



**IN THE COURT OF PRINCIPAL CIVIL JUDGE & JMFC,
AT :RON
-PRESENT-
HULUGAPPA D.**

**B.A., LL.B.
Principal Civil Judge & JMFC, Ron.**

Dated this the 10th day of February-2026

Original Suit No.310/2025

Plaintiff/s:

1. Paravva W/o Basappa Mushigeri,
Age: 70 years, Occ: Householder,
R/o Purtageri, Tq:Gajendragad, Dist:Gadag.
2. Channabasappa S/o Basappa Mushigeri,
Age: 50 years, Occ: Agriculture,
R/o Purtageri, Tq:Gajendragad, Dist:Gadag.
3. Hanamappa S/o Basappa Mushigeri,
Age: 45 years, Occ: Agriculture,
R/o Purtageri, Tq:Gajendragad, Dist:Gadag.
4. Yallavva W/o Hanamappa Meti,
Age: 42 years, Occ: Householder,
R/o Purtageri, Tq:Gajendragad, Dist:Gadag.
5. Sharanappa S/o Basappa Mushigeri,
Age: 41 years, Occ: Agriculture,
R/o Purtageri, Tq:Gajendragad, Dist:Gadag.
6. Balappa S/o Kalakappa Mushigeri,
Age: 65 years, Occ: Agriculture,
R/o Purtageri, Tq:Gajendragad, Dist:Gadag.



7. Basavva W/o Kalakanagouda Patil,
Age: 72 years, Occ: Householder,
R/o Gogeri, Tq:Gajendragad, Dist:Gadag.
8. Fakiravva W/o Parasappa Halli,
Age: 68 years, Occ: Householder,
R/o Purtageri, Tq:Gajendragad, Dist:Gadag.
9. Shivagangavva W/o Mudiyaappa Hadimani,
Age: 62 years, Occ: Householder,
R/o Purtageri, Tq:Gajendragad, Dist:Gadag.
10. Renavva W/o Mallappa Saballi,
Age: 52 years, Occ: Householder,
R/o Kukanur, Tq: Kukanur, Dist: Koppal.
11. Ratnavva W/o Kalakappa Mushigeri,
Age: 48 years, Occ: Householder,
R/o Purtageri, Tq:Gajendragad, Dist:Gadag.
12. Duggavva W/o Kalakappa Mushigeri,
Age: 45 years, Occ: Householder,
R/o Purtageri, Tq:Gajendragad, Dist:Gadag.
13. Mallappa S/o Kalakappa Gummageri,
Age: 43 years, Occ: Agriculture,
R/o Gogeri, Tq:Gajendragad, Dist:Gadag.
14. Neelavva W/o Sharanappa Gurikar,
Age: 40 years, Occ: Householder,
R/o Shiragumpi, Tq: Yalaburga, Dist: Koppal.

(By Sri. R.M. Madar, Advocate)



-Versus-

Defendant/s:

1. The Tahasildar, Gajendragad,
Tq:Gajendragad, Dist:Gadag.
2. The District Commissioner, Gadag.
3. Mallappa S/o Kalakappa Mushigeri,
Age: 84 years, Occ: Agriculture,
R/o Purtageri, Tq: Gajendragad, Dist: Gadag.

(Defendant No.1 and 2-A.G.P.)

(By Sri. A.T.Joshi, Adv for Defendant No.3)

I.A.No.I

Applicant/Plaintiff No.3:

1. Hanamappa S/o Basappa Mushigeri,
Age: 45 years, Occ: Agriculture,
R/o Purtageri, Tq:Gajendragad, Dist:Gadag
and others

-Versus-

Opponent/Defendant No.1:

1. The Tahasildar, Gajendragad,
Tq:Gajendragad, Dist:Gadag and others.

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i.	Provision under which the application is filed	UNDER ORDER 39 RULE 1 and 2 R/W SECTION 151 OF CPC.
ii.	Relief sought for	To issue Temporary injunction.



iii.	The date on which the application is filed	30.07.2025
iv.	Number of the application	One
v.	The date on which the objections are filed by different opponents	09.12.2025
vi.	The date on which the orders were passed on the said application	10.02.2026

ORDERS ON I.A.NO.I

The instant application has been filed by the plaintiffs against the defendant No.1 and 2 praying to pass an order of temporary injunction restraining them from causing obstruction to the possession of the plaintiffs over the suit property bearing Sy.No.23 measuring 02 acres 11 guntas situated at Purthageri village, Gajendragad Taluk, Gadag District till final disposal of the suit.

