

IN THE COURT OF I ADDL. SENIOR CIVIL JUDGE

AND J.M.F.C., HUBBALLI

PRESENT:- SMT. SARVAMANGALA K.M.,  
B.A. LL.B

I ADDL. SENIOR CIVIL JUDGE AND JMFC.,  
HUBBALLI.

Dated this 08<sup>th</sup> day of June, 2026

O.S. No.161/2020

**PLAINTIFFS** : Smt. Yallavva W/o Balappa  
Katagi @ Smt. Yallavva D/o  
Basappa Poojar and another.

**//Versus//**

**DEFENDANTS** : Smt. Bhemmavva W/o Basappa  
Poojar and others.

**PARTIES TO I.A.18**

**Applicant** : Smt. Lakshmi Lakkanavar @  
Kallavva B Pujar.

**//Versus//**

**Opponent** : Smt. Bhemmavva W/o Basappa  
Poojar and others.

- i. Provision under : Under Order 39 Rule 1 and  
which application is 2 R/w Sec.151 of CPC.  
filed

- ii. *Relief sought for* : *Seeking an order of temporary injunction, restraining the defendants, their men, servants or anybody claiming through them from alienating or creating any charge or encumbrance in and over the suit schedule properties, till disposal of the suit in the ends of justice.*
- iii. *The date on which application is filed* : 31.01.2026
- iv. *Number of the application* : 18
- v. *The date on which objections are filed by different opponents* : 08.04.2026 (by D.7 & 11)
- vi. *The date on which orders were passed on the said application* : 08.06.2026

\*\*\*\*\*

### **ORDER ON I.A. NO.18**

*The counsel for the plaintiff No.2 filed an I.A. No.18 under Order 39 rule 1 and 2 R/w Sec.151 of C.P.C., seeking an order of temporary injunction, restraining the defendants, their men, servants or anybody claiming through them from alienating or creating any charge or encumbrance in and over*

the suit schedule properties, till disposal of the suit in the ends of justice.

**Description of suit 'A' properties :**

Sl. No.	Particulars	Area	Place	Valuation
1	Block No.54	7 A - 02G	Sutagatti	2,70,00,000-00
2(a)	Block No.70/ 1B	04 A - 17G	Sutagatti	80,00,000-00
2(b)	Block No.70/ 1A	01A - 00G	Sutagatti	40,00,000-00
2(c)	Block No.70/2	01A - 00G	Sutagatti	40,00,000-00
3	Block No.70/3	00A - 31G	Sutagatti	30,00,000-00
4	Block No.92/2	1A - 20 G	Sutagatti	50,00,000-00

**Description of suit 'B' properties :**

Sl. No.	Particulars	Place	Valuation
1	Municipal No.23/3695	PID Sutagatti	Rs.15.00 Lakhs
2	Municipal No.23/8776	PID Sutagatti	Rs.15.00 Lakhs

**2.** The defendant No.7 and 11 have filed separate objections to this application.

**3.** Heard arguments by both side.

**4.** On the basis of entire materials available on record the following points arise for my consideration:

**POINTS**

1. *Whether the plaintiffs have made out prima-facie case?*
2. *Whether the balance of convenience lies in favour of the plaintiffs ?*
3. *Whether the hardship would be caused to the plaintiffs if injunction is not granted?*
4. *What order ?*

**5.** *My answer to the above points are as follows:*

*Point No.1 : In the Negative.*

*Point No.2 : In the Negative.*

*Point No.3 : In the Negative.*

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

**REASONS**

**6. Point No.1:** *This is the suit filed by the plaintiffs against the defendants for the relief of partition and separate possession is concerned and declaration and permanent injunction.*

**7.** *In the annexed affidavit the plaintiff No.2 averred that, plaintiff No.2 and the defendant No.1 to 5 are joint owners of immovable properties. The plaintiff No.2 is in*

*actual possession of suit properties and suit properties are most valuable properties. Immediately after the death of her father Sri. Basappa Tammanna Pujar, she have 1/7<sup>th</sup> share each in the suit 'A and B' properties. The suit properties standing in the name of defendants. By taking undue advantage of their names in the property extracts they are trying to alienate the suit properties and recently defendant No.2 to 4 have alienated the one of the suit property to third person. The defendants are trying to sell the suit properties to third persons in order to deprive her legal rights, interest and title over the suit property. If the suit properties are sold it gives rise to multiplicity of proceedings. The plaintiff No.2 have got prima facie case and balance of convenience is in their favour. If the application is not allowed, they will be put to hardship and irreparable loss. If allowed there is no loss or hardship caused to other side. Hence, prayed to allow the application.*

