

**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 10th Day of December 2025

O.S.No.295/2021

PLAINTIFFS : C.H.Venkatesha @ Venkatesha and others

V/s

DEFENDANTS : Smt. Sharadamma and others

I.A.NO.I

**Applicants/Plaintiffs : C.H.Venkatesha @ Venkatesha and others
V/s**

Opponents/Defendants : Smt. Sharadamma 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	23-06-2025
4.	No.of the application	I.A.No.I
5.	Date on which the objections are filed by different opponents	12-04-2022
6.	The date on which the orders is passed	10-12-2025

ORDER ON I.A.NO.I

This is an application filed by the plaintiff seeking following reliefs against the defendants:

“to restrain the defendants or their labours, contractors, officials, workers, agents, representatives, legal heirs, relatives or from any other persons from illegal transfer, alienate, sale, sale agreement, interference, disturbance, trouble, damage, wastage, trespass or in any other way over the suit schedule properties till disposal of the suit”.

2. SUM AND SUBSTANCE OF THE AFFIDAVIT AS UNDER:

In support of the application the plaintiff No.1 sworn an affidavit on behalf of him and his brothers and stated that he has filed present suit against the defendant seeking the relief of permanent injunction and to treat the plaint averments as part and parcel of this affidavit. They are the absolute owners in possession and enjoyment of the suit schedule properties bearing Sy.No. 52/1, 52/3, 51/7, 51/8, 6, 5, 1 and 2. They are the own brothers and defendant No. 1 to 4 are the sisters and defendant No.5 and 6 are the sons of the defendant No.2.

These defendants have no manner of right, title, interest, possession etc. over the suit schedule properties. They are cultivating and growing maize and other crops in the suit properties. They also constructed house in the Sy.No.1 and 2. The plaintiff No.3 has been in possession in the said property. He and his entire family members fully depended on the suit schedule properties to lead their life. The defendant No.1 to 3 are the Government employees and other defendants are economically well settled.

3. He further submitted that, his father U.K. Hanumanthappa not executed any Will or any other documents at any point of time in favour of the defendant No.1 to 4. The defendant No.1 and 2 tried to execute the gift deed in favour of the defendant No.5 and 6, if any gift deed or any other documents executed from defendant No.1 and 2 in favour of defendant No.5 and 6 or any documents executed from the defendants in favour of any other persons are illegible, void ab-initio and not binds on their rights. The defendants have no any manner of right, interest, possession etc. over the said suit schedule properties have tried to transfer, sale, sale agreement, mortgage, damage, alienate, transfer,

disturbance, trespass, interference over the enjoyment of the suit schedule properties.

4. The plaintiff No.1 further submitted that, if the Hon'ble court not restrain the defendants from illegal interference, damage, trespass, wastage, alienate, sale, sale agreement, transfer, wastage etc., over the suit schedule properties, they will be put to great hard ship, inconvenience and loss which cannot be compensated in terms of money. If this application is allowed no inconvenience would caused to the defendants.

5. The plaintiff No.1 further submits that, He acquired property in Sy.No.52/1 consisting 3 acre 36 guntas, out of which 12 guntas poot kharab remaining property is 3 acre 24 guntas through Tenancy vide MR.No.100-2000. The katha stands in the name of his father U.K. Hanumanthappa. The khatha is changed in favour of the defendant No. 1 and 2 for 1 acre 38 guntas each. During the pendency of the The appeal before the Hon'ble District Court, the Tahasildar changed the katha in favour of the defendants No. 5 and 6. When the said fact came to his knowledge he and his brother preferred appeal before the Assistant Commissioner.

6. The plaintiff No.1 further submits that, he has issued legal notice to the defendants on 10-08-2021 for not to alienate, transfer etc. or anything over the suit schedule properties, if violate, his right is reserved to take legal action against the defendants and for all cost, expenses. Thus, prays to allow the application.

7. The defendant No.1 filed statement of objection wherein he stated that the averments of the written statement be read as part and parcel of this objection. He denied possession of the plaintiffs over the suit schedule properties and stated that they are in possession and enjoyment of the suit schedule properties as per their allotted shares in the joint family properties. The plaintiff no manner of right, title or interest over the schedule property and having knowledge of the previous Will as well as legal proceedings filed present suit with an intention to have wrongful gain. Hence, the suit itself is not maintainable as he is neither in possession nor got any sort of right over the property. Under these circumstances application for injunction is also not maintainable. Hence he is

not entitled for any reliefs. Thus, prays to dismiss the application with cost.

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

POINTS

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

9. Heard the learned counsel appearing for the plaintiffs and defendant. Perused the records and on perusal of the same, my findings to above said points are as under :

Point No.1 to 3 : In the .

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

REASONS

10. **Point No.1:-** The plaintiff has filed instant I.A.No. 1 seeking the following relief:

“That for the reasons stated in the accompanying affidavit, the applicant in I.A most respectfully and humbly prayed that this Hon'ble court may kindly be pleased to restrain the defendants or their labours, contractors, officials, workers, agents, representatives, legal heirs, relatives or from any other persons from illegal transfer, alienate, sale, sale agreement, interference, disturbance, trouble, damage, wastage, trespass or in any other way over the suit schedule properties till disposal of the suit by allowing the application in the interest of justice and equity.”

11. To establish the prima facei case of the plaintiff, he produced RTC extracts for the year 2020-21 of Chikkulikere village bearing Sy.No. 52/1 measuring 1 acre 32 gunta , Sy.No. 51/8 measuring 5 gunta in Sy.No. 51/1 measuring 5 gunta discloses the name of K.H.Sharadamma / defendant No. 1 as kahta holder and cultivator.

