



**IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC,
CHINCHOLI**

DATED THIS THE 21ST DAY OF FEBRUARY-2026.

:-PRESENT:-

Anil Shekhanavar., B.Com., L.L.B.
SENIOR CIVIL JUDGE & J.M.F.C
CHINCHOLI.

O.S. No. 16/2025

PLAINTIFF: Chandramma W/o Fakeerayya, Age: 90
Years, Occ: Agriculture & household, R/o
Yampalli, Tq. Chincholi, Dist: Kalaburagi.

(By Sri. B.S. Advocate)

-VS-

DEFENDANT: 1. Prabhakar S/o Pandit, Age: 32
Years, Occ: Agriculture, R/o
Yampalli, Tq. Chincholi, Dist:
Kalaburagi.

2. Nagamma W/o Prabhakar, Age:
30 Years, Occ: Agriculture, R/o
Yampalli, Tq. Chincholi, Dist:
Kalaburagi.

(By Sri. Z.D.M., Advocate)



i.	Provision under which the application is filed	U/O 39 Rule 1 and 2 CPC
ii.	Relief sought for	Temporary injunction
iii.	The date on which the application is filed	17-02-2025
iv.	Number of the application	I.A. No. I
v.	The date on which the objections are filed by the different opponents	25-06-2025
vi.	The date on which the orders were passed on the said application	20-02-2026

RANK OF THE PARTIES ON I.A-I

Applicants/plaintiff : Chandramma W/o
Fakeerayya

-vs-

Opponents/ defendants : Prabhakar S/o Pandit
and another

**ORDERS ON I.A.NO-I FILED U/O 39 RULE 1 and
2 R/W SECTION 151 OF C.P.C. BY PLAINTIFF**

1. The learned counsel for the plaintiff has filed I.A.No-I U/O 39 Rule 1 and 2 R/w Section 151 of C.P.C. seeking for temporary injunction in favour of plaintiff restraining the defendants from making unnecessary encroachment/



interference in peaceful possession over the suit land till disposal of the suit.

2. The plaintiff has sworn to an affidavit in support of the application. It is stated that, the suit schedule property is the ancestral property granted by the Government in favor of her father-in-law. After his demise, the suit property has been succeeded by the husband of plaintiff. After his demise, the plaintiff has been succeeded. The father of the defendant No. 1 has been purchased the land Sy. No. 63/1 from it predecessors by name Ramchandrayya through registered sale deed dated 29-06-2006. During the execution of sale deed, the father of the defendant No. 1 was mentioned the Sy. No. 63/1 instead of 63/2. On the same way at the time of granting the suit land, the land tribunal have been entered the Sy. No. 63/1 instead of 63/2. In fact the plaintiff has been possession over the suit land of Sy. No. 63/1 and defendants have been possession in Sy. No. 63/2. Due to the wrong entries of Survey number in revenue records, the defendants are trying to encroachment over the suit schedule property of the plaintiff. Hence, she prays to restrain the defendants from encroachment over the suit schedule property by way of



granting temporary injunction. Hence, the plaintiff prays to allow this application.

- 3.** The defendants filed their written statement along with counter claim, same as adopted as objection to the IA No. I. Wherein they denied the contents of the affidavit sworn in support of the application as false, untenable, not maintainable either in law or on facts. It is stated that, the defendants are the joint owners and co-possessor and co-cultivators of patta land Sy. No. 63/1 and same has been owned by the father of defendant No. 1 and father-in-law of defendant No. 2 through registered sale deed and after his death the defendants have inherited the land and mutated their names as successors. The plaintiff has no right, title and interest over the suit land in any manner and she intentionally into the land and obstructed the lawful acts of defendants. Hence, they prays to reject the I.A.
- 4.** Heard the both sides arguments and perused the materials on record, the following points arise for consideration of this court are:-



POINTS

- 1. Whether plaintiff has made-out a prima facie case for grant of interim injunction as per sought for in IA?**
- 2. Whether the balance of convenience lies in favour of plaintiff?**
- 3. Whether plaintiff will be put irreparable loss and hard ship if IA is not allowed?**
- 4. What order?**
- 5. My findings to the above said points are as follows:**

Point No.1: Negative

Point No.2: Negative

Point No.3: Negative

Point No.4: As per final order

REASONS

- 6. POINT NO.1:-** The plaintiff has filed this suit for relief of Declaration and Permanent injunction. The learned counsel for the plaintiff argued that, the plaintiff is absolute owner in possession of the suit schedule property



through succession by its predecessors. The defendant without having any rights title over the suit schedule property they are trying to interference over the suit schedule property by taking undue advantage of names appeared in the wrong survey numbers in the records of rights. Hence, he prays to restrain the defendants from interference by way of encroachment over the suit schedule property. Hence he prays to allow the application.

