

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 03rd Day of March - 2026

O.S No-110/2024.

Plaintiff : Sudhakar S/o Basavaraj Mathapati.

[By Shri K.G.P. Advocate]

-V/s -

Defendants : Basavaraj S/o Sidramayya Mathapati,
and 11 others.

[D-9 and 10 By Shri S.G.A. Advocate]

[D-12 By ADGP]

[D-1, 3 to 8 Ex-Parte]

[D-2 and 11 In-Person]

ORDER ON IA NO-3 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-12/ ADLR Afzalpur from making map and Form No-10 for the suit property bearing survey number 60/* measuring 15 acre 14 gunta of land.

2. The plaintiff has contended that, the plaintiff has filed the present suit seeking 1/4th share in the suit property against the defendant No-1, 3 and 4. If the defendant No-12/ ADLR has prepared the map and Form No-10 with respect to the suit property then the plaintiff will suffer a loss. On the said material grounds the plaintiff has prayed for allowing the present application.

3. The defendant No-12/ADLR has not filed any objection to the present application.

4. The defendant No-9 and 10 have filed their written statement by denying the case of the plaintiff. They have contended that, the plaintiff has not shown the description of the suit property correctly. The partition has already taken place between the 2 sons of Revanasiddayya by name Sidramayya and Mallayya. The defendant No-9 and 10 are the sons of the Mallayya. The land bearing survey number 60/1 measuring 8 acre 2 gunta of land situated towards western side is allotted to the share of the Mallayya. The eastern side land bearing survey number 60/2 measuring 7 acre 12 gunta of land was allotted to the children of the Sidramayya. The plaintiff has filed the false suit in order to grab the land of the defendant No-9 and 10. On the said material grounds the defendant No-9 and 10 have 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 plaintiff has made out a prima-facie case in his favour?
- 2] Whether the balance of convenience leans in favour of the plaintiff ?
- 3] Whether the 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 negative.

Point No-2: In the negative.

Point No-3: In the negative.

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 plaintiff has filed the present suit for the relief of partition and separate possession. The defendant No-9 and 10 have objected the present application and contended about the prior partition between their branch and the branch of the plaintiff. The defendant No-9 and 10 have mainly disputed the location of the suit property. The plaintiff is claiming an injunction against an authority. The defendant No-9 and 10 have produced the documents as to cancellation of earlier Form No-10 by the concerned authorities. They have also produced the map and Form No-10 documents dated

26-07-2024. The plaintiff has filed the present suit on 26-07-2024. The defendants have also produced the sale deed executed by the grandfather of the plaintiff in favour of the Mallayya. The boundaries of the said sale deed appear to be not in consonance with the boundaries claimed by the plaintiff in the suit. The defendants have also produced the sale deed executed by the grandfather of the plaintiff in favour of the Sharanamma. The boundaries of the said sale deed appear to be not in consonance with the boundaries claimed by the plaintiff in the suit.

9. On considering the materials on record at this stage it appears that, the plaintiff has not made out a prima facie case in his favour on IA No-3. Hence, I answered point No-1 in the negative.

10. The plaintiff is claiming his rights over the suit property. The plaintiff has not produced the records in support of his case. The defendant No-9 and 10 have produced the materials against the case of the plaintiff. Hence, considering the case

of the parties and materials on record if an injunction as prayed by the plaintiff is granted then harm will be going to cause to the defendant No-9 and 10.

11. From the available materials if an injunction is not granted as claimed by the plaintiff it may not affect the rights of the plaintiff. If an injunction is granted to the plaintiff it will lead to multiplicity of proceedings and may affect the rights of the defendant No-9 and 10 in the suit survey number property. Hence I am of the opinion that the plaintiff has not made out a case in his favour with regard to point of balance of convenience and irreparable loss on I.A.No-3. Hence I answered point No-2 and 3 in the negative.

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-3 filed by the plaintiff under order
39 Rule 1 and 2 of CPC is hereby rejected.

Senior Civil Judge & JMFC.,
Afzalpur.

[Order pronounced in the open court vide separate sheets]

ORDER

I.A. No-3 filed by the plaintiff under order
39 Rule 1 and 2 of CPC is hereby rejected.

Senior Civil Judge & JMFC.,
Afzalpur.