



**IN THE COURT OF THE II ADDITIONAL SENIOR CIVIL
JUDGE AND J.M.F.C. HUBBALLI**

Present:- Smt. Deepa G. Manerkar, B.Com. LL.B, (Spl.)
II Addl. Senior Civil Judge & J.M.F.C.,
Hubballi.

Dated this the 16th day of July 2026
O.S. No.381/2025

Plaintiff/s

Smt. Shekhavva W/o Jagannath Talawar of Hubballi
and others

-Versus -

Defendant /s

Sri. Ramesh Yallappa Walikar @ Talawar of Hubballi
and others

:: IA.No.I ::

Applicant /plaintiff

Smt Shekhavva W/o Jagannath Talawar of Hubballi
and others

(by Sri. S.B.H., Adv.)

-V/s -

**Opponents/defendants**

Sri Ramesh Yallappa Walikar @ Talawar of Hubballi
and others

(by Sri. S.P.P., Adv.)

:: ORDERS ON IA. NO.I FILED UNDER
SEC.151 OF C.P.C ::

The present I.A. has been filed by the counsel for plaintiffs to restrain the defendants from alienating the suit schedule property till disposal of the suit.

2. In the affidavit annexed to the present IA the plaintiff has sworn that, the suit schedule property is ancestral property of plaintiff and defendant No.1 and is in their joint possession and enjoyment since their ancestors without any kind of obstruction. That the defendant No.2 has no any manner of right over suit schedule property. However, the defendant No. 1 is not having cordial relationship with the plaintiff and always picking up quarrel, however by taking undue advantage



of the same the defendant No.2 is trying to engulf the suit schedule property by colluding with defendant No.1. In the property register card pertaining to suit property there is a mention that on 13.08.1978, ಸಿ.ಸ.ನಂ.3025-13=23^೩ and in transaction column the name of defendant No. 2 is appearing. After death of Ramanna Hanumappa Giddannavar, the defendant No. 2 had kept quiet and recently by colluding with defendant No. 1 and his children the defendant No. 2 is not removing his name appearing in the property register card. By taking undue advantage of his name appearing in the property register card, the defendant No. 1 and colluding with defendant No. 2 are harassing the plaintiffs and without the knowledge and consent of the plaintiffs they are trying to alienate the suit property to the third persons. The plaintiffs by showing documents tried to convince defendant No. 1 and 2 to give them share and also tried



to convince before the elders of the locality about the rights of the plaintiffs over suit schedule property. But the defendants have been postponing the same. That the plaintiffs have made out prima facie case and if the defendants cause obstruction for the use and enjoyment of suit schedule property, the plaintiffs will be put to irreparable loss and injury which cannot be compensated in terms of money. The balance of convenience also lies in favour of the plaintiffs. Hence prayed to allow the application.

3. The defendant No.2 has filed objection to the present application contending that after the death of Basavannevva, the name of her husband by name Ramanna Giddannavar and name of her son by name Fakkirappa Ramanna Giddannavar continued in the revenue records. During lifetime of Dyavakkavva she executed will bequeathing suit schedule property in



favour of Ramappa Hanmappa Giddannavar and Fakkirappa Ramappa Giddannavar, hence they succeeded to the suit schedule property. Therefore suit schedule property is ancestral property of defendant No.2 and he has been in possession and enjoyment of the same. That the defendant No.2 is old aged and suffering from age old ailments. The plaintiffs have come up with the present application only to harass the defendant No.2. Therefore the present suit is liable to be dismissed. That the plaintiffs are not having any right, title or interest over the suit schedule property. That in the year 1978 itself, by setting aside the objections, the name of Savakka has been deleted and the name of Ramappa Hanmappa Giddannavar has been mutated in the documents pertaining to suit schedule property, despite of which, by concealing the said facts, the plaintiffs have come up with the present false suit. As such, the interim



order of injunction is liable to be set aside. Hence, prayed to reject the application.