2. The instant application is supported with the affidavit duly sworn to by plaintiff No.3. It is contended in the affidavit filed in support of the instant application that the plaintiffs have filed the present suit against the defendants for the relief of declaration and permanent injunction. The suit property was originally re-granted to ancestors of plaintiffs under the Saranjam Abolition Act and the propositus of the



plaintiffs by name Kalakappa was cultivating the suit property and after his demise the plaintiffs and the defendant No.3 are cultivating the suit property by way of succession. The defendant No.3 without knowledge of the plaintiffs got his name entered in the suit property and submitted the application before the D.C. Dharwad and the said D.C. assuming that the suit property was sold and violated the conditions, rejected the said application as per Vatanivahi No.91/1994-1995 and there is no document in order to show that the suit property was sold by the plaintiffs and the order of the D.C.Dharwad is illegal and as per the said order the defendant No.1 got entered the name of the Government in the RTC extract of suit property without issuing any notice to the plaintiffs and the same came to the knowledge of the plaintiffs when officials of the defendant No.1 caused obstruction to the possession of the plaintiffs over the suit property. Thereafter, after getting all the documents, the plaintiffs questioned the order of the D.C. Dharwad and the said order is not binding on the plaintiffs. If IA is not allowed



irreparable loss and injury would be caused to the plaintiffs and it will lead multiplicity of the proceedings and balance of convenience lies in favour of the plaintiffs. Hence, it is prayed to allow the instant application.

3. Per contra, the defendant No.1 and 2 have filed a memo adopting the contents of their written statement as objection to the instant application and prayed to dismiss the instant application with cost. On the other hand, the defendant No.3 has filed written statement admitting entire plaint averment.

4. I have heard the learned counsel for the plaintiffs and learned counsel for the defendants and perused the material available on record carefully. The following points that arise for consideration:

1. Whether the plaintiffs have made out a prima facie case?
2. Whether there is a balance of convenience lies in favour of plaintiffs ?
3. Whether irreparable loss and injury would be caused to the plaintiffs if an order of temporary injunction is not granted?



4. What order?

5. My answer to the above points is 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:-

-: R E A S O N S :-

6. **Point No:1 to 3:-** In order to avoid repetition of facts, these points have been taken up together for common discussion.

7. Both the learned counsels for the plaintiffs and defendants have canvassed their arguments reiterating the averments what are stated by them in their respective application and objection thereto.

8. At this stage, it is pertinent to note that Temporary injunction can be granted if the case is covered by three principles, namely 1) on making out a prima-facie case, 2) on showing balance of convenience in applicants favour, in that refusal of injunction would cause greater inconvenience to



them and 3) whether on refusal of injunction they would suffer irreparable loss.

9. I have carefully gone through the entire material on record. The plaintiffs have instituted the present suit for the relief of declaration and also consequential relief of permanent injunction. It is specific case of the plaintiffs that they and defendant No.3 are in possession of the suit property and the defendant No.1 after entering the name of the Government in the RTC extract of suit property is causing obstruction to the possession of the plaintiffs over the suit property and the order of the D.C., Dharwad is not binding on them.

10. On the other hand, the defendant No.1 and 2 have denied the entire averment of the plaint and it is specifically contended that one Mallappa S/o Kalakappa Mushigeri got executed the agreement of sale in favour of Irappa S/o Ningappa Sonnad for Rs.47,000/- and delivered the possession of the suit property in compromise and the said Mallappa submitted application before the D.C., Dharwad and



the said application came to be rejected for the reason that without converting the suit property for non-agricultural purpose building was constructed for industrial purpose and conditions were violated and as such a suit property was fortified to the government and name of the government has been entered in the RTC extract of the suit property. In support of their contention, defendant No.1 and 2 have produced several documents.

