

IN THE COURT OF CIVIL JUDGE, SHIGGAON.

**Present: Smt. Shridevi J. Darabare.,
M.A.,L.L.M.,
Civil Judge & J.M.F.C.,
Shiggaon.**

ORIGINAL SUIT No.214/2019

DATED ON THIS THE 24TH DAY OF AUGUST-2020

Plaintiff : Shri.Siddalingaswamy S/o Panchaksharayya Galimath,
@ Shri Rajaguru Shivayogi Siddalinga Swamigalu,
Age: 40 Years, Occ: Agriculture and preaching
R/o Gangibhavi Sukshetra Math, Gangibhavi,
Tq: Shiggaon, Dist: Haveri.

[By Sri. F.S.Konanavar, Advocate]

V/s

Defendants:

1. Gram Panchayat, Hosur Yattinahalli
By its Panchayat Development Officer,
R.Y.Kademani,
Age: 45 Years, Occ: Service,
R/o Hosur, Tq: Shiggaon, Dist: Haveri.
2. Gram Panchayat, Hosur Yattinahalli
By its President
Smt.Jeevakka M. Doddamani,
Age: 52 Years, Occ: Household work,
R/o Yattinahalli, Tq: Shiggaon, Dist: Haveri.
3. Gram Panchayat, Hosur Yattinahalli
By its Secretary Sri S.H.Chigalli,
Age: 46 Years, Occ: Agriculture,
R/o Yattinahalli, Tq: Shiggaon, Dist: Haveri.

4. Somashekharappa S/o Parappa Surgond,
Age: 59 Years, Occ: Agriculture,
R/o Hosur Yattinahalli, Tq: Shiggaon,
Dist: Haveri.
5. Channappa S/o Shankrappa Bindli,
Age: 45 Years, Occ: Agriculture,
R/o Yattinahalli, Post Hosur, Tq: Shiggaon,
Dist: Haveri.
6. Sidlingappa S/o Basavanneppa Hakare,
Age: 32 Years, Occ: Coolie,
R/o Yattinahalli Tanda, Post Hosur,
Tq: Shiggaon, Dist: Haveri.
7. Basayya S/o Gurusiddayya Hiremath,
Age: 35 Years, Occ: Agriculture,
R/o Bammigatti, Tq: Kalaghatagi,
Now at Gangibhavi, Tq: Shiggaon.
8. Hanumanth S/o Bhimroa Joshi,
Age: 55 Years, Occ: Coolie,
R/o Hubballi Now at Gangibhavi, Tq: Shiggaon,
Dist: Haveri.
9. Sidramappa S/o Ramappa Honnihalli,
Age: 53 Years, Occ:
R/o Yattinahalli Tanda, Tq: Shiggaon,
Dist: Haveri.
10. Basavaraj S/o Shekappa Baradur,
Age: 45 Years, Occ: Agriculture and business,
R/o Yattinahalli, Post: Hosur, Tq: Shiggaon,
Dist: Haveri.

11. Prakash S/o Fakkirappa Davagi,
Age: 45 Years, Occ: Agriculture,
R/o A.M.Koppa, Tq: Shiggaon,
Dist: Haveri.
12. Shivanagouda S/o Chanabasanagouda Patil,
Age: 48 Years, Occ: Agriculture,
R/o Yattinahalli, Post: Hosur, Tq: Shiggaon,
Dist: Haveri.
13. Nilakanthagouda S/o Veeranagouda Patil,
Age: 48 Years, Occ: Agriculture,
R/o Yattinahalli, Post: Hosur, Tq: Shiggaon,
Dist: Haveri.
14. Somappa S/o Rudrappa Adargunchi,
Age: 62 Years, Occ: Agriculture,
R/o Yattinahalli, A.M.Koppa, Post: Hosur,
Tq: Shiggaon, Dist: Haveri.
15. Mallanagouda S/o Shivashankaragouda Patil,
Age: 38 Years, Occ: Agriculture,
R/o A.M.Koppa, Tq: Shiggaon, Dist: Haveri.
16. Veeranagouda S/o Ulavanagouda Patil,
Age: 38 Years, Occ: Agriculture,
R/o Hosur, Tq: Shiggaon, Dist: Haveri.
17. Jeevanna B Kulkarni,
Age: 55 Years, Occ: Agriculture,
R/o Hosur, Tq: Shiggaon, Dist: Haveri.
18. Arun S/o Basappa Indur,
Age: 28 Years, Occ: Agriculture,
R/o Yattinahalli, Post: Hosur, Tq: Shiggaon,
Dist: Haveri.