7. Per contra the learned counsel for the defendants vehemently argued that, the plaintiff has filed it is false to sworn affidavit, the father of the defendant No.1 has been purchased the suit schedule property by way of registered sale deed, accordingly name has been mutated in revenue records. The father of the defendant No. 1 and father-in-law of defendant No. 2 have been cultivated. After death of father of defendant No. 1, the suit property have been succeeded by the defendant No. 1 and 2 and got mutated their joint names over the suit property and cultivated jointly by raising the crops in their choice by every year. The plaintiff has no right, title and interest over the suit schedule property and she illegally interference in peaceful



possession of the defendants property. Hence he prays to reject the IA with cost.

8. In the light of the argument canvassed by the learned counsels for the parties, this court has carefully perused the list with documents produced by the parties. The list with documents of plaintiff consists copy of order of Land Tribunal, Chincholi on dated 24-11-1984, copy of sale deed document bearing No. 746/2006-07 dated 29-06-2006 in respect of Sy. No. 63/1, copies of record of rights in respect of Sy. No. 63/1, copies of record of rights of Sy. No. 63/2, original copies of mutations. The defendants have produced the list of documents consists registered original sale deed document No. 746/2006 dated 29-06-2006-07 in respect of land Sy. No. 63/1, certified copy of mutation in respect of Sy. No. 63/1, certified copy of RORs in respect of Sy. No. 63/*/1 from 2008 to 2025, copy of encumbrance certificate in respect of Sy. No. 63, certified copy of Aakarband of land Sy. No. 63/*/1, certified copy of tonch map in respect of land Sy. No. 63/*/1.
9. At this stage, without going into the merits of the case and holding mini trial, this court considered the aspect of



prima-facie case. At this stage, this court makes it very clear that, this court is looking towards prima-facie case and not prima-facie title. It is well settled principles of law that, at the time disposing the temporary injunction application, the court can not go into the prima-facie and only to consider whether the plaintiff has made out a prima-facie case for granting interim relief.

10. The primary purpose for granting the interim relief is the preservation of the things in dispute till legal rights and conflicting claims of the parties before the court are adjudicated. In the other words, the object of making an order regarding interim relief is to evolve a workable formula to the extent called for by the demands of the situation, keeping in mind the pros and cons of the matter and striking a delicate balance between to conflicting interests that is, injury and prejudice, likely to be caused to the plaintiff if the relief is refused and injury and prejudice and likely to be caused to the defendant, if the relief is granted. The underlying object of granting temporary injunction is to maintain and preserve status quo at the time of institution of the proceedings and prevent any change in it until the final determination of the



suit. It is in the nature of the protective relief granted in favour of a party to prevent future possible injury.

11. The power to grant a temporary injunction is at the discretion of the court. This discretion, however, should be exercised reasonably, judicially and on sound legal principles. Injunction should not be lightly granted as it adversely affects the other side.

12. The first rule is that, the applicant must make out prima-facie case in support of the right claimed by him. The court must be satisfied that, there is bonafide dispute raised by the applicant, that there is a strong case for trial, which needs investigation and a decision on merits, on the facts before the court, there is probability of the applicant being entitled to the relief claimed by him. The existence of the prima-facie right and interaction of such right is condition precedent for grant of temporary injunction.

