties. No such partition took place till today between the family members. The plaintiffs and defendant No.1 to 3 are the children of Puttaswamappa. The son of Puttaswamappa by name Rajashekar died by living his wife and son, defendant No.5 and 4 respectively. Therefore, they are entitled share of deceased Rajashekar in the suit schedule properties. The plaintiffs entitled for 1/6th share in the suit schedule properties and defendant No.1 changed kathas in his name by denying right of plaintiffs and other defendants. Hence plaintiffs filed suit for partition along with this application.

3. The Defendant No.4 and 5 filed written statement and objection to IA.No.1. The defendants denied entire allegations

in the Plaint. Further specifically contended that, there was oral partition in the year 2001 during life time of Puttaswamappa. Since date of partition the defendants are enjoying the properties fallen to their share. The plaintiffs have no share title or interest in the suit schedule properties. The other valuable things has been received by the plaintiff in lieu of their share. This suit has been filed by suppressing facts and as such they are not entitled for reliefs sought in the application.

4. Heard both the sides. Perused the material placed on record.

5. On the basis of the pleading, parties and documents produced the following points arise for my consideration:

1. Whether the plaintiff has made out prima-facie case for grant of temporary injunction?
2. Whether the balance of convenience lies in favour of plaintiff?
3. Whether plaintiff will be put to irreparable injury if an order of temporary injunction is not granted ?
4. What order?

6. My answers to 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 the final order for the following:

REASONS

7. Point No.1 to 3:- These points are taken up together for common discussion to avoid the repetition of facts and circumstances.

The Plaintiff has filed this suit against the Defendants for relief of Partition and separate possession. The plaintiff has filed IA.No.1 to restrain the defendants from alienating suit properties till disposal of the suit. On perusal of pleadings the defendant No.4 and 5 have admitted relationship but they specifically contended that, they all are having separate possession and enjoyment of suit schedule properties since the date of partition held in the year 2001. On perusal of documents lands are standing in the name of defendant No.1 and deceased Rajashekar, the plaintiffs are daughters of deceased Puttaswamappa. The oral partition as contended by the defendants is required full fledged trial. The plaintiffs contended that, they have share in the ancestral properties. The rights of plaintiffs involved in the suit schedule properties required adjudication of suit.

8. The plaintiffs contended that, the defendant No.1 is intending to sell the properties standing in his name with an intention to defeat the right of the plaintiffs. Therefore, by considering facts and circumstances to avoid multiplicity of proceeding it is just and proper to allow the application filed by the plaintiffs. On the other hand no hardship will be caused to Defendants if Temporary Injunction granted as sought by the plaintiff as they contended that, they are

having separate possession. Accordingly, I answer Points No.1 to 3 in the **AFFIRMATIVE**.

9. Point No.4:- In view of the above said discussion in point No.1 to 3, I proceed to pass the following :

ORDER

The application filed by the Plaintiff under Order XXXIX Rule 1 and 2 R/w Sec.151 of CPC is allowed.

The Defendants or anybody acting under them are restrained from alienating of the schedule properties till the disposal of the suit.

No order as to cost.

(Directly dictated to the Stenographer on Computer, typed by her corrected by me, then pronounced in the open Court on this the 18th day of December 2025)

**PRL. CIVIL JUDGE & JMFC.,
CHAMARAJANAGARA**