

KACN320017702018



IN THE COURT OF THE I ADDL. CIVIL JUDGE & JMFC,
AT KOLLEGALA

PRESENT: SRI. M. RANJITH KUMAR B.A,L' L.L.B.
I Addl. Civil Judge & JMFC., Kollegala.

Dated on this the 03rd day of June-2026

OS. NO.169/2018

Plaintiff : 1. Sri. Armugam S/o Irusegoundar,
Aged about 42 years,
R/at: Thotada mane,
Palanimedu Village,
Kollegala Taluk,
Chamarajanagara District.

Versus

Defendants : 1. Sri. Nachigoundar,
S/o late Subhramanyagoundar,
Aged about 42 years,

2. Sri. Singligoundar S/o late Madhu,
Aged about 40 years,

3. Sri. Veluswamy @Kanda,
S/o late Madhu,
Aged about 35 years,

4. Sri. Ramaswamy S/o Amase,
Aged about 40 years,

5. Sri. Amase S/o Singligoundar,
Aged about 65 years,

6. Sri. Srirangan S/o late Perumal,
Aged about 47 years,
7. Sri. Selva S/o Srirangan,
Aged about 28 years,
All are R/at: Thotada mane,
Palanimedu Village,
Kollegala Taluk,
Chamarajanagara District.

INTERIM APPLICATION NO- I

Applicants/: Sri. Armugam
(Plaintiff)

Versus

Opponents/: Sri. Nachigoundar & Others
(Defendants)

i.	Provision under which the application is filed	Under Order XXXIX Rule 1 & 2 of Code of Civil Procedure.
ii.	Relief sought for	Seeking ad-interim temporary injunction against defendants.
iii.	The date on which the application is filed	06.07.2018
iv.	Number of the application	I
v.	The date on which the objections are filed by the different opponents	16.04.2026
vi.	The date on which the orders were passed on the said application	03.06.2026

ORDER ON IA-I

1) The plaintiff has filed the present application under Order XXXIX Rule 1 & 2 R/w Section 151 of Code of Civil Procedure, seeking ad-interim temporary injunction and restraining the defendants from interfering with plaintiff's possession over the suit schedule properties, pending disposal of the suit. It is the contention of the plaintiff that, he is the absolute owner of the suit schedule property, which has purchased vide sale dated 31.01.1990 and since from the date of purchase of the schedule properties, the plaintiff is in physical possession and enjoyment of the same. The defendants had filed a suit against the plaintiff and one another in O.S No.95/2012 and the same was dismissed by this court and subsequently they had also preferred an appeal against the said judgment in R.A 37/2017, which also got dismissed, but the defendants even after dismissal of suit and appeal are trying to interfere with the plaintiff's possession over the suit schedule properties, leading plaintiff to file the present suit.

2) In counter to the application, the defendants have filed their objection by contending that, the application filed by plaintiff is not maintainable, on the grounds that, the defendants are the absolute owners of the suit schedule-B property and the sale deed relied by the plaintiff is illegal document and defendants are in possession of the suit schedule properties and if the present application is allowed, then there are all probabilities that, the plaintiff taking undue advantage of the interim order may. Accordingly, sought for dismissal of the application.

3) Heard learned counsel for plaintiff and defendants. Perused materials on record, accordingly the following are the points for consideration of this court.

1. Whether plaintiff has established prima-facie case against defendants?

2. Whether the balance of convenience lies in favor of the plaintiff?

3. Whether rejection of application would cause hardship to the plaintiff?

4. What order ?

4) For the reasons below, this court answers the above points for consideration as hereunder.

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.

REASONS

5) Point No.1 to 3:-

Since point No.1 to 3 are interconnected and in order to avoid repetition of facts and circumstances, Point No.1 to 3 are taken together for common discussion.

6) It is the case of the plaintiff for permanent injunction, wherein the plaintiff claiming to be the absolute owner in possession of the suit schedule properties has filed the present application for interim injunction against defendants, restraining them from interfering with his possession over the suit schedule property, pending disposal of the suit.

7) It is the contention of plaintiff that, he has purchased the schedule properties via sale deed dated 31.01.1990 and

accordingly he is in physical possession and enjoyment of the same. On perusal of the materials on record it could be observed that, this is the second round of litigation between the same parties, with respect to alleged road situated within schedule-A property and title of schedule property. Prima-facie the Katha of the schedule properties as on the date of filing of the suit is standing in the name of the plaintiff and most importantly this court in O.S No.91/2012, specifically recording the possession of plaintiff who was defendant No.1 therein, over the property in Sy.No.204/B2 i.e., schedule-B herein, had dismissed the suit of the defendants herein and the said view is also affirmed by the first appellate court in R.A 37/2017. Thus the observation regarding possession of plaintiff over suit schedule properties, remained unturned till date and the defendants, in their written statement, have claimed that, a second appeal against judgment in O.S No.91/2012 is pending before Hon'ble High Court of Karnataka, but it is necessary to observe that, the defendants have not produced any documents, showing staying operation

of judgment in O.S No.91/2012 by Hon'ble High Court, thus as already said, the observation of this court in O.S No.91/2012 regarding possession of plaintiff herein has remained unturned and when plaintiff proves to be in prima-facie possession of the schedule property, it would be prudent to grant interim injunction to protect possession of the plaintiff from unlawful dispossession. Thus this court is of the opinion that, the plaintiff has established prima-facie case against the defendants and the balance of convenience lies in his favor and if the present application is rejected it would cause him hardship. Accordingly this court answers the **Point No.1 to 3 in the Affirmative.**

8)POINT NO.4: For the reasons stated above, this Court proceeds to pass the following:

:- ORDER:-

IA No-I filed by the plaintiff under Order XXXIX Rule 1 & 2 R/w Section 151 of Code of Civil Procedure, is hereby allowed.

The defendants, their agents, assignees, representatives or anybody claiming through them

are hereby restrained by way of ad-interim temporary injunction, from interfering with the plaintiff's possession over the suit schedule properties, pending disposal of the suit.

(Dictated to the stenographer, transcribed and typed by him, the same is corrected, signed and then pronounced by me in the open court on this the 03rd day of June 2026).

(M.RANJITH KUMAR)

I Addl.Civil Judge & JMFC.,
Kollegala.