19. Arjun S/o Gadigeppa Surgonda
Age: 42 Years, Occ: Agriculture,
R/o Hosur, Tq: Shiggaon, Dist: Haveri.
20. Nagappa S/o Basappa Kulkarni,
Age: 50 Years, Occ: Agriculture,
R/o Hosur, Tq: Shiggaon, Dist: Haveri.
21. Harajappa S/o Devalappa Lamani,
Age: 55 Years, Occ: Agriculture,
R/o Yattinahalli, Post: Hosur, Tq: Shiggaon,
Dist: Haveri.
22. Dundappa S/o Gadigeppa Hittalamani,
Age: 45 Years, Occ: Agriculture,
R/o A.M.Koppa, Tq: Shiggaon, Dist: Haveri.
23. Nagaraj S/o Shankrappa Surgonda,
Age: 40 Years, Occ: Agriculture,
R/o Yattinahalli, Tq: Shiggaon, Dist: Haveri.
24. Nijaguni S/o Shivarudrappa Indur,
Age: 38 Years, Occ: Agriculture,
R/o Yattinahalli, Post: Hosur, Tq: Shiggaon,
Dist: Haveri.
25. Veerappa S/o Mahadevappa Angadi,
Age: 55 Years, Occ: Agriculture,
R/o Yattinahalli, Post: Hosur, Tq: Shiggaon,
Dist: Haveri.
26. Manjunath S/o Somappa Kadakabhavi,
Age: 32 Years, Occ: Agriculture,
R/o A.M.Koppa, Tq: Shiggaon, Dist: Haveri.
27. Gopal S/o Laxman Lamani,
Age: 35 Years, Occ: Agriculture,
R/o Yattinahalli, Tq: Shiggaon, Dist: Haveri.

28. Souppa S/o Basappa Surgonda,
Age: 58 Years, Occ: Agriculture,
R/o Yattinahalli, Post:Hosur, Tq: Shiggaon,
Dist: Haveri.
29. Mahadevappa S/o Sangappa Devate,
Age: 74 Years, Occ: Agriculture,
R/o Yattinahalli, post: Hosur, Tq: Shiggaon,
Dist: Haveri.
30. Aravind S/o Chandrappa Suragond,
Age: 36 Years, Occ: Agriculture,
R/o Yattinahalli Post: Hosur, Tq: Shiggaon,
Dist: Haveri.
31. Mallikarjun S/o Surappa Suragond,
Age: 27 Years, Occ: Agriculture,
R/o Yattinahalli Post: Hosur, Tq: Shiggaon,
Dist: Haveri.
32. Puttaraja S/o Surappa Suragond,
Age: 26 Years, Occ: Agriculture,
R/o Yattinahalli Post: Hosur, Tq: Shiggaon,
Dist: Haveri.
33. Basappa S/o Surappa Suragond,
Age: 25 Years, Occ: Agriculture,
R/o Yattinahalli Post: Hosur, Tq: Shiggaon,
Dist: Haveri.
34. Veerappa S/o Basappa Teggalli,
Age: 52 Years, Occ: Agriculture,
Post: Hosur, Tq: Shiggaon,
Dist: Haveri.
35. Annappa Ponnappa Lamani,
Age: 27 Years, Occ: Agriculture,

R/o Yattinahalli Tanda, Post: Hosur,
Tq: Shiggaon,
Dist: Haveri.