**8.** *The objections of the defendant No.7 is that, the suit has been filed by the plaintiff seeking the relief of partition and separate possession as well as alienation of some of the*

*suit properties, that the plaintiff has filed an application under Order 39 Rule 1 and 2 seeking ad interim injunction restraining the defendants from alienating, encumbering or creating the charge in and over the suit schedule property. This Court by order dated:23.10.2020 has granted ad interim injunction till next date, the said order was in force till 25.05.2022 thereafter no application has been filed for extension of interim orders. The evidence of the plaintiff as well as the defendant has been completed and when the matter was posted for further evidence of the defendants on account of application filed by some of the defendants P.W.1 has been recalled. The defendant No.7 has purchased the suit schedule property by registered sale deed bearing document No.7440 dated:05.11.2007 accordingly the name of defendant No.7 came to be mutated to the suit schedule property. However, the plaintiff has filed the suit in the year 2020 challenging the alienation made in favour of defendant No.7 after the lapse of 13 years. The plaintiff has filed the present application only with an intention to protract the proceeding to make an unconscionable bargain. That even*

*the interim order granted by this Court has not been continued however no alienation has been made by contrasting defendants. Since the suit has been filed on the year 20.10.2020 and more than five and half years has been lapsed. The evidence is almost completed, the plaintiff instead of dispose of the suit on merits has filed the present application only with an intention to protract the proceedings. That defendant No.7 has purchased the suit property way back in 2007, made improvement over the suit property by raising the horticulture if an injunction is granted resting the defendant No.7 from alienating or encumbering the suit property nearly after 2 decades the defendant NO.7 will be put to untold loss and hardship. The balance of convenience hardship lies in favour of defendant No.7 there is no prime facie case in favour of the plaintiff.*

**9.** *The objections of the defendant No.11 is that, the application filed by the plaintiff No.2 is unsustainable, sham and devoid of merits on the main merits of the matter. The plaintiff's has approached this Court with unclean hands and has suppressed material facts. The allegation made in the*

*affidavit filed in support of the application are false, frivolous and created only to obtain an order of temporary injunction. The defendant denies each and every allegation made in the application except those specifically admitted. The plaintiff has failed to establish a prima facie case. The plaintiff has no legal right, title or possession over the schedule property as alleged in the plaint and the application. It is further submitted that the balance of convenience is not in favour of the Plaintiff. On the contrary, the Defendant will suffer serious hardship and irreparable loss if the injunction as prayed for is granted. The Plaintiff has also failed to establish that irreparable injury would be caused if the injunction is not granted. The alleged injury, if any, is compensable in terms of money and therefore does not warrant the grant of temporary injunction. The Plaintiff has no manner of right, title or interest over the suit schedule property and the Defendant is in lawful possession and enjoyment of the same. The application filed by the Plaintiff is vexatious, filed only to harass the Defendant and to obstruct the lawful rights of the Defendant.*

*It is further submitted that it is a settled principle of law that temporary injunction can be granted only when the applicant proves: a. Prima facie case, b. Balance of convenience and c. Irreparable injury. In the present case, the Plaintiff has failed to satisfy any of the above essential ingredients. Therefore, the Plaintiff is not entitled to the discretionary relief of temporary injunction as sought in the application. The present suit filed by the Plaintiffs seeking partition and separate possession of the suit schedule properties is wholly untenable in law and on facts and is liable to be dismissed in limine. The Plaintiffs have arrayed Defendant No.11 as a party to the present proceedings on the basis of a sale transaction which admittedly took place in the year 2003. If at all the Plaintiffs had any grievance with regard to the said sale transaction, the Plaintiffs ought to have approached the competent court within the prescribed period of limitation as provided under the provisions of the Limitation Act, 1963, which prescribes a limitation period of three years for seeking cancellation of a document or for challenging a transaction. However, in the present case, the*

*Plaintiffs have chosen to file the present suit only in the year 2020, nearly 17 years after the execution of the sale deed, without offering any explanation whatsoever for such an inordinate delay. The Plaintiffs have remained completely silent all these years and have slept over their alleged rights.*

