

KADG520019392024



IN THE COURT OF THE ADDL. CIVIL JUDGE AND JMFC, AT HONNALI.

DATED THIS 13TH DAY OF MARCH 2026.

PRESENT:

Sri. PUNYAKOTI S N
B.A LL.B.,
Addl. Civil Judge & JMFC,
Honnali

O.S. No.324/2024

Plaintiffs : 1. Ramappa dead by Lrs. And another

V/s

Defendants : 1. Nagaraja Naika and another

PARTIES ON I.A.No.I

Applicants /

Plaintiffs : 1. Ramappa dead by Lrs. And another

V/S

Opponents /defendants : 1. Nagaraja Naika and another

ORDERS ON I.A.No.I

Plaintiffs have filed an application Under Order XXXIX Rule 1 and 2 of CPC., seeking temporary injunction to restrain the

defendants and their persons from causing interference into the suit schedule property till disposal of the suit.

2. The reasons ventilated in the affidavit annexed to the application are that, plaintiff No.1 and 2 are brothers. Suit schedule property i.e., 34 guntas in sy.No.66 and 31 guntas in sy.No.67 of Hanumasagara village are purchased by their father Huchhengappa under registered sale deeds. Both lands have common boundaries as they are adjoining lands. Based on the sale deeds, khata with respect to the suit schedule property is mutated into the name of mother of the plaintiffs by way of inheritance. After the death of their mother, khata with respect to suit schedule property is mutated into the names of plaintiff No.1 and 2 and RTC also stands in their names. Since from the date of sale deeds, plaintiffs and their family is in possession over the suit schedule property.

3. Further stated that, defendants having no manner of right, title or interest, much less possession over the suit schedule property, causing interference into the plaintiffs' peaceful possession and enjoyment over the same. On 10-11-2024, defendants came along with JCB and dug a trench in the suit schedule property and damaged the property. Without the aid of the court, it is not possible to resist the defendants. Plaintiffs got prima-facie case against the defendants and balance of convenience in their favour. Hence filed this suit and application and prays to allow the application.

4. Per contra, though defendants appeared before the court but neither filed written statement nor objections to the IA No.1.

5. Heard arguments.

6. Now the following points would arise for consideration:

1. Whether the plaintiffs have made out a prima-facie case for grant of Temporary Injunction as sought for ?
2. Whether the plaintiffs have shown that the balance of convenience lies in their favour?
3. Whether the plaintiffs will be put to irreparable loss and hardship, if I.A. No.1 is not allowed?
4. What order?

7. Having gone through the pleadings and documents produced by the plaintiffs at this stage, my findings 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

8. Point No.1:- In order to consider the application under Order XXXIX Rule 1 and 2 of CPC, the Court should satisfy three ingredients namely, prima-facie case, balance of convenience and irreparable injury to the plaintiffs if injunction is not granted. The existence of a prima-facie goes 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 the very first stile itself. But, if there was a prima-facie case then other consideration 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's directly to an injunction without crossing the other hurdles in between. 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. Keeping these principles I would like to discuss the facts of the present case on hand.

9. The plaintiffs have knocked the doors of justice through this application for a simple relief of Temporary Injunction restraining the defendants, from interfering into the plaintiff schedule properties. In order to succeed in the application, the plaintiffs are bound to prove the prima-facie case in this suit and also show the balance of convenience lies in their favour and also they have to show that they will be put into great hardship and injury if this application is rejected. With this prelude let me examine the case of the plaintiffs in the light of documentary evidence.

10. It is the specific assertion of the plaintiffs that they are in possession and enjoyment of the suit schedule property, acquired the same by their father.

11. I have carefully gone through the pleadings and documents made available on record. In support of their case, the plaintiffs furnished the copy of sale deed 17/04/1973. Wherein it reveals that, plaintiffs' father purchased the land in Sy. No.66. Further also furnished, mutation and RTC extracts. Mutation extracts reveals that, khata in MR. No.3/2004-05 with respect to suit schedule property is mutated into the names of plaintiff No.1 and 2 from their mother through inheritance. RTC extracts with respect to schedule property for the year 2024-25 is standing in the names of plaintiff No.1 and 2. Further their names shown in column No.12 as cultivators. The photos produced by the plaintiffs shows their a trench allegedly dug by the defendants. The photos shows there is imminent danger to the suit schedule property. The documents produced by the plaintiffs are in consonance with that of their pleadings and clearly depicts that prima-facie case in their favor.

12. On perusal of the documents produced by the plaintiffs, prima-facie it appears that, the plaintiffs have acquired the suit schedule property through inheritance and khata and RTC have been mutated in their names and they are in possession over the suit schedule property.

13. On other other hand, the defendants have not set up any

defence or even not disputed the contention of the plaintiffs.

14. Law is fairly well settled that when an application for temporary injunction is filed by a plaintiffs, they have to prove the prima-facie case. The documents produced by the plaintiffs clearly established that they have prima-facie case and there is no doubt in their case. The copy of sale deed, mutation and RTC extracts for suit schedule property stands in the name of the plaintiffs. It does appears that there is a triable issue in this case and also the plaintiffs have shown prima-facie possession over the suit schedule property. It is the case of the plaintiffs that the defendants are interfering into their possession over the suit schedule property. Thereby at this stage the balance of convenience lies in favor of the plaintiffs and if the defendants continue the interference into the plaintiffs' possession, the amount of inconvenience that will be caused to the plaintiffs. It is the urge of the plaintiffs that the amount of loss and injury that will be caused to them if at all injunction is not granted will be not only matter but peripheral and injury in nature. Hence, I find it is a fit case to exercise the discretion in-favour of the plaintiffs to grant an injunction against the defendants from interfering into the plaintiffs' peaceful possession and enjoyment over the suit schedule property. Hence, considering all these aspects, this court in the touchstone of reasons ventilated above, answered Point No.1 to 3 in the **Affirmative**.

15. Point No.4 : In view of the above discussion, this Court proceed to pass the following:

ORDER

The I.A. No.I filed by the plaintiffs under Order XXXIX Rule 1 and 2 r/w Sec.151 of C.P.C. is hereby allowed.

The defendants and their agent, men, supporters, henchmen, labors, contractors or persons are hereby restrained from causing interference into the plaintiffs' possession and enjoyment over the suit schedule properties till disposal of the suit.

(Dictated to the stenographer directly on computer, typed by her, corrected and then pronounced by me in the open court on this 13th day March 2026).

(Punyakoti S N)
Addl. Civil Judge & JMFC.,
Honnali.