

**IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC,
KALAGHATAGI**

PRESENT

**SRI. R.L.HONOLE, B.A., LL.B. (Spl)
SENIOR CIVIL JUDGE AND JMFC, KALAGHATAGI**

**DATED THIS 29TH DAY OF NOVEMBER 2025
O.S.No.128/2024**

PLAINTIFFS:

Shruti W/o Malesh Haddannavar

(Sri. S.R.H., Adv)

Vs.

DEFENDANT:

Basappa S/o Kallappa Haddannavar

(Sri. S.T.T., Adv)

PARTIES TO IA IV

APPLICANT:

Basappa S/o Kallappa Haddannavar

Vs

OPPONENTS:

Shruti W/o Malesh Haddannavar

ORDERS ON I.A IV

Applicant/defendant has filed this application praying for vacating the exparte Temporary injunction granted in this case dated 28.11.2024.

2. Application is supported by the affidavit sworn to by the defendant wherein it is contended that the suit

schedule properties are his self acquired properties and plaintiffs have no right or interest over the suit properties. The suit is filed in respect of compensation of amount is not maintainable. The plaintiffs have already received compensation amount for accidental death of Malesh. The mother of Malesh is also having share in the said compensation amount. The plaintiff No.1 residing in her parents house along with plaintiff No.2. The suit of the plaintiffs is not maintainable. The plaintiffs by making false grounds have obtained temporary injunction order. Therefore, injunction order granted on 28.11.2024 is to be vacating.

3. The plaintiffs have filed objections denying the application and affidavit filed in support of the application as false. It is contended that, plaintiffs have filed suit for partition and separate possession of their 2/3rd share. The defendant has already sold R.S.No.89/24 to one Kasturi Myageri and VPC No.142 sold to Sangappa Dastikoppa during pendency of suit. If the temporary injuntion is vacated the plaintiffs will be put into great hardship and injustice. Therefore, prays for dismissal of application.

4. Heard the arguments.

5. The points arise for my consideration are:

1. Whether the applicant/ defendant has made out sufficient grounds to vacate the exparte temporary injunction order granted on I.A.No.I dated 28.11.2024?

2. What order?

6. My findings on the above points are:

POINT No.1 : In the negative

POINT No.2 : As per the final order,
for the following:

REASONS

7. **POINT No.1** : Applicant/ defendant has contended that the plaintiffs hiding the facts have obtained temporary injunction order. It is contended that suit schedule properties are his self acquired properties. The plaintiffs have no right over the suit schedule properties.

8. Learned counsel for plaintiffs produced documents i.e., copy of sale deed dated 05.08.2025 registered on 08.08.2025 discloses that the defendant has sold item No.4 schedule 2 in favour of Smt. Kasturi Myageri. The said alienation was made during pendency of suit. If the defendant go on selling the suit properties it will cause multiplicity of proceedings.

9. The contention of defendant that suit schedule properties are his self acquired properties is contrary to the contents of written statement. The alienation made by the defendant during pendency of suit is nothing but abuse of process of court.

10. The material documents available on record establishes that the suit schedule properties are the ancestral joint family properties of plaintiffs and defendants.

11. On the other hand, the plaintiffs have made out prima facie case, balance of convenience lies in their favour. In case injunction order is vacated the defendant may alienate the suit schedule properties. Therefore, I am of the opinion that the exparte temporary injunction order granted in favour of plaintiffs on I.A.No.I dated 12.11.2024 is cannot be vacated. The defendant has failed to make out grounds to vacate the temporary injunction order granted on 12.11.2024 on I.A.No.1. Accordingly, I have answered the point No.1 in the negative.

12. **POINT No.2:** As discussed above, I proceed to pass the following:

ORDER

Application filed by the applicant/ defendant
U/o 39 Rule 4 R/w Sec. 151 CPC is hereby
rejected with cost.

(Order is dictated to steno directly on computer,
computerized by him, then corrected, printed and
pronounced in the open court on this **29th day of
November, 2025**).

(R.L.HONOLE)
SR. CIVIL JUDGE AND JMFC,
KALAGHATAGI.