*It is further submitted that the conduct of the Plaintiffs clearly amounts to delay, laches, acquiescence and waiver, and therefore the Plaintiffs are not entitled to seek any equitable relief before this Court. The present suit is therefore hopelessly barred by limitation and is liable to be dismissed on this ground alone. Hence, on this ground alone, the suit and the application for Temporary Injunction of the Plaintiffs deserves to be dismissed with costs. The Plaintiffs have not approached this Court with clean hands and have deliberately suppressed material and vital facts pertaining to the suit schedule properties. The Plaintiffs have intentionally failed to disclose the earlier alienation and other material transactions concerning the suit schedule property, thereby attempting to mislead this Court and obtain relief by suppression of material facts. It is a settled principle of law*

*that any party approaching the Court must do so with clean hands, and suppression of material facts disentitles such party from seeking any equitable relief. Under the provisions of the Hindu Succession Act, 1956, as amended by the Hindu Succession (Amendment) Act, 2005, daughters are conferred the status of coparceners under Section 6 with rights and liabilities similar to that of sons. However, the said amendment is subject to the saving clause contained in Section 6(1) of the Act. The Hon'ble Supreme Court in Vineeta Sharma v. Rakesh Sharma (2020) has categorically held that although daughters have coparcenary rights by birth, such rights shall not affect or reopen any disposition, alienation, partition, or testamentary disposition which had taken place prior to 20.12.2004. Therefore, any transfer or alienation effected prior to the said date is fully protected under the law. In the present case, the alienation of the suit schedule property had already taken place long prior to the cut-off date stipulated under the amended Section 6 of the Act. The Plaintiffs themselves were parties to the said transaction and had full knowledge of the same. Therefore, the Plaintiffs*

*cannot now seek to reopen a concluded and valid transaction by filing the present suit for partition. It is further submitted that the present suit is hopelessly barred by limitation. The alleged cause of action, if any, had arisen many years prior to the filing of the present suit. The Plaintiffs, having remained silent and inactive for an inordinate period, are now attempting to challenge settled transactions after the lapse of several years, which is impermissible in law. Hence, the suit is liable to be dismissed as barred by limitation under the provisions of the Limitation Act, 1963.*

*It is further submitted that the Plaintiffs, having acquiesced to and accepted the earlier transaction for several years without raising any objection, are now estopped from challenging the same. The conduct of the Plaintiffs clearly amounts to waiver, acquiescence, and estoppel, and therefore they cannot be permitted to question the validity of the earlier alienation at this belated stage. The suit is also bad for non-joinder and mis-joinder of necessary and proper parties. All persons who are necessary for the proper adjudication of the dispute have not been made parties to the present suit. The*

*Plaintiff No.2 had earlier filed an application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908 at the time of institution of the suit in the year 2020 seeking interim relief. After hearing the parties, this Court was pleased to allow the said application and grant an interim order vide order dated:23.10.2020, operative till the next date of hearing. The said interim order was being periodically extended by this Court from time to time and continued to remain in force till 25.03.2022. However, on 25.03.2022 the said interim order was not extended as the plaintiffs failed to comply with the directions of this Court by not paying the requisite process fee for issuance of summons to the defendants, thereby preventing the defendants from being brought on record. In view of the said non-compliance on the part of the plaintiffs, the interim order automatically came to an end and ceased to operate thereafter. The Defendant No.11 further submits that, in the circumstances stated hereinabove, the Plaintiff did not take any steps whatsoever to seek restoration, extension, or revival of the interim order after the same ceased to operate on 25.03.2022. The*

*Plaintiff, despite being fully aware of the said fact, remained completely silent and allowed the said order to lapse without any effort to revive or continue the same. The Plaintiff No.2 was content with the situation and had no genuine intention to pursue or enforce any interim protection against the Defendants. The Plaintiff was fully conscious of the fact that no interim order was in force thereafter, yet deliberately continued to prosecute the present proceedings for a period of more than four years without seeking restoration of the earlier order. The said conduct clearly reflects acquiescence, waiver, and lack of bona fides on the part of the Plaintiff. Having failed to act with due diligence and having allowed the interim order to lapse, the Plaintiff cannot now be permitted to take advantage of his own inaction, negligence, and deliberate silence. The present conduct of the Plaintiff clearly establishes that the claim for any interim protection was never genuine and that the Plaintiff has chosen to prolong the litigation for the reasons best known to him. Hence, the Plaintiff is estopped from seeking any relief based on the*

*earlier interim order which had already lapsed due to the Plaintiff's own failure to take timely steps before this Court.*

