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 06th Day of January - 2026

O.S No-170/2024.

Plaintiff : Parvati D/o Arjun Karikal
W/o Mallikarjun
[By Smt.A.T.D Advocate]

-V/s –

Defendants : Channabassamma
W/o Arjun Karikal
and 6 others.

[D-1, 2, 4 to 6 By Shri S.J.G Advocate]

[D-3 & 7 Ex-parte]

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 to 7 from alienating the suit properties pending disposal of the suit.

2. The plaintiff has contended that, the defendant No-1 is the mother of the plaintiff. The defendant No-2 to 7 are the brothers and sisters of the plaintiff. The plaintiff and 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 defendants are now trying to alienate the suit properties. On the said material grounds the plaintiff has prayed for allowing the present application.

3. The defendant No-1, 2, 4 to 6 have filed their written statement by denying the case of the plaintiff.

4. The said defendants have contended that, the plaintiff has relinquished her rights in the suit properties to her brother i.e., defendant No-5. The plaintiff has received Rs.5,00,000/- towards her share and relinquished her rights in the suit properties by executing a relinquishment document dated 07-10-2017. The plaintiff has no any rights in the suit properties. On the said material grounds the said defendants 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 her 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 affirmative.

Point No-2: In the affirmative.

Point No-3: In the affirmative.

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

R E A S O N S

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 relationship of the parties is not in dispute. The defendants have come up with a case of relinquishment of rights by the plaintiff by receiving Rs.5,00,000/-. The defendants at this stage have not produced any materials in support of their case. The plaintiff at this stage has produced the revenue records of the suit properties in support of her case.

9. From the revenue records produced by the plaintiff it appears that the suit properties are standing in the name of the father of the plaintiff by name Arjun and mother of the plaintiff by name Channabassamma and sister of the plaintiff by name Laxmibai and brother of the plaintiff by name Basavalingappa. On considering the materials on record it

appears that, the case of the defendants can be considered only in the trial.

10. On perusal of the materials on record and considering the case of the parties it appears that, at this stage the plaintiff has produced the materials in support of her case. The defendants at this stage have not produced any materials in support of their case regarding relinquishment of rights by the plaintiff. Considering the case of both the side it appears that, both the parties are required to be given an opportunity to put forth their case on merits. Hence, considering the materials on record I am of the opinion that, the plaintiff has made out a case for trial. Hence, I am of the opinion that, the plaintiff has made out a prima-facie case in her favour. Hence, I answered point No-1 in the affirmative.

11. The plaintiff is claiming her rights over the suit properties. The plaintiff has produced the records in support of her case. The defendants at this stage have not produced any 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 no any harm will be going to cause to the defendant No-1 to 7.

12. 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 to 7 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 to 7 will affect the rights of the plaintiff. Hence I am of the opinion that the plaintiff has made out a case in her favour with regard to point of balance of convenience and irreparable loss. Hence I answered point No-2 and 3 in the affirmative.

13. 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 to 7 are hereby restrained by way of temporary injunction from alienating the suit properties 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.

[Order pronounced in the open court vide separate sheets]

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 to 7 are hereby restrained by way of temporary injunction from alienating the suit properties 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.