



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

DATED THIS THE 13TH DAY OF MARCH-2026.

:-PRESENT:-

Anil Shekhanavar., B.Com., LL.B (Spl.)
SENIOR CIVIL JUDGE & J.M.F.C
CHINCHOLI.

O.S. No.74/2024

PLAINTIFF:

Jadav Sangram S/o Late. Jadav
Cheniya, Age: 67 Years, R/o MIG
4021 BHEL MIG Phase 2 Vidyut
Nagar Ramchandrapuram Mandal
Ramchandrapuram, Dist: Medak
(TS).

(By Sri. B.S., Advocate)

-VS-

DEFENDANT:

Suresh Jadava S/o Sangram Jadav,
Age: 46 Years, R/o Plot No. 56, MN
Reddy Western Country Near Govt.
School Patighanpur, Patancheru
Mandal, Dist: Sangareddy (TS)

(By Sri. V.M.R., Advocate)

RANK OF THE PARTIES ON I.A-I

Applicants/plaintiff : Jadav Sangram S/o Late
Jadav Cheniya

-vs-

Opponents/defendant : Suresh Jadava S/o Sangram
Jadav



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	25-04-2024
iv.	Number of the application	I.A. No. I
v.	The date on which the objections are filed by the different opponents	13-03-2026
vi.	The date on which the orders were passed on the said application	13-03-2026

ORDERS ON I.A. NO. I FILED U/O 39 RULE 1 AND 2
R/w SECTION 151 OF C.P.C. BY PLAINTIFF

The learned counsel for the plaintiff has filed I.A. No. I U/O. 39 Rule 1 and 2 R/w Sec.151 of C.P.C. seeking to restrain the defendant, from alienating suit schedule properties in any manner till disposal of the suit.

2. The plaintiff has sworn to an affidavit in support of the application. It is stated that, he is the absolute owner and occupier of the agricultural land through registered sale deed. The defendant being a son. He residing far away from the defendant. The plaintiff stay in the house of the defendant to ailment of medical treatment for purpose of easy assess to the Specialty Hospital and Medical Care.



Meanwhile the defendant with an oblique motive to grab the property of the plaintiff got executed a bogus Gift Deed from the plaintiff in his favor, due to taking undue advantage of illness of the plaintiff. On the base of the created registered Gift Deed, the defendant mutated his name in concerned ROR. The said fact came to know the plaintiff recently and requested the defendant to execute the cancellation of the Gift Deed but defendant kept on postponing and trying to alienation of the suit schedule property to third persons to deprive the rights of the plaintiff. Hence, the plaintiff prays to allow this application.

3. The defendant filed written statement, same as adopted as objection to the IA No. I. Wherein he 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 plaintiff is the Retired Government Servant put his signature on any document after thoroughly going to the contents of the same. The defendant being the son. The plaintiff out of the natural love and affection towards his son, he gifted the suit



properties to the plaintiff and executed the registered Gift Deed in presence of witnesses and also put his thumb impression on the scanner of Sub-Registerar, Chincholi with free will and consent without any force or fraud or coercion. Accordingly, the defendant has mutated his name over the suit schedule properties. Again the plaintiff has filed the present suit for seeking of cancellation of Gift Deed is not maintainable. He filed the present suit to harass the defendant. Hence, he 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:-

-: P O I N T S :-

1. Whether plaintiff has made-out a prima facie case for grant of direction 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 hardship if IA is not allowed?
4. What order?



5. My findings to the above said points are 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

6. POINT NO.1:- The plaintiff has filed this suit for the relief of declaration and cancellation of Gift Deed. The learned counsel for the plaintiff argued that, the plaintiff being a father of defendant. The suit schedule properties are the self-acquired properties of the plaintiff. The plaintiff and defendant are residing separately from far away. The plaintiff gone to defendant's house and stayed for medical treatment for the purpose of available easy access to the specialty hospitals and medical care. Meanwhile the defendant with an oblique motive to grab the property of the plaintiff, he hatched a plan and got succeeded to execute the Gift Deed for taking undue advantage of illness of plaintiff. After knowing the said fact by the plaintiff, he request the defendant to cancellation of Gift Deed but defendant refuse to do so. Hence the plaintiff



counsel prays to restrain the defendant for alienation of the suit schedule properties by way of granting the order of interim injunction.