12. Computerized copy of RTC extract bearing Sy.No. 52/3 pertaining to the year 2020-21 of Chikkulikere village measuring 1 acre 32 gunta, Sy.No. 51/7 measuring 5 gunta and Sy.No. 51/2 measuring 5 gunta discloses the name of H.Neelamma / defendant No. 2 as katha holder and cultivator.

13. The computerized copy of RTC extract bearing Sy.No. 52/1 measuring 1 acre 32 gunta and Sy.No. 51/8 measuring 5 gunta. stands in the name of defendant No. 6/ C.L.Srinidhi

The computerized copy of RTC extract consisting of year 2021-22 bearing Sy.No. 52/3 measuring 1 acre 32 gunta and Sy.No. 51/7 measuring 5 gunta discloses the name of defendant No. 5 / Deepak C.L.

The computerized copies of RTC extracts bearing Sy.No. 51/6 measuring 5 gunta and Sy.No. 51/5 measuring 5 gunta are stands in the name of defendant No. 3/Padma and defendant No. 4 khata effected in their names vide M.R.No. 3/2001-03 on the basis of Will.

The copy of record of right and RTC extracts for the year 2000-01 bearing Sy.No. 52/1 in totally measuring 3 acre 24 gunta discloses the name of Y.K. Hanumanthappa S/o Kenchappa as per entries in Col No.9 and 12(2) as khata holder and cultivator.

The copy of record of right and RTC extracts for the year 2000-01 bearing Sy.No. 52/1 in total measuring 3 acre 24 gunta discloses the name of defendant No. 1 and 2 as khata holder and cultivator measuring measuring 1 acre 38 gunta each. Khata effected on the basis of M.R.No. 3/2001-02.

The copy of registered gift deed dated 02-12-2020 executed by defendant No. 1 in favour of defendant No. 6 with respect to properties in Sy.No. 52/1 measuring 1 acre 32 gunta , 51/8 measuring 05 gunta property No. 20-7-163A property No. 20-13-51 situated at Hosapete Beedi.

Copy of registered gift deed dated 07-12-2020 executed by defendant No. 2 in favour of defendant No. 5 with respect to property bearing Sy.No. 51/7 measuring 5 gunta , Sy.No. 52/3 measuring 2 acre 4 gunta out of which 1 acre 32 gunta. Property No. 20-13-49 situated at Hosapete Beedi are concerned.

The copy of legal notice dated 10-08-2021 , 5 postal window receipts.

14. Having taken note of the pleadings of both parties and the prima facie material placed on record by the both side, the plaintiff seeking interim reliefs in the present I.A which is more than one i.e he sought restraint order against the defendants as well not to transfer, alienate, sale agreement, interference, disturbance, trouble, damage, wastage, trespass or in any other way by the defendants with respect to the suit schedule property till disposal of the suit. Thus the present relief sought by the plaintiff itself is barred by law as per **Rule 23 of Karnataka Civil Rules of Practice** which reads as follows:

“23. There shall be a separate application in respect of each distinct prayer. When several prayers are combined in one application, the Court may direct the applicant to confine the application only to one of such prayers and to file a separate application in respect of each of the others.”

Having taken out of the above mentioned rule formed by Hon'ble High Court of Karnataka, the party has to seek one relief in one interim application, but in the instant application the plaintiff has sought more than one relief with respect to the suit schedule properties from the defendants. Hence the instant application is not maintainable on this technical ground itself.

15. That apart to establish prima facie case of the plaintiff, it is necessary to look into the pleadings of the plaint. Wherein the plaintiff asserted that they are the absolute owners in possession of the suit schedule properties. But no such documents are placed on record. That apart, to establish the plaintiff 's prima facie possession over the suit property has not produced single document on record. The documents placed by the plaintiff which are RTC extracts pertaining to the year 2020-21 with respect to the suit schedule properties are stands in the name of defendants as on the date of the filing of the suit. Thus the entries of said

revenue records have presumptive value as per **Section 133 of Karnataka Land Revenue Act 1964**. That apart the plaintiff has not narrated in his plaint that on what right he is claiming his right and possession over the suit schedule properties in the plaint. That apart the plaintiffs also asserted in their plaint para 5 that father of plaintiffs U.K. Hanumanthappa had not executed any Will in favour of the defendant No.1 to 4. If such an event it is well established law that the Will should be proved as per law enumerated **U/Sec. 68 of Indian Evidence Act-1872 and Section 63 to 69 of Indian Succession Act**. This court cannot form any opinion on the basis of prima facie material placed by the plaintiff in the present suit to lean in favour of plaintiff.

16. That apart prayer of the plaintiff in the I.A.No. 1 is nothing but main relief which he sought in the plaint . Hence to consider the entire claim of the plaintiff it requires full fledged trial. This court at this stage cannot conduct mini trial. The plaintiff has failed to establish his prima facie case to grant Temporary injunction as well his prima facie possession with respect to suit schedule properties. Accordingly, this court answered **point No. 1** in the **Negative**.

17. Point No.2 and 3:- These two points are interconnected as such are taken at once for discussion.

18. The existence of prima-facie case is fundamental to grant interim temporary injunction. The plaintiffs have to establish the said aspect at first by placing prima-facie materials too. The balance of convenience and irreparable injuries are always fall in line with prima-facie case. In the case on hand, the plaintiffs have failed to prove the very existence of prima-facie case and therefore, balance of convenience, irreparable injury would also not in favour of plaintiff. Thus, the **point No.2 and 3** are held in **the Negative**.

19. **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 of CPC is hereby rejected.**

No order as to cost.

Issues framed.

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

(Dictated to the stenographer typed by her, corrected by me and then pronounced in the open court on this the 10th Day of December 2025.)

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

