

**IN THE COURT OF THE I ADDL. CIVIL JUDGE & J.M.F.C.,  
CHANNAGIRI**

**:- PRESENT :-**

**Smt.Mahalakshmi. G  
M.A., LL.B.,  
I Addl. Civil Judge & J.M.F.C.,  
Channagiri.**

**Dated: This the 14<sup>th</sup> Day of October 2025**

**O.S.No.307/2022**

**PLAINTIFFS : Santhosh Naik**

**V/s**

**DEFENDANTS : Ramachandrappa and others**

**I.A.NO.I**

**Applicant/Plaintiff : Santhosh Naik**

**V/s**

**Opponents/Defendants : Ramachandrappa and others**

|    |                                                               |                                            |
|----|---------------------------------------------------------------|--------------------------------------------|
| 1. | Provision under which the application is filed                | Under Order 39 Rule 1 and 2 R/w 151 of CPC |
| 2. | Relief sought for                                             | Interim Temporary Injunction               |
| 3  | Date on which the application is filed                        | 01-08-2022                                 |
| 4. | Number of the application                                     | I.A.No.I                                   |
| 5. | Date on which the objections are filed by different opponents | ---                                        |
| 6. | The date on which the orders is passed                        | 14.10.2025                                 |

**ORDER ON I.A.NO.I**

This is an application filed by the plaintiff along with the plaint seeking temporary restraint order from the court to against the defendants till disposal of the suit with respect to suit schedule property.

**2. SUM AND SUBSTANCE OF THE AFFIDAVIT AS UNDER:**

In support of the application, the plaintiff sworn an affidavit and stated that, he filed the present suit against the defendant for the relief of permanent injunction and to treat the plaint averments as part and parcel of this affidavit and stated that he is the lawful owner, in possession and khatedar of the land bearing Sy.No.5/3 measuring 0-18 guntas situated at Ajjihalli Village, Kasaba Hobli in Channagiri Taluk, which is more fully described in the schedule of the suit. He had purchased the suit schedule property through registered sale deed bearing S.R.No.CNG/1-02496/2021-22 dated: 01-09-2021. Pursuant, the revenue documents effected in his name. Since the date of purchase he was in possession and enjoyment of the suit schedule property. As such he became the absolute lawful owner in possession of the suit schedule property at his own rights.

3. The plaintiff further stated that, the suit schedule property is agricultural land as such he intend to construct farmhouse by obtaining permission from Tahasildar and invested huge amount for the purpose of construction of farm house. Such being the case, On May first week of 2022, the defendants being strangers, and in no

way concerned to the suit schedule property in any manner, whatsoever nature all of a sudden, the defendants with an intention to cause obstruction illegally interfere over possession of the suit schedule property, he avoided the interference of the defendants with great difficulty.

4. The illegal acts of the defendants are recurring one. The defendants are numerical in numbers and have political background given threats to him not to put up any constructions. Hence without aid of this Court he was unable to resist the illegal interference of the defendants and caused obstruction in and over the suit schedule property. He has prima facie case against the defendants and balance of convenience lies in his favour. If the application is not allowed he will be put to great hardship, inconvenience which can not be compensated in any manner. Hence prays to grant the reliefs as prayed in the application in the interest of justice and equity.

5. The defendants appeared through their counsel and filed memo to treat written statement as objection to I.A.No.1, Wherein the defendants specifically contended that they are the owners of suit property the sale deed of plaintiff bearing SRO No. 2496/2021-22, dated: 01-09-2021 as not binding upon them.

6. The defendants further contended that one Lakshmappa had children, by name, Hanumanthappa, Mariyappa, Bhimappa and Rangappa. The defendants are great grand children of Late Lakshmappa. The suit property is the ancestral property of defendants and it was in possession of the propositus. Such

possession has been continued by the defendants. Fore father's of defendants or the defendants never transferred the suit schedule property to the plaintiffs. However, the grand father of plaintiff in collusion with the plaintiffs had got mutated his name to revenue records, vide MRNo.6/1994-95. After him, the names of Maheshwarappa and R.M.Siddaiah came to be mutated to the revenue records of suit property, vide MRNo.7/1995-96. Which are absolutely collusive act of Tahasildar., late grand-father and father of defendants.

7. After the death of Maheshwarappa, who father of defendants got mutated their names into the revenue records as per MR No. 47/06-07. Hence, the revenue entries would not bind upon the defendants.

8. It is pleaded that, the defendants had questioned the revenue records bearing M.R.No.5/1993-94 and MRNo.7/2006-07 before the Assistant Commissioner's court, Davanagere, in RA No. 208/2015-16, RA.No.209/2015-16. Due to oversight, the suit schedule property was not included in those appeals. The said appeals came to be dismissed by the authority directing the parties to get resolve their dispute through the competent Civil Court. By taking undue advantage of the said order, the defendants are trying to interfere with the possession of suit schedule property and are also trying to dispossess the defendants therefrom. The plaintiff have tried to put the soil upon the landed property, on 01.06.2021

and thereupon they tried to construct a shed. Hence the defendants prayed to dismiss the application.

9. Based on the rival contentions raised by the respective parties, the following points would emerge for my consideration;

**POINTS**

1. Whether the plaintiff has made out prima facie case?
2. Whether the balance of convenience lies in favour of plaintiff?
3. Whether the plaintiff will be put to irreparable loss, if the order as prayed for is not granted?
4. What order?