4. Based on above, the points that would arise for my consideration is as under :

POINTS

1. Whether plaintiffs have made out a prima facie case?
2. Whether balance of convenience lies in favour of plaintiffs?
3. Whether the plaintiffs will be put to irreparable loss and injury in case if the injunction is not granted ?
4. What order ?
5. Heard the arguments from both side counsels, and perused records.
6. My findings to the aforesaid points is as under :

Point No.1 to 3 : In the Negative

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



REASONS

7. **Point No.1 to 3:** Since these points are interlinked, they are taken up together for common discussion to avoid repetition of facts and reasoning.

As per the plaintiffs, the suit schedule property is ancestral property of plaintiff and defendant No. 1 and is in their joint possession and enjoyment since their ancestors without any kind of obstruction. That the defendant No.2 has no any manner of right over suit schedule property. However, the defendant No. 1 is not having cordial relationship with the plaintiffs and defendant No.1 is quarrel some and has not maintained good relationship with the plaintiffs. Recently, the name of defendant No.2 is appearing in property register card and defendant No.2 has not taken any action and after the death of Ramappa Hanmappa Giddannavar, the defendant No.2 has kept quiet. However recently the defendant No. 1 and 2 by colluding with each other have not deleted the names of the



children of defendant No. 2 in respect of suit schedule property and by taking undue advantage of the same they are trying to alienate the suit schedule property to the third parties.

8. However, the defendant No. 2 contends that the suit schedule property is property of their family and belongs to them as detailed in the written statement.

9. In support of the case of the plaintiffs, the counsel for the plaintiffs has produced the tax assessment extract in respect of Site No.3023B/3024 in which the name of defendant No.1 is shown as owner. They have produced the property tax paid receipts for having paid property tax. However on perusal of the CTS extract produced by the defendant No.2 pertaining to CTS No.3022 + 3023A, the name of one Dyavakka W/o Ramappa Naikar is shown as holder No.2 and there is a entry dated 09.06.1976 to the effect that one Hanumantappa, mother Dyamavva Ahoballapur, died on 03.11.1936 and he executed will in favour of his daughters by name Devakkavva and



Basavannevva bequeathing the suit schedule property in their favour. There is an entry dated 19.08.1977 in the said document to the effect that as per order passed in RTS/SR778 dated 12.07.1978, the names of Ramappa Hanmappa Giddannavar and Fakkirappa Ramappa Giddannavar i.e. defendant No. 2 herein is ordered to be mutated and same is appearing as holders.

10. It is the main grievance of plaintiffs that the suit schedule property is their ancestral property and is in joint possession and enjoyment of plaintiffs and defendant No.1 since their ancestors and the defendant No.2 has no any kind of right, title or interest over suit schedule property. However, on perusal of the CTS extract pertaining to CTS No.3025 i.e., suit property the name of Yallappa Fakkirappa Walikar i.e., defendant No.1 is shown as holder however, the name of Devakka W/o Honnappa Naikar and the name of Ramappa Hanmappa Giddannavar is also appearing as holders. The plaintiffs have not placed any



materials on record to show that the suit property is their ancestral property and succeeded by them. Absolutely there is nothing on record placed by the plaintiffs to show that they are having any right, title or interest over suit schedule property, merely because name of defendant No.1 is appearing as holder of in respect of suit property is no ground to hold that at present plaintiffs have made out prima facie case for grant of relief of injunction. The plaintiffs have to fulfill three parameters required for grant of injunction. Under such circumstances the injunction as sought by the plaintiffs cannot be granted and the present application is liable to be rejected. Accordingly above points are answered in the **negative**.

11. **Point No.4:-** In view of my findings on points No.1 to 3, this court proceeds to pass the following:

~:: ORDER ::~

I.A. No.I filed by the plaintiffs U/o 39
Rule 1 and 2 R/w Sec.151 of C.P.C is
hereby rejected.



For issues, call on 29-07-2026.

(Dictated on AI Adalath, corrected by stenographer, verified by me, and then pronounced in the open court on this the 16th day of July 2026.)

Sd/-
(Smt. Deepa G. Manerakar)
II Addl. Senior Civil Judge & J.M.F.C.,
Hubballi.