*[By Sri. G.S.Ankalakoti. Advocate for D-2, 4, 5, 7, 8,
10, 11, 14, 15, 17 to 21, 23 to 27, 29 to 34]*

[By Sri. V.C.Patil. Advocate D-6, 9 & 13]

[D.9 and 34 placed exparate]

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PARTIES TO I.A.No.I

Applicant : Shri.Siddalingaswamy S/o Panchaksharayya Galimath,
(Orig. Pltff)

V/s

Opponents: Gram Panchayat, Hosur Yattinahalli and others
(Orig. Defts)

ORDER ON I.A.No.I

The counsel for plaintiff has filed I.A.No.I u/Order 39 Rule 1 and 2 r/w Sec.151 of CPC seeking to grant ad-interim injunction against the defendants and persons claiming through them from interfering with peaceful possession and enjoyment of the suit property by putting board, illegal mining and obstructing to perform the pooja and also devotees till the disposal of this suit.

2. In the affidavit annexed to this application, it is stated that, plaintiff filed suit for Permanent Injunction against the

defendants and persons claiming through them from interfering with peaceful possession and enjoyment of the suit property. Further stated that the plaintiff is the owner and possessor of the suit property. Plaintiff predecessor i.e., Sri Rajaguru Brihannmathadheesha Sri Yogirajendra Mahaswamigalu Sukshetra Gangibhavi demised on 15.09.2018 leaving behind plaintiff as Uttaradhikari and appointed as uttaradhikari (ಉತ್ತರಾಧಿಕಾರಿ) by executing registered Uttaradhikara patra (ಉತ್ತರಾಧಿಕಾರಿ ಪತ್ರ) in dated 11.05.2011 in favour of plaintiff. Further stated that original Swamigalu has given up rights over the suit property and all other rights of rituals of the Matha by executing registered “Mathadheeshwara Adhikar Patra” dated 05.12.2014. Further stated that original Mathadheeswar has given up rights interest over the suit property in favour of plaintiff by executing relinquishment deed dated 20.08.2015. Hence plaintiff is the owner in possessor of the suit property and making wahiwat of the suit property peaceful possession and enjoyment the suit property without anybodies interference even till today. The suit property bearing R.S.NO. 224/A1 is a non-agricultural land situated at Sukshetra Gangivhavi coming under the purview of the Hosur village and consisting of Ramlingeshwar Temple, Sukshetra Matha Gangibhavi, Dattatreya temple, Surya Chandra Temple , Gangamatha temple, Ganapathi temple, Hanuman Statue, Samudaya Bhavan, Vehicle Shed, Kalyana Mantapa, Ugrana (Gowdown), store rooms,

Dasoha Mandira etc,. The plaintiff is the performing pooja of Ramalingeshwara temple everyday at morning and evening times and conducting Satsanga, Bhajans, meetings with devotees for the development of the area.

3. Further stated that the suit property originally belongs to Shivashankaragouda S/o Gadigeppagouda Patil, Hanumanthgouda Patil and Rudragouda Virupakshagouda Patil, who gifted property to the extent of 05 acres towards West in the land bearing R.S.No.224/A which was measuring 17 acres 32 guntas through registered gift deed dated 05.08.1968 by virtue of the gift deed plaintiff predecessor has become absolute owner of the same. The Hon'ble High Court of Karnataka has observed in the Writ Petition NO.109474-479/2015 KLR-RR/SUR dated 23.02.2016 that suit property is the self acquired property of plaintiff plaintiff predecessor and he is sole trustee and looked after the suit property. Due to the old age, plaintiff looked after his predecessor more than 25 years and doing public work. Therefore, plaintiff is entitled to the suit property by virtue of the above said registered document. The defendants have no rights and interest whatsoever over the suit property. Neither they are the owners, nor are they the users of the suit property. On the aid and advice of the ill wishers of the plaintiff and defendant No.4 to 35, the defendant No.1 to 3 are trying to collect the funds from the devotees and trying to put the boards to publish that the suit property belongs to the