10. Heard the learned counsels appearing for the plaintiff and defendants. Perused the records and on perusal of the same, my findings to above said points are as under :

**POINTS**

Point No.1 to 3 : In the Affirmative

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

**REASONS**

**11. Point No.1:-** Admittedly, the present suit filed by the plaintiff seeking the relief of permanent injunction from the defendants.

12. In order to establish the prima facie case of the plaintiff, he filed digital copy of registered sale deed dated 30-08-2021 executed by Smt. K.S.Kamamma W/o R.M.Maheshwarappa and her son namely R.M.Shivakumar and G.S.Suma W/o R.M.Shivakumar in favour of the plaintiff with respect to suit property for valuable sale consideration. The computerized copy of RTC extract pertaining to year 2022-23 of Ajjihalli village bearing Sy.No. 5/3 discloses the property measuring 1 acre 3 gunta stands in the name of Kamamma, R.M.Shivakumar and R.M.Rajashekharappa jointly and out of which measuring 0.18 guntas stands in the name of present plaintiff as per entries in col.no.9 and 12(2) and the nature of acquisition by the plaintiff is mentioned 'sale' as per entries in col.no.10. The copy of mutation register extract dated 28-01-2022 stands in the name of plaintiff vide M.R.No. T10/2021-22 changed from Kamamma W/o Maheshwarappa on the basis of registered sale deed. The copy of endorsement issued by Tahasildar, Channagiri Taluk dated 24-06-2022 bearing No. ALN-ಇತರೆ -CR-04/2022-23 seeking NOC to obtain electricity supply for the Farm House construction in Sy.No. 5/3 i.e suit schedule property on representation made by the plaintiff. The Encumbrance certificate from 07-07-2019 to 07-07-2022 with

respect to suit property is concerned discloses the alienation in favour of plaintiff.

The copy of orders passed by Assistant Commissioner of Sub-Division, Honnali, dated 08-03-2023 in R.A.CR NO.208/2015-16 by rejecting the claim of the defendants. The copy of orders passed by Assistant Commissioner Sub-Division, Davangere Sub-Division dated 01-02-2021 by rejecting the Appeal filed by the defendants.

The certified copy of judgment and decree passed in O.S.No. 231/2021 dated 14-10-2024.

13. In support of contention of the defendants, the defendant placed certified copy of M.R.No. 5/1993-94 representation made by the one of the defendant to the Tahasildar and the endorsement issued by Tahasildar, in RT(DIS) CR-236/2021-22.

14. Having taken note of the prima facie materials placed by both parties and the pleadings, certified copy of judgment and decree passed in O.S.No. 231/2021 by Prl.Civil Judge & JMFC, Channagiri on 14-10-2024 , by dismissing the suit filed by the present defendants herein against the present plaintiff. The plaintiff in order to establish his prima facie case has successfully produced digital copy of sale deed dated 30-08-2021 with respect to suit property through which he claims his absolute title and possession over the suit schedule property. Which is part and parcel of the Sy.No. 5/3 property and revenue records placed by the plaintiff which are

mutation register extract, RTC entries and Encumbrance certificate pertaining to suit property discloses the prima facie possession of the plaintiff over the suit schedule property and entries of said revenue records has presumptive value as per sec. 133 of Karnataka Land Revenue Act-1964 until and unless rebutted by the other side with contrary documents.

15. The defendant taken specific contention in their written statement that the alleged sale deed through which the plaintiff claiming his title is a created document. But the said sale deed is registered document as per the provision of Indian Registration Act-1908, has highest evidentiary value. The defendants disputed the genuinity of the execution of the said sale deed in their written statement. To consider the said contention of the defendants it requires full fledged trial. This court cannot conduct mini-trial at this stage. The plaintiff has made out good prima-facie case by placing title deed and revenue records and established his prima-facie possession over the suit property. Hence this court answered **Point No.1** in the **Affirmative**.

**16. Point No.2 & 3:** Having taken note of the pleadings, affidavit, statement of objection and prima facie materials placed by both parties, at this stage the plaintiff has made out prima facie case to grant interim order against the defendants wherein the RTC and mutation register extract discloses the name of plaintiff. Hence there is all possibility by the defendants side to interfere the suit

property. If this application is not allowed the very purpose of the suit as well as application would be defeated. Hence, it is very much necessary to allow the application. The balance of inconvenience and irreparable injury factor also lies infavour of the plaintiff. Hence I answered **Point No.2 & 3** in the **Affirmative**.

22. **Point No.4:-** As a result, I proceed to pass the following:

**ORDER**

**The I.A.No.I filed by the plaintiff U/O.39  
Rule 1 and 2 R/w Sec 151 of CPC is hereby  
allowed.**

**Consequently, the defendants their  
labours, supporters, henchmen, agents etc  
are hereby restrained from interfering with  
the peaceful possession and enjoyment of  
the suit schedule property till disposal of  
the suit.**

**Issues framed.**

**For list of documents and for list of  
witnesses if any.**

**Call on 06-11-2025.**

(Dictated to the stenographer typed by her, corrected by me and then pronounced in the open court on this the **14<sup>th</sup> Day of October, 2025.**)

**(Smt. Mahalakshmi. G)  
I Addl. Civil Judge & J.M.F.C.,  
Channagiri.**