11. On perusal of entire material on record, it appears that the application filed by the said Mallappa before the D.C., Dharwad came to be rejected and against the said order, the said Mallappa preferred an appeal before the Hon'ble Appellate Tribunal, Bengaluru which also came to be dismissed. Against the said order, the said Mallappa preferred W.P.No.3931/1998 which came to be allowed by Hon'ble High Court of karnataka. Thereafter, Writ Appeals No.7456 of 1999 and 8187 of 1999 were preferred which came to be allowed by Hon'ble High Court of karnataka and order of



the Hon'ble High Court of Karnataka passed in W.P.No.3931/1998 was set aside.

12. further, one Veerappa S/o Ningappa Sonnad also filed a suit in O.S.No.244/2010 against the said Mallappa, D.C., Gadag and Tahsildar, Ron for the relief of declaration and specific performance of contract and also permanent injunction and the said suit came to be dismissed. The said Veerappa filed an appeal before the Hon'ble Senior Civil Judge, Ron in R.A.No.12/2021 challenging the judgment and decree passed in O.S.No.244/2010 and the said R.A.No.12/2001 also came to be dismissed. The said Veerappa S/o Ningappa Sonnad also preferred RSA No.100123/2022 before the Hon'ble High Court of Karnataka challenging the judgment and decree passed in O.S.No.244/2010 and R.A.No.12/2021.

13. On going through the entire material on record, the said Veerappa S/o Ningappa Sonnad claimed that the said Mallappa S/o Kalakappa Mushigeri executed the agreement of sale in his favour and possession of the suit property was also



handed over to him and the said Veerappa filed a suit in O.S.No.244/2010 which came to be dismissed and Appeal preferred in R.A.No.12/2021 also came to be dismissed. Now the suit property is standing in the name of government. At this stage, no document has been produced by the plaintiffs in order to show that they are in possession of the suit property.

14. Such being the facts, if temporary injunction sought for in the instant application is not granted, then the plaintiffs would not be put into any loss. Therefore, in the facts and circumstances of the present case, the contention raised on behalf of parties can be decided only after leading the evidence by them when case comes to the trial. On going through the entire material placed by the plaintiffs, at this stage, it does not make out the prima-facie case to grant discretionary relief of temporary injunction, as prayed by the plaintiffs.

15. As such, on bare analyses of the documents as well as pleadings of the parties, at this stage, I am of the



opinion that the plaintiffs have failed to make out the prima-facie case in their favour. Accordingly, I answered **point No.1 in the negative.**

16. Points No.2 & 3:- It is the contention of the plaintiffs that, if the instant application is not allowed the plaintiffs will be put to great hardship and irreparable loss. As discussed above, the plaintiffs have failed to make out the prima-facie case for grant of discretionary relief of temporary injunction. At this stage, it is pertinent to note that it is also equally well settled that when a party fails to prove prima-facie case to go for trial, question of considering the balance of convenience or irreparable loss and injury to the party concerned would not be material at all. Since the plaintiffs have failed to make out a prima-facie case, the question of balance of convenience and irreparable loss or injury cannot be considered.

17. Before parting with my discussions, I shall make it clear that the opinion expressed by me is only on the basis of the prima-facie consideration of material on record and it is



only for disposal of the instant application. Both the parties shall not take benefit of these observation during final disposal of this case. Accordingly, I answer **points No.2 and 3 in the negative.**

18. Point No.4:- In view of my findings and discussion on points No.1 to 3, I proceed to pass following:-

:ORDER:

I.A.No.I filed by the plaintiffs under Order 39 Rules 1 and 2 R/w. Sec.151 of CPC is hereby dismissed.

Under the facts and circumstances of the case, there shall be no order as to cost.

(Dictated to the Stenographer directly on computer, corrected, signed and then pronounced by me in the open court on this 10th day of February, 2026).

**(Hulugappa D.)
Prl. Civil Judge & JMFC, Ron.**