*It is further contended that, upon a bare and meaningful comparison of the earlier application filed by the plaintiff with the present application, it clearly reveals that the contents, pleadings and reliefs sought therein are substantially identical. The present application does not disclose any new facts, changed circumstances, or subsequent developments which would warrant reconsideration of the matter by this Court. The plaintiff has merely reiterated the earlier pleadings in a different form, which itself renders the present application wholly untenable and liable to be rejected. The Plaintiff No.2 has miserably failed to establish the existence of any real, imminent or bonafide threat from the defendants with respect to alienation, disposal, encumbrance or any other act concerning the suit schedule property. No material whatsoever has been placed before this Court to demonstrate that the defendants have taken or are attempting to take any steps which would prejudice or defeat the alleged claim of the Plaintiff No.2 over the suit property. The law governing grant*

*of temporary injunction is well settled, and the applicant must satisfy the three essential ingredients, namely prima facie case, balance of convenience and irreparable injury. In the present case, the Plaintiff No.2 has failed to establish any of these fundamental requirements. In the absence of a prima facie right being demonstrated and in the absence of any credible apprehension of irreparable injury, the question of granting any discretionary equitable relief does not arise. The Plaintiff No.2 has conspicuously failed to explain in the present application as to why the earlier interim order, which had admittedly lapsed, was not immediately sought to be restored, if indeed there existed any genuine or imminent threat to the suit schedule property. The complete silence of the plaintiff on this vital and material aspect clearly indicates that the alleged apprehension of threat is nothing but a mere afterthought and a calculated attempt to unnecessarily restrain the defendants. When such a crucial and substantial aspect remains unexplained and absent in the application, the same clearly demonstrates that the present application is*

*devoid of merits and is filed only to prolong the proceedings and harass the defendants.*

*It is further submitted that, even the Hon'ble Supreme Court has held in many of catena of its judgments has held that an interim injunction does not automatically extend and expires if not specifically renewed or extended by the Court, particularly if not extended before the next date of hearing. A subsequent application for an injunction in the same proceeding cannot rely on an expired order unless the applicant must show and prove a prima facie case for a new injunction. The following are the Key Principles laid down by Hon'ble Supreme Court from its judgment and related jurisprudence.*

- Expiration by Time: Time-bound injunctions (e.g., "stay till next date") expire if not expressly extended, and subsequent applications require a fresh assessment.*

- Doctrine of Merger & Re-application: If an injunction is discharged, a subsequent application requires new, compelling circumstances showing irreparable injury.*

• *Equitable Relief & Conduct: Since temporary injunctions (Order 39, CPC) are equitable, the court will consider the applicant's conduct and may refuse to extend an order if the party was negligent or unfair.*

*It is further contended that the present application filed by Plaintiff No. 2 seeking grant of interim injunction is highly belated and suffers from gross, unexplained and inordinate delay. It is submitted that upon the lapse of the earlier interim order, there existed absolutely no legal or procedural impediment preventing Plaintiff No.2 from immediately approaching this Court seeking appropriate interim protection. However, despite being fully aware that no interim protection was in force, Plaintiff No.2 deliberately chose not to seek restoration of the earlier order nor file any application seeking fresh interim relief for a considerable length of time. Such conduct clearly demonstrates lack of diligence and absence of any real urgency on the part of Plaintiff No. 2. The Plaintiff No.2, having consciously allowed the matter to continue for a long period without any interim protection, cannot now be permitted to invoke the equitable jurisdiction of this Court and*

*seek the discretionary relief of injunction after such inordinate delay. The prolonged inaction on the part of Plaintiff No.2 clearly amounts to acquiescence and waiver, which disentitles him from seeking equitable relief at this belated stage. The alleged apprehension of threat to the suit schedule property is therefore nothing but an afterthought, invented only for the purpose of obtaining an order of injunction. It is a well-settled principle of law that the relief of injunction is equitable and discretionary in nature, and a party seeking such relief must approach the Court with promptness, bona fides and clean hands. A litigant who sleeps over his alleged rights and approaches the Court after substantial delay cannot seek equitable protection. The maxim "delay defeats equity" squarely applies to the present case. In this regard, the Hon'ble Supreme Court in Karnataka Power Corporation Ltd. v. K. Thangappan has held that delay and laches are important factors while considering equitable relief and that a person approaching the Court belatedly may not be entitled to discretionary relief. Similarly, in Mandali Ranganna v. T. Ramachandra the Hon'ble Supreme Court has held that the*