Panchayath. The defendants No.4 to 35 have illegally, behind the back of the plaintiff, have created Shri Ramalingeshwara Devasthanam Seva Samithi and got registered the said Samithi on 06.01.2014 by Reg.NO.HVR-S-421-2013/14. The defendant No.4 to 35 are office bearers and members of the said samithi and thereby they are trying to interfere plaintiff peaceful possession and enjoyment of suit property. The Writ Petition No.104277/2014 is filed before the Hon'ble High Court of Karnataka-Dharwad Bench challenging the validity of the Samithi and the same is pending before the said Court.

4. Further stated that the defendant No.4, calling himself as the president of the Ramalingeshwara Devasthanam Seva Samithi, is trying to perform illegal activities like digging in the suit property and lifting the bricks (Jamati Kallu) and also unauthorized collecting of funds from the several devotees. Further stated that plaintiff predecessor had filed an original suit No.71/2010 suit property bearing R.S.NO.224/A measuring 4 acres 24 guntas before Addl.Senior Civil Judge, Haveri for declaration and injunction. The said suit came to be decreed on 15.06.2011 against the said decree, other side have not preferred any appeal. Further stated that defendants No.1 to 35 are trying to interfere peaceful possession and enjoyment of the suit property. Hence, prayed to allow the application.

5. On the other hand the counsel for defendant No.5 filed written statement and objection to I.A.No.I and adopted to

defendant No.2, 4, 7, 8, 10, 11, 14, 15, 17 to 21 and 23 to 27 filed memo to adopted the written statement and objection to I.A.No.I filed by defendant No.5. In the written statement it is suit of the plaintiff and I.A.No.I is not maintainable. The contents of the plaint and affidavit annexed to the I.A.No.I are false. Further denied the contents of plaint para No. 1 to 8. Further denied the plaintiff is not Uttaradhikari of Shri Rajaguru Brihanmathadhesha Shri Yogirajendra Mahaswamigalu Sukshetra Gangibhavi. Plaintiff is not the owner in possessor of the suit property. Further admitted that the suit property was gifted by Shivashankaragouda S/o Gadigeppagouda Patil, Hanumanthgouda Patil and Rudragouda Virupakshagouda Patil to Shri Yogirajendraswamigalu. Further stated that plaintiff has got created some documents and entered his name in the documents. Further stated that property extract property bearing R.S.NO.224/B, measuring 04 acres 06 guntas 11 anna situated at Hosur village of Shiggaon Taluk mentioned as Government Kharab land wherein the Ramlingeshwar Temple, Sukshetra Matha Gangibhavi, Dattatreya temple, Surya Chandra Temple, Gangamatha temple, Ganapathi temple, Hanuman Statue, Bhagirathi temple, Nagadeva temple, and ancient Peepula tree, surrounded by katti (ಕಟ್ಟಿ), wells are situated at Kharab land this has been entered in the Revenue records. As such the Deputy Comissioner, Haveri is the Head of Revenue Department, Tahashildar, Shiggaon is the necessary party to the

suit. Hence, the suit of the plaintiff is bad for misjoinder and nonjoinder of necessary parties. Further stated that there is a dispute with regard to successor between Shri Basavanayya Shivalingayya Hiremath and others residents of Kabanur and deceased Shri Yogirajendra Shivacharya Swamigalu, which is pending on the file of the Hon'ble Senior Civil Judge, Shiggaon bearing R.A.NO.174/2017 (Honble Sr. Civil Judge Haveri bearing old NO. R.A.NO.55/2017). Further stated that in suit plaintiff filed interim application to implead him as a party to the suit. Therefore, plaintiff claiming that he is in possession of suit property and defendants are objecting the fair is not maintainable in the eye of law. Further stated that plaintiff should prove as per Writ Petition NO.109474-479/2015 (KLR RR/SVR) dated 23.02.2016 is sole trustee of suit property. Suit property is not self acquired property of plaintiff, plaintiff got created the Matadish patra dated 05.12.2014. Further stated that on 06.06.2017 when earlier Swami Shri Yogirajendra Swami demise, Shri Channabasaveshwar Shivacharyya Swami, Gangibhavi is declared as Pattadhikari. Further stated that Rambhatt Pampanabhattacharu, Mulakeri resident of Konanakeri and Tirthambhattacharu, Bhandabhattacharu R/o Kabanur would perform the pooja of Gangibhavi temple and Math since long time. Now their successors V.T.Kabanur Venkatesh Tirthmbhattacharu Bhandbhattacharu and Pratik Prabhakar Kulkarni as per their year terms performinng the pooja. Further stated that

