

KAHS510020182025



IN THE COURT OF PRL.CIVIL JUDGE AND JMFC, BELUR

AT: BELUR

Present:

Sri. Nagendra.,

B.A., LL.B.,

Prl.Civil Judge & JMFC, Belur.

O.S.No.417/2025

Dated this, the 03rd day of August 2026.

Smt.Anusuya
W/o.Ravikumara.

...Plaintiff

-Versus-

Sri.Somashekhara
S/o.Late Siddegowda
and others.

....Defendants

I.A. No.II

Smt.Anusuya
W/o.Ravikumara.

.....Applicant/ Plaintiff

-Versus-

Sri.Somashekhara
S/o.Late Siddegowda
and others.

...Opponents/Defendants

(By- **Sri. KSP.**, Advocate for Plaintiff)
(Defendants Exparte)

ORDERS ON I.A. No.II

The plaintiff has filed IA.No.II under Order 39 Rule 1 and 2 of Code of Civil Procedure seeking injunction against the defendants restraining them from trespassing and interfering with plaintiff's possession and enjoyment over the suit schedule property till disposal of the suit.

2. In spite of service of summons, the defendants have not appeared before the court and as such, they have been placed *exparte*.

3. Heard learned counsel for the plaintiff.

4. After perusal of the records of the case, the following points would emerge for my consideration:

1. Whether the plaintiff has made out a *prima-facie* case?
2. Whether the balance of convenience is lies in favour of the plaintiff?
3. Whether the plaintiff would be put to untold hardship and irreparable loss if the temporary injunction is not granted?
4. What order?

5. My findings on the above points are as under:

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

6. **Point No.1 and 2:** I have taken these two points together for my common discussion as they are inter-linked with each other in order to avoid repetition of the same.

7. In an affidavit appended to the application, the plaintiff contended that, she has filed the present suit against the defendants for the relief of permanent injunction in respect of suit schedule property. She contended that, the property bearing Sy.No. 17/12 measuring 22 guntas situated at Kodihalli Village, Madhihalli Hobli, Belur Taluk was originally belongs to father of plaintiff and defendant No.1 and 2 Siddegowda. It is contended that, in respect of suit schedule property and remaining ancestral property belongs to her father Siddegowda a suit in OS No.199/2016 has been filed

before the court and said suit has been ended in compromise. Thereafter, a final decree has been drawn and in the final decree suit schedule property was fell to the share of plaintiff. As per said decree khatha in respect of suit schedule properties has been transferred in her name as per MR No.H5/2024-25. Since then she is in possession and enjoyment over the suit schedule property by growing crops. None other than the plaintiff, the defendants or any other persons have no manner of right and interest over the suit schedule property. When such being the case, about one month back the defendant No.1 and 2 colluding with the defendant No.3 and 4 are tried to trespass upon the suit land and also tried to destroy the crops grown in the suit land. As such, she has given a complaint to the Police Station. But, they have not taken any action against the defendants as the matter is purely civil in nature and advised her to get the relief from civil court. The defendants are the powerful persons in the locality and therefore, without an order of the court it is not able to resist the illegal acts of the defendants. Hence, plaintiff prays to allow the IA No.II.

8. In view of contentions put forth by the plaintiff, now let me see whether the plaintiff has made out prima-facie case and balance of convenience for grant of temporary injunction as prayed in I.A.No.II.

9. The plaintiff in support of her case has produced RTC bearing Sy.No.17/12 situated at Kodihalli Village, Madhihalli Hobli, Belur Taluk, MR No.H5/2024-25 and decree passed in OS No.199/2016.

10. On going through the documents produced by the plaintiff it appears that, the defendant No.1 and 2 have filed OS No.199/2016 against the plaintiff and Deveeramma for the relief of partition and separate possession of family properties. The said suit has been ended in compromise between the parties. In the said suit the suit schedule property has been allotted to the share of plaintiff. By virtue of the said compromise decree, the Tahasildar Belur has mutated the khatha in the name of plaintiff in respect of the suit schedule property as per MR No.H5/2024-25. Based on the said MR, even the name of plaintiff has been reflected in column No.9 and 12(2) of RTC of the suit schedule property.

The name of the plaintiff is entered in the possessor and cultivator column of the RTC. It shows that having acquired suit land by way of compromise decree passed in OS No.199/2016, the plaintiff is in lawful possession and enjoyment over the suit schedule property.

11. The plaintiff contended that, though the defendants have no manner of right and interest over the suit schedule property, about on month back tried to trespass upon the suit schedule property and also tried to destroy the crops grown in the suit land. To denied the said fact, the defendants have not appeared before the court and contest the case. Therefore, it shows that the defendants are trying to interfere with the plaintiff's possession and enjoyment over the suit schedule property. In case the defendants have got any right over the suit land, definitely they could have appeared before the court and contest the case. In spite of service of summons, the defendants have not appeared before the court and contest the case. As such, an inference can be drawn that, the defendants without having any manner of right and interest over the suit schedule property are unnecessarily trying to

interfere with the plaintiff's possession and enjoyment over the suit schedule property. As such, the prima facie case and balance of convenience is lies in favour of plaintiff. As such, the plaintiff is not entitled for discretionary relief of temporary injunction as prayed in IA No.II. ***Hence, Point No.1 and 2 are answered in the Affirmative.***

12. **Point No.3:-** On going through the documents produced by the plaintiff it indicates that, the defendant No.1 and 2 have filed OS No.199/2016 against the plaintiff and another for the relief of partition and separate possession of family properties and same has been ended in compromise. In the said compromise, the suit land was fallen to the share of plaintiff. Based on the said compromise decree, all the revenue documents are transferred in the name of plaintiff. The name of the plaintiff is reflected in possessor and cultivator column. It shows that the plaintiff is in lawful possession and enjoyment over the suit schedule property. As such, it is very much necessary to protect the possession of the plaintiff over the suit schedule property from the interference of the defendants. Therefore, if the temporary

injunction as prayed in the IA No.II is granted, no loss will be caused to the defendants. On the other hand, if the temporary injunction as prayed in IA No.II is not granted, plaintiff will be put to untold hardship. **Hence, Point No.3 is answered in the Affirmative.**

13. Point No.4: For the forgoing reasons and discussions made supra, I proceed to pass the following:

ORDER

IA No.II filed by the plaintiff under Order 39 Rule 1 and 2 of Code of Civil Procedure is hereby allowed.

The defendants, their men or anybody claiming under them are hereby restrained by way of temporary injunction from trespassing and interfering with the plaintiff's possession and enjoyment over the suit schedule property till disposal of the suit.

Under the facts and circumstances of the case, no order as to costs.

*(Dictated to Stenographer, transcribed by her, transcription corrected by me and then pronounced in the open court on this, the **03rd day of August 2026**)*

(Sri. Nagendra)
Prl.Civil Judge and JMFC.,
Belur.