

**IN THE COURT OF PRL.CIVIL JUDGE & JMFC AT  
CHANNARAYAPATTANA**

***Dated this the 02<sup>nd</sup> day of May, 2026***

***Present: SMT. KUSUMA V. B.A.L, LL.B.,  
Prl. Civil Judge & JMFC  
Channarayapattana.***

**O.S.No. 1013/ 2025**

***Plaintiffs : Smt. Rajamma and another***

***V/s.***

***Defendants : Smt. Shilpa.V.C and others***

**PARTIES IN IA NO.3**

***Applicants : Smt. Rajamma and another  
V/s.***

***Opponent : Smt. Shilpa.V.C and others***

**ORDERS ON I.A.3, FILED U/O 39 RULE 1 AND 2 OF CODE OF  
CIVIL PROCEDURE 1908**

This application is filed by the plaintiffs seeking to restrain the defendants or their agents from not to interfere with the peaceful possession and enjoyment of the plaintiffs over the suit schedule property till disposal of the suit in the ends of justice.

2. In the accompanying affidavit, the plaintiffs have stated that, they have filed the suit against the defendants for the relief of permanent injunction in respect of the suit schedule property. Further they stated that the suit schedule property including house is the self acquired property of 1<sup>st</sup> plaintiff. No way any ownership of the defendant in respect of the suit schedule property. The 1<sup>st</sup> plaintiff being the owner of the said property, she executed registered gift deed dated 13.08.2015 to the 2<sup>nd</sup> plaintiff. Then the 2<sup>nd</sup> plaintiff become absolute owner of the said property and khatha had been transfer in the 2<sup>nd</sup> plaintiff. All the documents in the name of 2<sup>nd</sup> plaintiff. The 1<sup>st</sup> defendant being daughter- in-law 1<sup>st</sup> plaintiff she had harassed the plaintiff No.1 without any reason.

3. Further they stated that, with an intention to defame the plaintiffs the defendant No.1 without having right over the suit schedule property, she is trying to interfere with the peaceful possession and enjoyment of the plaintiffs over the suit schedule property. Further defendant No.1 is unnecessarily threatening plaintiff that she will lodge complaint against the plaintiffs before jurisdictional police station. Further the 1<sup>st</sup> defendant without having any right over the suit schedule property, she is unnecessarily trying to interference in to the

plaintiff peaceful possession of the said properties. Hence prays to allow the application.

4. On the contrary the Defendants has filed objections to the said application. In their they stated that, the suit schedule property is the matrimonial home of 1<sup>st</sup> defendant. 1<sup>st</sup> defendant is the daughter-in-law of 1<sup>st</sup> plaintiff. From the date of her marriage she residing continuously along with her said house. After their marriage a child was born 12.06.2021. from the date of her birth he child residing in the said property. The birth certificate of the child bears the address of the suit schedule property. Further they stated that, the plaintiffs have made a bald and unsubstantiated assertion that the 1<sup>st</sup> defendant resides some where other then the suit schedule property, and that the said property is not her matrimonial home further record of photographs and documentary material clearly evidencing that the suit schedule property constitutes her matrimonial home. The entire suit has been instituted with malefide intention, in collusion with husband of defendant No.1. Hence prays to reject the application.

5. Heard by both side and perused materials available on record.

6. On perusal following point arise for consideration of this court.

**1. Whether the plaintiffs have prima-facie case?**

2. ***Whether the balance of convenience lies in favour of the plaintiffs?***
3. ***Whether plaintiffs would be put to irreparable loss if the Injunction is dis allowed?***
4. ***What order?***

7. The findings to the above mentioned points are 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**

**8. Reasoning on Point No.1:-** The plaintiffs have filed the suit against the defendants for the relief of permanent injunction of in respect of the suit schedule property. The present application has been filed the plaintiffs against the defendants praying to restrain the defendants from interfere with the peaceful possession and enjoyment of the plaintiffs over the suit schedule property.

9. Along with the application the plaintiff has furnished the documents like RTC extracts, gift deed dated:13.08.2015 receipt mutation register, photos complainant, FIR copy of the criminal petition, rent amount paid document, school document of the etc., On

perusal of the documents furnished by the plaintiff it discloses that, the husband of the 1<sup>st</sup> defendant had paid rent amount to the owner to rent house situated at Bangalore. Further on perusal of the copy of the gift deed dated: 13.08.2015 it discloses that the suit schedule property is standing in the name of 2<sup>nd</sup> plaintiff.

10. The main contention of the 1<sup>st</sup> defendant is that, house situated with in the suit schedule property is her matrimonial home. But all documents discloses that the 1<sup>st</sup> defendant and her husband along with child were leaving at Bangalore in rented house. Further the case of the plaintiffs is that, house situated with in the suit schedule property is not her matrimonial home, she never reside in the said house. On perusal of the gift deed it discloses that, now the suit schedule house standing in the name 2<sup>nd</sup> plaintiff, she is the sister of husband of the 1<sup>st</sup> defendant. At this junctur whether the said house is matrimonial house of 1<sup>st</sup> defendant or not has be beside as per conclusion of evidence by both side. At this stage the plaintiffs have made out sufficient grounds to allow the application. To avoid multiplicity of proceedings it is necessary to restrain the all defendants from interfering with the peaceful possession and enjoyment of the

plaintiffs over the suit schedule property. Hence this court answered **point No.1 in the Affirmative.**

**11. Reasoning on Point No.2 and 3:** Balance of the convenience is the relative factor which means the comparative loss caused to the party, in case the injunction is not granted. In the case an hand when the need for protection of defendants' right is compared against need for protection of the plaintiffs' rights, the balance of convenience is tilting in favour of the plaintiffs. If the interim order is not granted during the pendency of the suit there are all chances that the defendants may interfere into the suit schedule property and cause hardship which cannot be compensated by means of money, and also cause multiplicity of proceedings. Hence this court **answer these two points in the Affirmative.**

**12. Reasoning on Point No.4:-** In view of the my findings on point Nos.1 to 3, this proceed to pass the following:-

## **ORDER**

***I.A.NO.3 filed by the plaintiffs under Order 39 Rules 1 and 2 R/w. Sec.151 of CPC is hereby allowed.***

***Defendants or anybody acting on their behalf  
are hereby restrained from interfering with  
peaceful possession and enjoyment of the  
plaintiffs over the suit schedule property till  
disposal of the suit.***

***(Dictated to the Stenographer, corrected and then pronounced by me in the open  
Court on this the 02<sup>nd</sup> day of May-2026)***

***(SMT. KUSUMA V.)  
Prl. Civil Judge & JMFC  
Channarayapatna.***

(Order Pronounced in open court, Vide separate Order)

**ORDER**

*I.A.NO.3 filed by the plaintiffs under Order 39 Rules 1 and 2 R/w. Sec.151 of CPC is hereby allowed.*

*Defendants or anybody acting on their behalf are hereby restrained from interfering with peaceful possession and enjoyment of the plaintiffs over the suit schedule property till disposal of the suit.*

*For issues.*

*Call on 30.06.2026*

(Smt. Kusuma V)  
Prl. C.J. & JMFC,  
**Channarayapatna.**