every year on January 14th fair will be conducted in Shri Kshetra Matha Gangibhavi, where in mor than 25 thousand devotees gathered. Hence prayed to dismiss the I.A.No.I With cost.

6. Heard advocate for plaintiff and defendant on this application. Perused entire materials on record.
7. On careful examination of contentions of both the sides and the materials on record, the following points arise for consideration of this court:

POINTS

- 1) *Whether the plaintiff has made out a prima facie case?*
 - 2) *Whether the balance of convenience lies in favour of the plaintiff?*
 - 3) *Whether the plaintiff will be put to irreparable loss and injury if an order of Temporary Injunction is not granted?*
 - 4) *What order?*
8. The above points are answered as follows:-

Points No.1 to 3 : In the Affirmative.

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

REASONS

9. **Points No.1 to 3:** Since these points are inter-linked and inter-connected with each other, they are taken up together for discussion in order to avoid the repetition of discussion.

It is the case of plaintiff that, the plaintiff filed suit for Permanent Injunction against the defendants and persons claiming through them from interfering with peaceful possession and enjoyment of the suit property. Further stated that the plaintiff is the owner and possessor of the suit property. Plaintiff predecessor i.e., Sri Rajaguru Brihannmathadheesha Sri Yogirajendra Mahaswamigalu Sukshetra Gangibhavi demised on 15.09.2018 leaving behind plaintiff as Uttaradhikari and appointed as uttaradhikari (ಉತ್ತರಾಧಿಕಾರಿ) by executing registered Uttaradhikara patra (ಉತ್ತರಾಧಿಕಾರಿ ಪತ್ರ) in dated 11.05.2011 in favour of plaintiff. Further stated that original Swamigalu has given up rights over the suit property and all other rights of rituals of the Matha by executing registered “Mathadheeshwara Adhikar Patra” dated 05.12.2014. Further stated that original Mathadheeswar has given up rights interest over the suit property in favour of plaintiff by executing relinquishment deed dated 20.08.2015. Hence plaintiff is the owner in possessor of the suit property and making wahiwat of the suit property peaceful possession and enjoyment the suit property without anybodies interference even till today. Further, contended that the suit prperty property bearing R.S.No. 224/A1 is the non-agricultural land and its consiste of the Ramalingeshwara temple and other temples. The plailntiff is performing pooja of Ramalingeshwara temple and other temple daily morning

and evening. Now defendants without having any rights and interest whatsoever over the suit property are trying to obstruct the peaceful possession and enjoyment of suit property of plaintiff.

10. To prove his case plaintiff produced documents they are certified copy of the R of R extract bearing NA land R.S.No.224/A1 of Hosur village for the year 2019-20, M.R.NO.H-3 of Hosur village, certified copy of Mathadheeshwara Adhikara Patra executed by Sri.Brihanmathadheeshwara Rajaguru Yogirajendra Mahaswamigalu in favour of the plaintiff dated 01.12.2014, Uttaradhikaari Patra executed by Sri Brihanmathadeeshwara Rajaguru Yogirajendra Mahaswamigalu in favour of the plaintiff dated 11.05.2011, Certified copy of the judgment and decree in O.S.No.71/2010 dated 15.06.2011 passed by Addl.Senior Civil Judge, Haveri, Xerox copy memo filed in Writ Petition NO.104277-2014 before the Hon'ble High Court of Karnataka, Xerox copy of registered Ramalingeswara Devastana Seva Samithi, Xerox copy of the gift deed dated 05.08.1968 executed by Shivashankaragouda Patil and others in favour of plaintiff in respect of the suit property, Xerox copy of the translation of the gift deed in the form of typing, xerox copy of the Writ Petition No.104277/2014 challenging the validity of the registration of the Ramalingeswara Devastana Samithi.