*conduct of the parties and delay in approaching the Court are relevant considerations while deciding an application for injunction. Further, the Hon'ble Supreme Court in Maharwal Khewaji Trust (Regd.) Faridkot v. Baldev Dass reiterated that injunction being a discretionary relief, the Court must examine the conduct of the party seeking such relief and the surrounding circumstances before granting such protection.*

*It is further contended that the unexplained delay on the part of Plaintiff No. 2 completely destroys the very foundation of the plea of urgency. When the Plaintiff himself has remained inactive for such a long period after the lapse of the earlier interim order, the plea of imminent threat or urgency is clearly untenable. Consequently, none of the essential ingredients required for grant of temporary injunction under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, namely prima facie case, balance of convenience and irreparable injury, are satisfied in favour of Plaintiff No.2. The Plaintiff No.2 cannot be permitted to indirectly revive or resurrect a lapsed interim order by filing the present application after a long lapse of time. Such an attempt is*

*clearly an abuse of the process of this Court and if such belated applications are entertained, it would defeat the very principles governing grant of equitable reliefs. The Plaintiff, having slept over his alleged rights for years together, cannot now seek to restrain the defendants by invoking the equitable jurisdiction of this Court. Hence, prayed to dismiss the application with costs.*

*At this stage without going in to the merits of the case and without holding the mini trial, this court has considered the aspect of prima-facie case. At this stage, the courts makes it very clear that, this court is looking towards the prima-facie case and not prima-facia title. It is settled principles of law that at the time of disposing of temporary injunction application, the court cannot go in to the prima-facie title and only to consider whether the plaintiff has made out prima-facia case for grant of interim relief.*

**10.** *In order to ascertain the prima-facie case of the plaintiff and in the light of the arguments canvassed by the learned counsel for the plaintiffs this court carefully perused the materials on record, the list of documents of the plaintiffs*

*consists of the record of rights bearing survey No.54 block/\* measuring 7 acres 02 guntas situated at Sutagatti Village, Hubballi Taluk, records of rights bearing survey No.70 block/\* measuring 6 acres 18 guntas situated at Sutagatti Village, Hubballi Taluk, record of rights bearing survey No.70 block/1 measuring 5 acres 18 guntas situated at Sutagatti Village, Hubballi Taluk, record of rights bearing survey No.70 block/1A measuring 1 acre situated at Sutagatti Village, Hubballi Taluk, record of rights bearing survey No.70 block/1B measuring 4 acres 18 guntas situated at Sutagatti Village, Hubballi Taluk, record of rights bearing survey No.70 block/1B measuring 10 guntas situated at Sutagatti Village, Hubballi Taluk, record of rights bearing survey No.70 block/2 measuring 1 acre situated at Sutagatti Village, Hubballi Taluk, record of rights bearing survey No.70 block/3 measuring 31 guntas situated at Sutagatti Village, Hubballi Taluk, record of rights bearing survey No.92 block/5 measuring 1 acre 20 guntas situated at Sutagatti Village, Hubballi Taluk, record of rights bearing survey No.70 block/4 measuring 30 guntas 08 anna situated at Sutagatti Village,*

*Hubballi Taluk, record of rights bearing survey No.70 block/5 measuring 32 guntas situated at Sutagatti Village, Hubballi Taluk, record of rights bearing survey No.70 block/6 measuring 30 guntas 08 anna situated at Sutagatti Village, Hubballi Taluk, record of rights bearing survey No.70 block/7 measuring 1 acre 04 guntas situated at Sutagatti Village, Hubballi Taluk, further relied upon Challan, surviving family members certificate of Basappa Tammanna Poojar. Further, relied upon Sale Deed dated:05.11.2007, Gift Deed dated:14.09.2010, Sale Deed dated:16.09.2003, mutation extract.*

*On the otherhand, the defendants have relied upon the Power of Attorney dated:02.10.2021 executed by R. Gopal Reddy S/o Late. K. Rama Reddy in favour of Mr. T. Manjunath S/o Late. Thirumalegowda. Further, relied Special Power of Attorney dated:10.07.2021 executed by Rajeshwari Myagerimath W/o Umesh Nagalotimath in favour of Smt. Savitra W/o Shivajogayya Myagerimath. Further, relied Sale Deed dated:05.11.2007, Agreement of Sale dated:18.10.2006, Form No.11(E), Endorsement*

