



IN THE COURT OF CIVIL JUDGE & JMFC., AT: AFZALPUR.

PRESENT

Sri. ANIL AMATE, B.A. L.LB(Hon's) ,
Civil Judge & JMFC.,
AFZALPUR.

Dated this the 01st day of April-2026

O. S. No. 48/2024

PLAINTIFF: Mahantappa S/o Srimanth
Age: 30 years, Occ: Agriculture,
R/o Havnoor village, Tq. Afzalpur,
Dist. Kalaburagi.
(By Sri. PMK Advocate)

V/s

DEFENDANTS: Siddalinga S/o Yallappa,
Age: 50 years, Occ: private work,

2) Ningappa S/o Ramanna
Age: 28 years, Occ: Painting

3) Hanamanth S/o Shankar
Age: 39 years, Occ: Goundi work,

4) Yallamma Hulgai
Age: 65 years, Occ: Household,
All are R/o Havnoor village,
Tq. Afzalpur, Dist. Kalaburagi.
(By Sri. SGH Advocate)



PARTIES IN I.A. NO. I

APPLICANT: Mahantappa S/o Srimanth
Age: 30 years, Occ: Agriculture,
R/o Havnoor village, Tq. Afzalpur,
Dist. Kalaburagi.
(By Sri. PMK Advocate)

V/s

OPPONENTS: Siddalinga S/o Yallappa,
Age: 50 years, Occ: private work,
2) Ningappa S/o Ramanna
Age: 28 years, Occ: Painting
3) Hanamanth S/o Shankar
Age: 39 years, Occ: Goundi work,
4) Yallamma Hulgai
Age: 65 years, Occ: Household,
All are R/o Havnoor village,
Tq. Afzalpur, Dist. Kalaburagi.
(By Sri. SGH Advocate)

: ORDER ON I.A. No. I :

The plaintiff has filed suit for perpetual injunction against the defendants and filed this IA No.I for restrain the defendants from causing illegal interference over the suit property Sy.No.96/8measuring 01 acres 24 guntas situated at village Havanoor in Afzalpur taluka, until the disposal of the suit.



2. In support of above said application the plaintiff has filed affidavit stated contents of plaint be considered as contents of affidavit that, the plaintiff is permanent resident of village Havanoor, the plaintiff is exclusive owner and possessor of the suit property, the suit property was government land which was granted to the father of the plaintiff, the defendants without having any rights over the suit property trying to interfere and trying to threatening to dispossess this plaintiff from the suit property, the plaintiff and family depending on the suit property, therefore the present suit and IA nO. I is filed for the restrain the same. The plaintiff has made out prima-facie case and balance of convenience is in favour of th of plaintiff and if the injunction is granted no harm or loss will going to cause the defendants hence prayed for the allow the IA No. I in the interest of the justice and equity.

3. On the other side, the defendant No.1 to 4 have file memo for the consider the written statement as objection to IA No. I and contended that the land Sy.No 96 measuring 6 acres 14 guntas situated at Havanoor village, same is belonging to entire Harijan community, there is no existence of suit property land 01 acres 24 guntas , the plaintiff is not belonging to the Havanoor village hence he is not in the



possession of the suit property , where the suit property is not in the existence no question of the interference arise , there is no cause of action to the plaintiff to file present suit against the defendants. Hence prayed reject the IA No.I in the interest of the justice and equity.

4. Heard both sides arguments, peruse documents available on record.

5. In view of above the following points that would arise for consideration on I.A.No.I is as follows:-

1. Whether, at this stage the plaintiff has made out a prima-facie case lies in her favour?

2. Whether the plaintiff prove the balance of convenience lies in his favour?

3. Whether the plaintiff prove that in event of not allowing I.A.No.I, he will be put to irreparable loss and injury?

4. What Order?

6. Answers to the above points is as follows:-

Point No.1: In the affirmative.

Point No.2: In the affirmative.

Point No.3: In the affirmative.

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



REASONS

7. **Point No.1 to 3:-** Since these points are inter alia, hence they are taken together for common discussion.

8. This is suit of the plaintiff for the perpetual injunction against the defendants to restrain the defendants from causing illegal interference over the suit property Sy.No.96/8 measuring 01 acres 24 guntas situated at Havanoor village in Afzalpur taluka. The defendants contended that plaintiff is not in possession of the suit land and hence no question of interference and dispossess the plaintiff by threatening is not arise, hence prayed for the reject the IA No.I.

9. It is well settled principles of law that, in order to decide the application filed under order XXXIX Rules 1 & 2 of CPC, the basic principles that are to be considered are prima-facie case, balance of convenience and irreparable loss shall be taken into consideration.

10. So far as the prima facie case, balance of convenience and irreparable loss are concerned, firstly the plaintiff has to establish the prima-facie case, at this stage the counsel for plaintiff argued that the plaintiff is in possession and



enjoyment of suit property to the extent of 01 acre 24 and the defendants are by posing threat dispossessing the plaintiff and the ROR produced by the plaintiff in respect of the Sy. No. 96 it reveals that 06 acres 14 guntas, ROR of Sy.No 96/8 measuring 01 acres 24 guntas standing in the name of plaintiff, the defendant specifically denied that there is no existence of the suit property as contended by the plaintiff. Therefore at this stage the plaintiff established that there is prima facie case that he is in peaceful possession and enjoyment of suit property and the defendants are trying to interfere and there is an apprehension and threat of the interference by the defendants. Therefore, under these circumstances, if an injunction order not granted harm will be going to cause to the plaintiff, the balance of convenience tilt in favor of the plaintiff. So far as the irreparable loss is concerned, as above said supra the plaintiff established prima facie case and balance convenience in his favour. As per the assertion of the defendant, definitely at this stage, irreparable loss will cause to plaintiff if the injunction is not granted agsinst the defendants. Therefore, this court is of opinion that, refusing the injunction order will be going to cause loss and damage to the plaintiff. Therefore as the plaintiff has made out prima-facie case and balance of convenience in his favour, for the above made observation



this court is answered the points No. 1 to 3 are in the affirmative.

11. Point No.4:- For the foregoing reasons, I proceed to pass the following:

-: O R D E R :-

The I.A.No.I filed U/O XXXIX Rule 1 & 2 of CPC filed by the plaintiffs dated 05.11.2024 is hereby allowed.

The defendants are hereby restrained from not interfere in peaceful possession and enjoyment of plaintiff over the suit property Sy.No.96/8measuring 01 acres 24 guntas situated at village Havanoor in Afzalpur taluka , until the disposal of the suit.

No order as to cost.

(Dictated to the Stenographer, directly on computer, typed by him, corrected by me, signed and then pronounced in open court on this the 01st Day of April-2026)

**(Sri. Anil Amate)
Civil Judge & JMFC,
Afzalpur.**