11. On the other hand defendants contended that property extract property bearing R.S.NO.224/B, measuring 04 acres 06 guntas 11 anna situated at Hosur village of Shiggaon Taluk mentioned as Government Kharab land wherein the Ramlingeshwar Temple, Sukshetra Matha Gangibhavi, Dattatreya temple, Surya Chandra Temple, Gangamatha temple, Ganapathi temple, Hanuman Statue, Bhagirathi temple, Nagadeva temple, and ancient Peepula tree, surrounded by katti (ಕಟ್ಟಿ), wells are situated at Kharab land this has been entered in the Revenue records. As such the Deputy Comissioner, Haveri is the Head of Revenue Department, Tahashildar, Shiggaon is the necessary party to the suit. Hence, the suit of the plaintiff is bad for misjoinder and nonjoinder of necessary parties. Further stated that there is a dispute with regard to successor between Shri Basavanayya Shivalingayya Hiremath and others residents of Kabanur and deceased Shri Yogirajendra Shivacharya Swamigalu, which is pending on the file of the Hon'ble Senior Civil Judge, Shiggaon bearing R.A.NO.174/2017 (Honble Sr. Civil Judge Haveri bearing old NO. R.A.NO.55/2017) and also produced documents on their behalf certified copy of property extract bearing R.S.NO.224/B in the year 2019-2020 situated at Hosur village of Shiggaon taluk, certified copy of I.A.No.I application filed before the Hon'ble Senior Judge Shiggaon in R.A.No.174/2017 u/O22 Rule 4 of CPC along with affidavit,

certified copy of objection to I.A.No.I in R.A.NO.174/2017, certified copy of I.A.No.II application filed before the Hon'ble Senior Judge Shiggaon in R.A.No.174/2017 u/O22 Rule 4 of CPC along with affidavit, certified copy of objection to I.A.No.II in R.A.NO.174/2017. The learned counsel for defendants relying ruling reported in; ***ILR 1992 Kar 2905-R.Dilip Kumar Vs. S.Ramu.***

12. On perusal of the documents on record it is noticed that property extract property bearing R.S.No.224/A1 measuring 5 acres situated at Hosur village is standing in the name of plaintiff. Further, the name of plaintiff is entered as per M.R.NO.H3/2016-17. Further, on perusal of the Mathadheeshwara Adhikara patra, the Brahamadeeshwar Rajaguru Shri Yogirajendra Swamigalu has relinquished his rights over Matha. Further, plaintiff taken contention that plaintiff is declared as owner of suit property in O.S.No.71/2010 on the file of the honble Addl. Sr.Civil Judge,Haveri but on perusal of the judgment passed in O.S.No.71/2010 dated 15.06.2011 it is noticed that the suit property in O.S.No.71/2010 is proper property bearing R.S.No.229/4 measuring 4 acres 24 guntas and the said suit decreed with cost declaring that plaintiff is the owner and possessor of the suit property. And defendant, his agent and attorney were restrained from causing illegally interference and obstructing in peaceful possession and enjoyment of