13. This court in order to ascertain the prima-facie case, has carefully perused pleadings and the material on record, it is plea of the plaintiff that, the defendants without having any rights they are interference by way of encroachment



over the suit land by taking undue advantage of their names mismatched in wrong survey numbers appeared in the revenue records. Further plea of the plaintiff that the suit land has been granted by the Land Tribunal in favor of father-in-law of plaintiff. After the death of father-in-law, the suit land succeeded by the husband of plaintiff, after his demise the plaintiff has been succeeded the suit land by way of mutation. On the other hand the defense of the defendants are that the father of the defendants has been purchased the suit property by way of registered sale deed and on the base of the sale deed name has been mutated in the revenue records since from the father of the defendant No. 1 and father-in-law of defendant No. 2 are jointly cultivated, after demise of the father of defendant No. 1, the suit land has been succeeded by the defendant No. 1 and 2 jointly and also cultivated by raising a crops by every year. But the plaintiff started nuisance to the defendants. At this stage without going to the merits of the case, this court has perused the documents only in order to ascertain the prima-facie case, after perusal of the documents produced by the both parties, it is prima facie shown that initially the suit land Sy. No. 63/2 measuring 05 acres 21 guntas had been granted in favor of sons of



Chandrayya by name Fakeerayya and Nagayya on dated 24-11-1984 by the Land Tribunal Chincholi. The land Sy. No. 63/1 measuring 05 acres 16 guntas had been sold out by its vendor Ramacharayya S/o Vitalacharayya in favor of Pandit S/o Rudrappa through registered sale deed on dated 29-06-2006, the record of rights in respect of Sy. No. 63/1/* measuring 05 acres 16 guntas jointly standing in the name of defendants, the land Sy. No. 63/2 measuring 05 acres 16 guntas standing in the name of plaintiff Chandramma. After perusal of the records it prima facie shown that the land Sy. No. 63/1/* measuring 05 acres 16 guntas are jointly standing in the name of defendants. The land Sy. No. 63/2 measuring 05 acres 16 guntas standing in the name of plaintiff. Therefore whether the survey number of lands are mismatched or wrongly entered in the revenue records vice versa either plaintiff has been possession over the land Sy. No. 63/1/* neither defendants have been possession over the land Sy. No. 63/2 are to be seen after full fledged of the trial. Under these circumstances, this court of the opinion that, the plaintiff has not made out the prima-facie case for grant of the equitable relief of temporary injunction. Hence this court has answered the point no.1 in the Negative.



14. **POINT NO.2 & 3:** These points are inter connected, hence in order to avoid the repetition of the facts, the above said points are taken up for common discussion.
15. The second condition for granting interim injunction is that, the balance of convenience must be in favour of the applicant, in other words the court must be satisfied that, the comparative mischief, hardship or inconvenience which is likely to be caused to the applicant by refusing the injunction will be greater than which is likely to be caused to the opposite party by granting it.
16. The existence of the prima-facie case alone does not entitle the applicant for a temporary injunction. The applicant must further satisfy the court about the third condition by showing that he will suffer irreparable injury if the injunction as prayed is not granted and that there is no other remedy open to him by which he can protect himself from the consequences of apprehended injury.
17. After considering the materials on record it appears to this court that, at this stage the records of rights



produced by the plaintiff and defendants in respect of land Sy. No. 63/1 is jointly standing in the name of defendants. On the same way the land Sy. No. 63/2 standing in the name of plaintiff. Therefore whether the plaintiff is in possession in the land Sy. No. 63/1 or the defendants over the suit property is to be seen after full fledged of the trial. It is prima-facie shown that, the documents produced by the plaintiff itself shown that the land Sy. No. 63/1 jointly standing in the name of defendants. Under these circumstances, if the temporary injunction is granted in favour of the plaintiff, then more mischief and hardship will be caused to the defendants when compared to the plaintiff if the equitable relief of temporary injunction is granted to the plaintiff then it will cause to arise multiple proceedings between the parties. Hence this court is of opinion that, the plaintiff is not entitled for the equitable relief of temporary injunction, the balance of convenience does not lean in favour of the plaintiff and equitable relief of temporary injunction is not granted in favour of the plaintiff, then she will not put to any such hardship. Accordingly, this court has answered point No.2 and 3 in the Negative.



18. Point No.4:- For the aforesaid discussion on point No.1 to 3, this court proceeds to pass the following:-

ORDER

**The I.A.No. I filed U/o 39 Rule 1
and 2 R/w Section 151 of CPC by the
plaintiff is hereby rejected.**

No order as to cost.

(Dictated to Stenographer directly On-line in the computer typed by him, corrected by me and then pronounced it in open court this the 21st day of February -2026.)

**(ANIL SHEKHANAVAR)
Senior Civil Judge & JMFC
Chincholi**