

**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE, HUBBALLI**

Present:

Sri. Yamanappa Karehanumanthappa,
Prl. Senior Civil Judge, Hubballi.

O.S. No. 544/2025

Dated this the 10th day of February - 2026

Plaintiff : Netravati D/o Manjunath Dollin
.Vs.

Defendants : Manjunath S/o Yallappa Dollin and others

PARTIES TO IA

Applicants : Netravati D/o Manjunath Dollin
.Vs.

Opponents : Manjunath S/o Yallappa Dollin and others

ORDER ON IA FILED U/O. XXX1X R. 1 AND 2 OF CPC

This application is filed by the plaintiff seeking an exparte, ad-interim, temporary injunction restraining the defendant No.1 his men or agents, servants or any person claiming through him from alienating or creating any charges in and over the suit properties till disposal of the suit.

2. In support of the application, the plaintiff has sworn affidavit stating that, originally Yallappa Dollin is the propositus of the family of plaintiff and defendants and he was died on 01.03.1988 and his wife Fakkiravva also died on

11.02.2020. The said propositus had only one son i.e., defendant No.1 who is the father of plaintiff and defendant No.1 is her mother. The suit agricultural and residential properties are the ancestral properties of plaintiff and defendants as such the plaintiff having vested valuable rights, title and interest in and over the suit properties by birth and she has 1/3rd share in the suit properties. The defendant No.1 has no absolute alienable right, title and interest over the suit properties. The properties are purchased from the income of the joint family properties. The defendant No.1 has refused to provide basic needs to the plaintiff as she is studying nursing course in Hubballi and she is in need of financial assistance. The defendant No.1 is trying to alienate the suit properties in favour of third person for his bad vices and with an intention to engulf her share in respect of suit properties continuously torturing the plaintiff to give consent and signature to the Sale Deed. Hence, Hence, prayed to allow the application.

3. In pursuance of suit summons, the defendant No. 2 has appeared and filed his written statement denying the averments of plaint and contended that, she is the legally wedded wife of defendant No.1 and plaintiff is her daughter. The defendant No.1 addicted to bad vices and also neglected the daily needs of plaintiff. The defendant No.1 is trying to alienate the suit properties in favour of third person for his bad vices and with an intention to engulf her share in

respect of suit properties he is continuously torturing the plaintiff and defendant No.2 to give their consent and signature to the Sale Deed. The defendant No.2 is the member of Hindu Undivided joint family and having 1/3rd share in the suit properties. According to Hindu Succession Act wife is entitled to a share in a partition suit filed by the daughter in respect of ancestral or joint family properties and in that suit wife is having equal share.

4. Heard arguments and perused the materials on record. The following points arise for my consideration:

1. Whether the plaintiff has made out prima facie case?
2. Whether the balance of convenience is in favour of the plaintiff ?
3. Whether the plaintiff would suffer irreparable injury, if prayer for temporary injunction is dis-allowed?
4. What order?

5. My answer to the above points are as under.

Points No.1 to 3 : In the Affirmative.
Point No.4 : As per final order,
for the following:

REASONS

6. **Points No.1 to 3:** All these points are connected to each other, hence they are taken for common consideration.

7. The plaintiff has filed this suit against the defendants for the relief of partition and separate possession in respect of suit properties. So far as the relationship is concerned there is no dispute between the parties. Yallappa Dollin is the propositus of the family of plaintiff and defendants and he was died on 01.03.1988 and his wife Fakkiravva also died on 11.02.2020. Further there is no dispute that, the defendant No.1 is the father of plaintiff. The defendant No.2 is mother of plaintiff. According to plaintiff, the suit properties are the ancestral properties of plaintiff and defendants. The defendant No.2 admitted the averments of plaintiff. The defendant No.1 has not field objection to IA. On perusal of the record it appears that, the Sy. No. 338 is standing in the name of defendant No.1. His name was entered based on the pouthi khata. It means, suit property previously standing in the name of Yallappa Dollin. So far as Item No.2 and 3 properties are concerned, the plaintiff has not produced any relevant documents before this Court. On perusal of the plaint, written statement, application and documents the plaintiff has made out prima-facie case. If TI order is not granted, the defendant No.1 may try to alienate the property. If the defendant No.1 succeeded in alienating the property, there is irreparable loss to the plaintiff and cause greater injustice to the plaintiff. Therefore, at this stage looking to the documents placed by the respective parties plaintiff has made out prima facie case, balance of convenience leans in her favour of if temporary injunction is

granted no harm or prejudice will be caused to the defendants No.1. So, considering the materials on record I answer points No.1 to 3 in **Affirmative**.

8. **Point No.4**: In view of my answer to points No.1 to 3 as stated above, I proceed to pass the following;

ORDER

The I.A. filed by the plaintiff U/o.XXXIX Rule 1 and 2 of CPC is hereby allowed.

The defendants No.1 is restrained from alienating the suit schedule Item No.1 properties by granting temporary injunction till disposal of the suit.

The costs shall follow the event.

(Dictated to the Stenographer directly on computer, computerized by her, script corrected directly on computer and then pronounced by me in the Open Court on this the **10th day of February - 2026**)

Sd/-
(Yamanappa Karehanumanthappa)
Prl. Senior Civil Judge, Hubballi.