plaintiff over the suit property by way of Permanent Injunction. It is relevant to note here that the suit property in O.S.No.71/2010 is different from suit property in present suit. On perusal of gift deed dated 05.08.1968 property property bearing R.S.No.224/A measuring 12 acres 32 guntas 6 anna from the said property towards East 5 acres was gifted in favour of Shri.Siddalinga Devastana Gangibhavi and on same day the possession of said property was handed over to the Yogirajendraswamigalu. Further, it is pertinent to note here that defendants not disputed that suit property was gifted to Yogirajendraswami by one Shivashankaragouda Gouda Patil. Further, plaintiff filed xerox copy of W.P.104277/2014 wherein plaintiff prayed to quash the endorsement dated 13.02.2014 with ಶ್ರೀ ಸಂಃ 421/2013-14 issued by District Registrar of Haveri and to issue writ of mandamus to directing the respondents to consider the representation dated 04.02.2014 etc., On the other hand defendants specifically denied that plaintiff is not owner of suit property as there is dispute with regard to Mathadish which is pending before Honble Sr.Civil Judge, Haveri R.A.NO.55/2017 now it is pending before Sr.Civil Judge, Shiggaon bearing R.A.No.174/2017. Further, on perusal of documents produced by defendants it is noticed that property property bearing R.S.No. 224/B measuring 4 acres 5 guntas, which is mentioned as Sarkar Kharab in column NO.9 and in column

NO.12 (2) it is mentioned as Shri Ramlingeshwar devastan, Dharmashale etc., and certified copy of I.A.No.I and II and objection to I and II in RA.NO.174/2017 which is pending on file of the Hon'ble Sr. Civil Judge, Shiggaon wherein in I.a. NO.II the appellants submitted that the deceased respondent was the plaintiff of the Brahannamath of Gangibhavi and successor of this matha is as follow and respondent No.1A Shri Shatastala Brahma Channabasaveshwar Shivacharya Swamigalu is mentioned for that third party i.e., plaintiff in the present case filed objection to the said application. Further, I.A.II is filed by present plaintiff as third party applicant to implead himself as proposed respondent No.1A in R.A.NO.174/2017 for which the present defendants filed objection. At this stage question regarding who is the successor of Matha is not the issue raised in present suit but the suit is one for Permanent Injunction and the issue regarding who is the Mathadhees will be decided in R.A.NO.174/2017. I have carefully gone through citation produced by defendants wherein the ratio laid down in the said ruling is that no Temporary Injunction should be granted when plaintiffs case is in doubt or not clear. The facts of ruling relied by defendants and facts of present case differs. Hence, the citation relied by defendants is not made applicable to the present case in hand. On perusal of the documents on record it is noticed that suit property is standing in the name of

plaintiff and documents reveals that plaintiff is in possession of the suit property. Therefore, plaintiff has made out prima-facie case. Considering all these aspects, the need of the hour is to safe-guard the right of plaintiff over the suit property, failing which, the plaintiff would suffer irreparable-injury. Thus, the plaintiff has made out a prima-facie case for grant of Temporary injunction and the balance of convenience also lies in his favour. Accordingly, Points No.1 to 3 are answered in the **Affirmative.**

13. **Point No.4** :- In view of the above, discussion and the answer to the above points, I proceed to pass the following:

ORDER

*I.A.No. 1 filed u/Order 39 Rule 1 and 2 R/w
Sec.151 of CPC by the plaintiffs is hereby allowed.*

*The defendants No.2, 4, 5, 6, 7, 8, 9, 10 to 15, 17
to 35 are hereby restrained from obstructing the peaceful
possession and enjoyment of the suit property of plaintiffs
by putting board, illegal mining till disposal of the suit.*

*(Dictated to the stenographer on computer, corrected and then
pronounced by me in open court on this 24th day of August 2020.)*

(SMT.SHRIDEVI J. DARABARE)
CIVIL JUDGE & JMFC.,
SHIGGAON.

Order pronounced in the open court vide separate Order as Under:

O R D E R

I.A.No. I filed u/Order 39 Rule 1 and 2 R/w Sec.151 of CPC by the plaintiffs is hereby allowed.

The defendants No.2, 4, 5, 6, 7, 8, 9, 10 to 15, 17 to 35 are hereby restrained from obstructing the peaceful possession and enjoyment of the suit property of plaintiffs by putting board, illegal mining till disposal of the suit.

**CIVIL JUDGE & JMFC,
SHIGGAON.**