

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

Present:

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

FDP No. 21/2026

Dated this the 19th day of June - 2026

Petitioners : Rajashekar S/o Umesh Patil and another
.Vs.

Respondents : Udaysingh S/o Kalyansingh Rajapoot and others

PARTIES TO IA NO. I

Applicant : Rajashekar S/o Umesh Patil and another
.Vs.

Opponent : Udaysingh S/o Kalyansingh Rajapoot.

ORDER ON IA No. 1

The Advocate for petitioners has filed this IA U/O. XXXIX Rule 1 and 2 of CPC praying this Court to restrain respondent No.1 their men, agents or anyone claiming through them from alienating or creating charges over the petition property bearing R.S.No. 12/1 of Gopanakoppa village till disposal of the petition in the interest of justice and equity.

2. In support of the application, the petitioner No.1 has sworn affidavit stating that, he has filed FDP No. 41/2011 against respondents. In the said FDP proceedings, compromise petition has been filed. The respondent No.1

has agreed to give two fully developed plots in R.S.No. 12 of Gopanakoppa village to an extent of 4662 sq. ft to the petitioners. But the respondent No.1 till today did not comply the terms and conditions of compromise petition. Now respondent No.1 already sold part of the survey number and kept only 23 guntas. Now respondent No.1 trying to alienate remaining property. Hence, prays to allow the application.

3. The respondents have not filed objection.

4. I have heard and perused the pleadings of the petitioner, I.A. as well as documents relied by the petitioner to the petition. The following points arise for my consideration:

1. Whether the petitioner has made out prima facie case?
2. Whether the balance of convenience is in favour of the petitioner ?
3. Whether the petitioner would suffer irreparable injury, if the 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. At the outset the petitioner has filed FDP proceedings for execution of compromise decree passed by this Court in FDP No. 41/2011. On perusal of the compromise petition filed by parties in FDP NO. 41/2011 in para No. 7, the respondent No.1 has agreed to give two fully developed plots to the extent of 4662 sq ft in RS No. 12 of Gopanakoppa village in favour of defendant No. 4 and 5 under registered Sale Deed with registration expenses borne by defendant No. 7. The defendant No. 4 and 5 are petitioners in this case. The respondent No.1 who is defendant No. 7 in FDP No. 41/2011 is not obeying the compromise petition and not complied term of compromise petition. Therefore, the petitioner has filed this FDP to execute the compromise decree taken place between the parties. As per version of petitioner, respondent No.1 has already alienated the property in R.S.No. 12 of Gopanakoppa village and remaining with 23 guntas. If the remaining property is alienated by respondent No.1, the purpose of FDP will be defeated. When TI is not granted, the purpose of the petition will be defeated and may lead to multiplicity of proceedings. In order to avoid

multiplicity of proceedings if this Court grant TI no harm would be caused to other side. Therefore, looking into the averments of petition and documents indicated that, the petitioner has made out prima facie case, balance of convenience leans in his favour and if temporary injunction is granted no harm or prejudice will be caused to the respondent. 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 point No.1 to 3 as stated above, I proceed to pass the following;

ORDER

The I.A. No. 1 filed by the Advocate for petitioners U/O. 39 R. 1 and 2 of CPC is hereby allowed.

The respondent No.1 is restrained from alienating or creating charge in and over the petition property of R.S.No. 12/1 of Gopanakoppa village, Hubballi till disposal of the petition as prayed in the application.

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 **19th day of June - 2026**)

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