

IN THE COURT OF THE SENIOR CIVIL JUDGE AND J M F C.  
AFZALPUR.

Present : Shri Vinayak Mayannavar,  
B.A.,LL.B  
Senior Civil Judge & JMFC, Afzalpur.

Dated: This, the 10<sup>th</sup> Day of December - 2025

O.S No-57/2025.

Plaintiff : Revanasiddappa S/o Shamaraya Paryan.

[By Shri M.S.P. Advocate]

-V/s -

Defendants : Danamma W/o Chandappa Paryan,  
and 2 others.

[D-1 By Shri M.M.K. Advocate]

[D-2 and 3 By Shri S.T.R. Advocate]

ORDER ON IA NO-1 FILED UNDER ORDER XXXIX

RULE 1 AND 2 OF CPC.

The plaintiff has filed the present application praying for a temporary injunction order restraining the defendant No-1 from alienating the suit item No-1 property bearing survey number 17/1 measuring 2 acre of land pending disposal of the suit.

2. The applicant/plaintiff has contended that, the defendant No-2 and one Chandappa are the brothers of the plaintiff. The defendant No-1 is the wife of the deceased Chandappa. The defendant No-3 is the wife of the defendant No-2. The plaintiff and the defendants are the Hindu joint family members. The suit properties are the ancestral and joint family properties of the plaintiff and the defendants. The plaintiff has got share in the suit properties. The defendant No-1 is now trying to alienate the suit item No-1 property. On the said material grounds the plaintiff has prayed for allowing the present application.

3. The defendant No-2 and 3 have filed their written statement by admitting the case of the plaintiff.

4. The defendant No-1 has filed her written statement by denying the case of the plaintiff. The defendant No-1 has contended that, the plaintiff has filed a false suit against the defendants. The plaintiff has no any rights in the suit properties. On the said material grounds the defendant No-1 has prayed for rejection of the present application.

5. On considering the case of both the side and on perusal of the records, the following points arise for my consideration for proper adjudication of the present application:

#### POINTS

- 1] Whether the applicant/plaintiff has made out a prima-facie case in his favour?
- 2] Whether the balance of convenience leans in favour of the applicant/plaintiff?
- 3] Whether the applicant/plaintiff suffer irreparable loss and damage, if the

temporary injunction as sought for is not granted ?

4] What order ?

6. Having heard the arguments on the above application and also after considering the pleadings and materials available on record, my answer to the above points are as below:

Point No-1: In the affirmative.

Point No-2: In the affirmative.

Point No-3: In the affirmative.

Point No-4: As per the final order for

the following

REASONS

7. Point No-1 to 3 : Since these points are interlinked together, I take up these points for consideration together to avoid repetition.

8. On perusal of the materials on record it appears that, the defendant No-1 has not come up with any specific case against the plaintiff. The plaintiff has produced the revenue records standing in the name of his father by name Shamarao S/o Shantappa. The suit item No-1 property is now standing in the name of the defendant No-1. The suit item No-2 property is standing in the name of the defendant No-3.

9. On considering the case of the parties and relationship of the parties and materials on record it appears that, the plaintiff has produced the materials in support of his case. The plaintiff has made out a traible case in his favour. Hence, I am of the opinion that, the plaintiff has made out a prima-facie case in his favour. Hence, I answered point No-1 in the affirmative.

10. The plaintiff is claiming his rights over the suit properties. The defendant No-1 is denying the rights of the plaintiff in the suit properties. The plaintiff has produced the records in support of his case. The defendant No-1 has not produced any materials against the case of the plaintiff. The defendant No-1 has not come up with any specific case. Hence, considering the case of the parties and materials on record if an injunction as prayed by the plaintiff is granted then no any harm will be going to cause to the defendant No-1.

11. From the available materials if an injunction is granted as claimed by the plaintiff it may not affect the rights of the defendant No-1 and it will avoid multiplicity of proceedings. If an injunction is refused to the plaintiff it will lead to multiplicity of proceedings and may affect the rights of the plaintiff in the suit properties. The alienation of the suit properties by the defendant No-1 will affect the rights of the plaintiff. Hence I am of the opinion that the plaintiff has made out a case in his favour with regard to point of balance of

convenience and irreparable loss. Hence I answered point No-2 and 3 in the affirmative.

12. Point No- 4: In view of my findings on the above point No-1 to 3 and also considering the materials on record at this stage, I proceed to pass the following:

### ORDER

I.A. No-1 filed by the plaintiff under order 39 Rule 1 and 2 of CPC is hereby allowed.

The defendant No-1 is hereby restrained by way of temporary injunction from alienating the suit item No-1 property bearing survey number 17/1 measuring 2 acre of land till further orders or till disposal of the present suit whichever is earlier.

The plaintiff is hereby directed to co-operate for the early disposal of the present

case, failing which the injunction order granted in favour of the plaintiff will be vacated automatically.

Senior Civil Judge & JMFC.,  
Afzalpur.