

KAHS710019562025



**THE COURT OF THE I ADDL. CIVIL JUDGE & J.M.F.C., AT
HOLENARASIPURA**

DATED THIS THE 24th DAY OF JUNE 2026

PRESENT

**Smt. Aishwarya S.Gudadinni, B.A. LL.B., LL.M.
I Addl. Civil Judge & JMFC,
Holenarasipura.**

O.S. No.488/2025

PLAINTIFF : C.R.Bettegowda S/o. Late Rangegowda
(By Sri.Y.S.D., Advocate)
V/s

DEFENDANTS : Nanjegowda S/o. Late Chaluvegowda and others
(Ex-parte)

I.A.No.I

APPLICANT : C.R.Bettegowda S/o. Late Rangegowda
V/s

OPPONENTS : Nanjegowda S/o. Late Chaluvegowda and others

ORDER ON IA NO.I FILED U/O 39 RULE 1 and 2 OF CPC

Plaintiff has filed this IA seeking an restraining order of temporary injunction against the defendants from interfering with the possession of the plaintiffs over the suit schedule property.

2. The set of facts discernible from affidavit is summarized as follows:

That, the suit schedule property bearing Survey No. 69, measuring 4 acres, was granted in his favour in lieu of the land acquired for the Hemavathi Backwaters Project. And the Government issued a grant certificate in his favour on 01.04.2000 through the competent authority. Pursuant to the grant, the plaintiff claims to have been put in possession of the property and has since been cultivating the land. Further, he has been raising crops such as jowar, millet, and other seasonal crops in the suit schedule property and has been enjoying the same peacefully. It is further contended that the revenue records pertaining to the property continue to stand in his name. furthermore, that the defendants are owners of the neighbouring lands. However, despite having no right over the suit schedule property, they are allegedly attempting to interfere with his peaceful possession and enjoyment thereof. They have threatened the plaintiff. When the plaintiff approached the police, he was advised to seek appropriate relief before the civil court as the dispute was civil in nature. In addition to that, it is advanced that, apart from the suit schedule property, he has no other source of livelihood.

Therefore, plaintiff is constrained to approach, having been left with no efficacious alternative relief, this court seeking relief of permanent injunction in main suit and by way of interim application plaintiff further seeks a restraining order against the defendant from interfering with the suit schedule property till disposal of the suit.

- 3.** Per contra, are placed ex-parte as despite sufficient service of the summons they remained absent.

4. Heard plaintiff.

5. Upon hearing the arguments and on perusal of the materials placed on record the following points arises for the consideration of this court.

POINTS

1. Whether the plaintiff has made out prima-facie case?
 2. Whether the plaintiff has balance of convenience in his favour?
 3. Whether the plaintiff would be subjected to irreparable losses if the temporary injunction is not granted?
 4. What order?
6. Upon appreciation of the averments placed on record in the background of the arguments advanced, court's findings for the above points are as under:

Point No.1: In affirmative

Point No.2: In affirmative

Point No.3: In affirmative

Point No.4: As per final order for following-

REASONS

7. **Point No.1 to 3:** As these points require the discussion on same set of facts, in order to avoid the repetition these two points have been taken up for a common discussion.

In support of his case, the plaintiff has produced the grant certificate. On perusal of the same, it appears that an extent of 4 acres in Survey No. 69 was granted in his favour on 27.03.2015. The plaintiff

has also produced the documents connected with the grant, namely the application relating to the submerged land, the endorsement issued by the competent authority, and the relevant gazette notification. The RTC extract pertaining to Survey No. 69 has also been placed on record and the same would show the extent of land and supports the claim of the plaintiff. The plaintiff has also produced Mutation Register Entry No. T22/2022-23. At this stage, the Court is not required to record any final finding regarding the title of the plaintiff. The genuineness and evidentiary value of the documents shall be considered during trial. For the present purpose, the Court is only required to examine whether the plaintiff has shown a prima facie case. The documents produced by the plaintiff disclose that the land was granted in his favour and that the revenue records have been entered accordingly. On the basis of these documents, the plaintiff has made out a prima facie case. The defendants have been placed ex parte. No material is available on record to dispute the plaintiff's claim. In the absence of any rebuttal, there is no reason at this stage to reject the case put forward by the plaintiff. Accordingly, these points are answered on affirmative.

8. **Point No.4:** For the said reasons, this Court proceeds to pass the following:

ORDER

The I.A. No.I filed by the plaintiff is hereby allowed

Consequently, the defendants, their representatives, their agents, or any person acting on behalf of the defendant is hereby temporarily restrained from putting up the further construction and interfering with peaceful possession and enjoyment of the

*plaintiff over the suit property till disposal
of the suit.*

No order as to cost.

(Dictated to the stenographer directly on the computer, typed by her,
corrected by me and then pronounced in the open Court, this 24th day of June
2026).

**(Smt. Aishwarya S.Gudadinn)
I ADDL. CIVIL JUDGE & JMFC.,
HOLENARASIPURA.**