

**IN THE COURT OF 1st ADDL SENIOR CIVIL JUDGE AND
JMFC, RANEBENNUR.**

:: PRESENT ::

**SRI. BALMUKUND R. MUTALIKDESAI
B.A., L.L.B(Spl).,
1stADDL SENIOR CIVIL JUDGE AND JMFC,
RANEBENNUR.**

O.S. No.61 of 2026

Dated this the 03rd day of July - 2026

PLAINTIFF/S:

Sharadha W/o Parameshappa Devarahalli,
Age: 45 Years, Occ: Agriculture,
R/o: Motebennur, Tq: Byadgi,
Dist: Haveri.

V/s

DEFENDANT/S:

Shantavva W/o Mailareppa Nittur,
Age: 70 years, Occ: Household work,
R/o: Aladakatti, Tq: Ranebennur,
Dist: Haveri. And others.

PARTIES IN IA No.I

PLAINTIFF:

(Applicant)

Sharadha W/o Parameshappa Devarahalli,
(By Sri. R.D. Goravar., Advocate)

V/s

DEFENDANTS:

(Opponents)

Shantavva W/o Mailareppa Nittur,
And others.

(D-1 to 5 by Sri. T.S. Jangaraddy., Advocate.,)

i) Provision under which the application is filed	U/o.39 Rule 1 and 2 r/w Sec. 151 of CPC
ii.) Relief sought for	Seeking ad-interim temporary injunction
iii.) The date on which the application is filed	18-02-2026

<i>iv.) Number of the application</i>	I
<i>v.) The date on which the objections are filed by different opponents</i>	Defendant filed objections on 01-06-2026
<i>vi.) The date on which the orders were passed on the said application</i>	03-07-2026

ORDER ON IA No.I

The plaintiff has filed present suit for partition and separate possession and along with suit she has filed the present application, restraining the defendants No.1 to 5 from alienating or creating charge over the suit schedule properties.

2. The defendants No.2 has filed his written statement and adopted the same as objections to I.A.No.I. The defendants No.1 and 3 to 5 adopted the written statement of defendant No.2.

3. Heard on IA No.I.

4. Now points that would arise for my consideration are:

POINTS

1. Whether the plaintiff proves that, she has a prima-facie case?
2. Whether the plaintiff proves that, balance of convenience lies in her favour?
3. Whether the plaintiff proves that, if the application is not allowed she will be put to irreparable loss?
4. What Order?

5. On perusal of materials placed on record and in the light of arguments advanced, my findings on the above points are as under:

Point No.1 to 3 : In the Affirmative

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

REASONS

6. **Point No.1:-** The plaintiff in her plaint averred that, defendant No.1 is her mother and defendants No.2 and 3 are her brothers and defendants No.4 and 5 are her sisters. The suit schedule properties are ancestral properties inherited from their father Mailarappa.

7. The Mailarappa died on 27-04-2019 leaving behind plaintiff and defendants as his legal representatives. Suit schedule Sl.No. 1 to 3 properties fallen to the share of Mailarappa in a partition took place between his brothers as per M.E. No.1577. After the demise of Mailarappa the names of plaintiff and defendants No.1 to 5 appearing in revenue records as per MR No.H-10/2019-2020.

8. Further plaintiff averred that, suit schedule Sl.No.4 property is the property belonging to father of defendant No.1 by name Basappa S/o Hanumappa Gulahalli. As Basappa was not having male issues this property was inherited by defendant No.1 and her sisters as per MR No.H-10/2019-2020. Thereafter, partition took place between defendant No.1 and her sisters and the name of defendant No.1 appeared to suit schedule Sl.No.4 property as per MR No.H-58/2019-20. Now defendant No.1 has created gift deed in respect of suit schedule Sl.No.4 property in

favour of defendants No.2 and 3. The said gift deed is not binding on the share of plaintiff. The plaintiff along with defendants is in joint possession and cultivation of suit schedule properties. Hence, this suit claiming 1/6th share of plaintiff.

9. The defendant No.2 filed his written statement and admitted that, the suit schedule Sl.No.1 to 3 properties are the joint family properties. The suit schedule Sl.No.4 property is the self acquired property of defendant No.1 received from her father. Hence, plaintiff is not having any share in the suit schedule Sl. No.4 property. The defendant further contended that, during the lifetime of Mailarappa plaintiff and defendants No.4 and 5 by receiving gold and cash relinquished their share in suit schedule Sl.No.1 to 3 properties. Hence, plaintiff is not having any share in the suit schedule properties. Hence, he prayed to dismiss the application.

10. On perusal of pleadings it is clear that, defendant has admitted that, suit schedule Sl. No.1 to 3 properties are joint family properties. Further plaintiff in his plaint only admitted that, suit schedule property Sl. No.4 was inherited by defendant No.1 from her father. The plaintiff to succeed in this application she has to prove that, she has a prima-facie case. The prima-facie case means there must be a dispute which requires adjudication. In this suit plaintiff averred that, suit schedule Sl. No.1 to 3 properties are ancestral properties. But, defendant contended that, plaintiff has relinquished her share. So, there is a dispute in this regard which requires adjudication. Hence, I am of the view that, plaintiff was successful to prove Point No.1. Hence, I answer **Point No.1 in the affirmative.**

11. Points No.2 and 3:- These two points are taken up together for common discussion as these points are interlinked to each other. The plaintiff as per discussion made in point No.1 was successful to prove that, she has a prima-facie case. Moreover, the suit properties are standing in the name of defendants. Hence, I am of the view that, if any transaction taken place in suit schedule Sl. No.1 to 3 properties then it will effect the valuable rights of parties in respect of immovable properties, which cannot be compensated by any other terms. Hence, I am of the view that, the plaintiff was successful to prove that, balance of convenience lies in her favour and if the application is not allowed she will be put to irreparable loss. Hence, I answer **Points No.2 and 3 in the affirmative.**

12. Point No.4:- For the discussions made in above points, I proceed to pass the following:

ORDER

IA No.I filed by the plaintiff U/order
39 Rule 1 and 2 R/w Sec. 151 of CPC is
hereby **allowed.**

Further defendants No.1 to 5 or
anybody claiming on their behalf are
hereby restrained from alienating the suit
schedule "A" Sl. No.1 to 3 properties till
disposal of the suit.

No order as to costs.

(Directly dictated to the stenographer, typed by him, and then corrected, signed
and pronounced by me in the Open Court, on this **03rd day of July 2026.**)

(Sri. B.R. MutalikDesai)
1st Addl. Senior Civil Judge and
JMFC, Ranebennur.