

**ORDERS ON IA No.1**

The present application was filed by the plaintiffs by advancing the matter when it was posted for summons to the defendant No.1 and 2. This is a suit filed by the plaintiffs for the relief of Declaration and Possession against the defendants in respect of the suit schedule property. I.A. No.1 is filed by the plaintiffs under **Order 39 Rule 1 and 2 of CPC** seeking an ad-interim order of temporary injunction restraining the defendant No.2 or the Tahshildar Hangal from issuing Patta/ Hakku Patra to the defendant No.1 in respect of the suit schedule property till disposal of the suit by dispensing the notice to the defendants in the interest of justice and equity.

2. The IA.No.1 is supported with the affidavit of the plaintiff No.1. I have gone through the affidavit and the documents produced by the plaintiffs and the photographs produced which

show that some kind of measurements are going on. The learned counsel for the plaintiffs has argued that the defendant No.2 is trying to give Patta to the defendant No.1 in respect of the suit schedule property belonging to the plaintiffs. The learned counsel for the plaintiffs has argued that the suit schedule property bearing Sy.No.105/18 measuring 1 acre 29 guntas out of which 2 guntas is the ancestral property of the plaintiffs and they are in possession and enjoyment of the same since the time of their father. The learned counsel for the plaintiffs has argued that the land of the defendant No.1 is adjoining the suit schedule property and the plaintiffs permitted the defendant No.1 to use their vacant space of 2 guntas to tie her cattle and collect manure. The learned counsel for the plaintiffs has argued that earlier the defendant No.1 used the said vacant space for some time for the said purpose and he would vacate it, but later on she did not vacate the said land and the plaintiffs have even given him notice in this regard. The learned counsel for the plaintiffs has argued that the defendant No.1 has managed to get her name entered in the khata by giving an application to the Panchayath with an intention to grab the said land.

3. At the time of arguments the learned counsel for the plaintiffs has produced the order sheet of OS.No.290/2025. The learned counsel for the plaintiffs has argued that the defendant No.2 and the Tahshildar Hangal are intending to issue Patta to the defendant No.1 in respect of the suit schedule property and in this regard the concerned Authorities visited the suit schedule property and measured the same. Perused the documents on record and the photographs produced by the plaintiffs. The present suit was registered on 09.09.2025 and summons was issued to the

defendant No.1 and 2 and meanwhile the matter was advanced and the present application was filed by the plaintiffs. The plaintiffs have also issued legal notice dated 30.05.2025 to the defendant No.1 which was duly served on her. The RTC of the year 2025-2026 pertaining to Sy.No.105/18 measuring 1 acre 29 guntas is standing in the joint name of the plaintiffs and the mode of possession is mentioned as MR/H 14/2023-2024 dated 28.11.2023 by gift. And if the present application is not allowed then it can cause multiplicity of proceedings. But the Tahshildar Hangal is not the party in this suit, the PDO, Masanakatti is the defendant No.2. At this stage, I'm of the view that the plaintiffs have made out prima-facie case. Hence, I proceed to pass the following:

**ORDER**

I.A. No.1 filed by the plaintiffs under **Order 39 Rule 1 and 2 of CPC** is hereby partly allowed.

The defendant No.2 or anybody acting under the Masanakatti Panchayath are hereby restrained by way of temporary injunction order from issuing Patta/ Hakku Patra to the defendant No.1 in respect of the suit schedule property till next date of hearing.

The plaintiffs are hereby directed to comply the exparte temporary injunction under the provision of **Order 39 Rule 3 of CPC** without fail.

Issue notice on IA No.1 to the defendants and temporary injunction order to defendants after compliance.

Call on hearing date **17-11-2025**.

**Civil Judge & JMFC,  
Hangal.**