



DATED: THIS 26th DAY OF SEPTEMBER 2025

**SMT. SUMA T. B.A., LL.B.,
II Addl.Civil Judge & JMFC.,
Arakalgud**

Plaintiff :- Bhagyamma W/o Marigowda
Aged about 52 years,
R/at. Kaduvinahosahalli village,
Konanur hobli,
Arakalgud taluk.

-V/s-

Defendant :- Ramachandra S/o Sanjeevegowda
Aged about 50 years,
R/o Kaduvinahosahalli village,
Konanur hobli,
Arakalgud taluk.

INTERIM APPLICATION NO: I

-V/s-

Opponent/defendant :- Ramachandra

....Defendant

1	Provision Under which the application is filed	U/O. 39 Rule 1 & 2 of CPC
2	Relief sought for	Restraining the defendant or his agent from interfering the plaintiff's possession over the suit schedule property till disposal of the suit.
3	The date on which the application is filed	05-02-2020
4	Number of the application	I.A.No.1
5	The date on which the orders were passed on the said application	26-09-2025

ORDERS ON I.A.NO.I FILED UNDER ORDER 39 RULE 1 AND 2 OF CPC

The plaintiff has filed present application I.A.I U/o XXXIX Rule 1 and 2 of CPC praying to restrain the defendant or his agent from interfering with plaintiff's possession and enjoyment over suit schedule properties till disposal of the suit.

2. In the affidavits annexed to I.A.I, the plaintiff has contended that, suit schedule property is originally belongs to the family of Lokesh P. on 28-03-2008. The plaintiff has purchased the suit schedule property from the Lokesh P. and from his family through sale deed dated 28-03-2008 since then

plaintiff has title and possession over the suit schedule property by paying tax to the concern authority and documents in respect of suit schedule property are stands in the name of the plaintiff, therefore, except the plaintiff, defendant has no right, title over the suit schedule property. As such being the situation the defendant is interfering in the peaceful possession of the plaintiff in the suit schedule property on 20-01-2020. On these grounds, the plaintiff prays to allow the application.

3. The defendant has filed a memo of adoption of written statement to the objection. In the written statement defendant has denied all the averments of the plaint except the averment of the suit schedule property originally belongs to P. Lokesh and defendant contends that the application is not maintainable either in law or on facts and the suit of the plaintiff is full of false and she has not approached the court in clean hands and the suit schedule property is never ever in the possession of the plaintiff and schedule of the suit property is full of false and cause of action for the suit is also false and this suit is filed for illegally acquire the property of the defendant. Hence, prayed to dismiss the application with cost.

4. Heard both sides.

5. The point for consideration are:-

1. Whether the plaintiff has made out prima-facie case?
2. Whether the balance of convenience lies in favour of plaintiff?
3. Whether the irreparable injury would be caused to the plaintiff if injunction is not granted?
4. What order?

6. My findings on the above points are as follows:

Point No.1	:	In the affirmative
Point No.2	:	In the affirmative-
Point No.3	:	In the affirmative
Point No.4	:	As per final Order for the following:

REASONS

7. Points No.1 to 3: On perusal of the documents produced by the plaintiff namely the registered sale deed dated 28-03-2008, RTC extract, mutation register extract, Akarbhand and Patta book extract clearly discloses that the plaintiff is the record owner and in lawful possession of the suit schedule property, these revenue records have presumptive value regarding possession.

8. On the other hand the RTC produced by the defendant does not tally with the survey number and boundaries of the suit schedule property and does not disclose his possession and moreover the defendant contending suit in respect of Sy. No.209 it is not relevant to the suit schedule property, therefore a strong prima-facie case is made out by the plaintiff.

9. In respect of balance of convenience, when the plaintiff possession is established prima-facie only interference by the defendant will cause disturbance to her lawful enjoyment. As the defendant has not shown better title or possession the balance of convenience lies in favour of the plaintiff and irreparable loss is concern if the defendant is not restrained plaintiff may be unlawfully dispossessed, it resulting in multiplicity of proceedings, such loss cannot be adequately compensated in monetary terms. Hence, irreparable injury will be caused to the plaintiff if injunction is refused. Hence, in the view of this court the application is deserved to be allowed. Accordingly, points No.1 to 3 are answered in the affirmative, hence this Court proceeds to pass the following:

10. Point No.4: in view of the above discussion, I proceed to pass the following :

ORDER

The IA No.1 filed by the plaintiff U/o 39 Rule 1 and 2 of CPC, is hereby allowed.

The defendant, his agents, servants or anybody claiming through him are hereby restrained by an order of temporary injunction from interfering with the peaceful possession and enjoyment of the suit schedule property of the plaintiff till disposal of the suit.

(Dictated to the Stenographer and transcribed by her, revised, corrected and then pronounced by me in the open Court, on this the 26th day of September, 2025)

(Smt. Suma T.)
II Addl.Civil Judge and JMFC
Arakalgud

(Vide separate order pronounced in
Open Court)

ORDER

The IA No.1 filed by the plaintiff
U/o 39 Rule 1 and 2 of CPC, is
hereby allowed.

The defendant, his agents, servants or anybody claiming through him are hereby restrained by an order of temporary injunction from interfering with the peaceful possession and enjoyment of the suit schedule property of the plaintiff till disposal of the suit.

2nd Addl.Civil Judge & JMFC.,
Arakalagudu