*dated:26.02.2010, Encumbrance Certificate, document issued by Electricity Supply Co. Ltd., Hubballi. Further relied Sketch, record of rights bearing survey No.70block/2 measuring 1 acre situated at Sutagatti Village, Hubballi Taluk, record of rights bearing survey No.54 block/\* measuring 7 acres 02 guntas situated at Sutagatti Village, Hubballi Taluk, further record of rights bearing survey No.70 block/ 1A measuring 1 acre situated at Sutagatti Village, Hubballi Taluk, record of rights bearing survey No.70 block/2 measuring 1 acre situated at Sutagatti Village, Hubballi Taluk, record of rights bearing survey No.70 block/4 measuring 30 guntas 08 anna situated at Sutagatti Village, Hubballi Taluk, record of rights bearing survey No.70 block/5 measuring 32 guntas situated at Sutagatti Village, Hubballi Taluk, record of rights bearing survey No.70 block/6 measuring 30 acres 08 anna situated at Sutagatti Village, Hubballi Taluk, record of rights bearing survey No.70 block/7 measuring 1 acre 04 guntas situated at Sutagatti Village, Hubballi Taluk.*

**11.** *On perusal of the entire materials on record it is noticed to the Court that this Application is filed by the plaintiff under Order XXXIX Rule 1 and 2 R/w Section 151 of CPC seeking an order of temporary injunction restraining the defendants from alienating the suit properties pending disposal of the suit.*

*It is not in dispute that at the initial stage of the suit, the plaintiff had obtained an order restraining the alienation of the suit properties. The said order was being extended from time to time. Subsequently, the order ceased to operate and was not extended further. The records disclose that no effective steps were taken. By the plaintiff for continuation of the said interim protection. The present application has been filed during the advanced stage of trial, after completion of the evidence of the parties and when the matter has substantially progressed. The plaintiff has not explained satisfactorily as to why no steps were taken for continuation of the earlier interim order, why the present application has been filed after a long lapse of time, A perusal of the present application shows that it is founded substantially on the same facts and*

*circumstances which were available when the earlier injunction application was considered. No subsequent event, changed circumstances, fresh cause, or new material has been pleaded for demonstrating the necessity of granting a fresh order of injunction.*

*It is settled principle that where an injunction has lapsed, stood discharged, or ceased to operate, a fresh application on the same set of facts is ordinarily not maintainable unless the applicant establishes new and compelling circumstances warranting reconsideration. In the absence of such circumstances, entertaining repeated applications would amount to re-agitation of same issue. The plaintiff is required to establish the three essential ingredients for grant of temporary injunction, i.e., prima facie case, balance of convenience, and irreparable injury.*

*On the material available on record, the plaintiff has failed to establish the existence of these requirements at this stage. The objections filed by defendant No.7 and 11 are Disclosed that certain alienations and transactions concerning the suit properties had already taken place, much prior to*

*filing of the present application, and that such facts were not fully disclosed by the plaintiff. Temporary injunction being an equitable relief, suppression of material facts or lack of candor is a relevant consideration while exercising discretionary jurisdiction. Further, the suit is one for partition and separate possession. Even assuming that any transfer is effected during pendency of the suit, such transfer would remain subject to the result of the litigation, and the doctrine of lis pendens embodied under Section 52 of the Transfer of Property Act would govern the rights of the transferee. Therefore, the apprehended injury pleaded by the plaintiff is not shown to be irreparable in nature. The contentions regarding co-parcenary rights, their alienations, and their legal effect are matters to be adjudicated on the basis of evidence at the time of final disposal of the suit. At this interlocutory stage, such disputed questions do not furnish sufficient grounds for grant of a fresh invention order.*

*Having regard to the long delay, absence of changed circumstances, advanced stage of trial, failure to establish the requirements of Article 39 Rule 1 and 2 of CPC, and the*

*validity of protection under the doctrine of lis pendens, this Court is of the opinion that the plaintiff is not entitled to the discretionary relief as sought. Hence this court has answered **point No.1 to 3 in the Negative.***

**12. Point No.4:** *On the basis of my reasons on point Nos.1 to 3, I proceed to pass the following:*

**ORDER**

*The I.A No.18 filed by the learned counsel for the plaintiff No.2 under Order 39 Rule 1 and 2 R/w Section 151 of CPC is hereby dismissed.*

*No order as to costs.*

*(Dictated to the Stenographer, directly on Computer and typed by her. The same is corrected and then pronounced by me in the open court on this the **08<sup>th</sup> day of June, 2026**)*

**sd/-**

*(SMT. SARVAMANGALA K.M.,  
I Addl. Senior Civil Judge & JMFC.,  
Hubballi.*