7. Per contra, the learned counsel for the defendant vehemently argued that, the plaintiff and defendant are the father and son. Due to love and affection with his son i.e. defendant, he executed the Gift Deed and donate the suit land to the defendant with free will and consent without any force, fraud or coercion. The plaintiff is filed the false sworn affidavit, he has not approached this Hon'ble Court with clean hands. The defendant has succeeded the suit schedule properties through Gift Deed. The plaintiff has relinquished his rights over the suit schedule properties. Hence, the defendant counsel sought for rejection of the IA No.I.

8. In the light of the arguments canvassed by the learned counsels for the parties, this court has carefully perused the list of documents produced by the parties. The list of documents of plaintiff consists of Gift Deed, mutation



copy, copy of sale deeds and RORs. The defendant has not produced any documents.

9. At this stage, without going in to the merits of the case and holding mini trial, this court has 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 right. It is well settled principles of law that, at the time of disposing the Temporary injunction application, the court cannot go into the prima-facie genuineness of the documents and only to consider whether the plaintiffs have made out a prima facie case for granting interim relief.

10. The primary purpose for granting interim relief is the preservation of the things in dispute till legal rights and conflicting claims of the parties before the court are adjudicated the power to grant a temporary injunction is at the discretion of the court. This discretion, however should be exercised reasonably, Judiciously and on sound legal principles. Injunction should not be lightly granted as it adversely affects the other side.



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

12. The case of the plaintiff is that, the suit schedule properties are the self-acquired properties of the plaintiff. The defendant being a son, he got execution of Gift Deed by playing fraud due to taking undue advantage of illness of the plaintiff. On the other hand, the defense of the defendant is that due to love and affection, the plaintiff has gifted the suit schedule properties through registered deed in presence of witnesses with free will and consent without any force, fraud or coercion. 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 document of copy of sale deed, copy of Gift Deed, copy of mutation entries and ROR produced by plaintiff, which prima-facie reveals that, the plaintiff has been purchased the suit schedule properties and mutated his name in the ROR. Later he gifted the suit schedule property in favor of defendant. The specific contention of the plaintiff is that, the defendant taking undue advantage of his illness, he got Gift Deed by playing fraud with plaintiff. Hence, he filed the present suit for cancellation of the Gift Deed. Therefore, at this stage, it is not feasible to this court to come to the conclusion that, whether the defendant has got bogus Gift Deed by playing fraud from the plaintiff or whether the plaintiff has executed the Gift Deed in favor of defendant with love and affection with free will and consent without any force. It is left open to the plaintiff and defendant to establish the said aspects, at the later stage of the suit. After considering all these circumstances, this court is of the opinion that, the plaintiff has made out the prima-facie case for grant by equitable relief of Temporary injunction. Hence, this court has answered **Point No.1 in the affirmative.**



13. POINT NO.2 & 3: 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 that, which is likely to be caused to the opposite party by granting it.

14. 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 there is no other remedy open to him by which he can protect himself from the consequences of apprehended injury.

15. The learned counsel for the plaintiff argued that, though the suit schedule properties are the self-acquired properties of the plaintiff. Despite that, the defendant playing fraud and got bogus execution of Gift Deed from plaintiff and trying to alienation of the suit lands to third person based on the revenue records appeared in the



name of the defendant. Hence, the defendant has to be restrained by way of granting the equitable relief of temporary injunction. On the contrary the counsel for the defendant argued that, the defendant has succeeded the suit schedule properties through Gift Deed. The plaintiff is executed the Gift Deed with love and affection on defendant with free will and consent without any force or coercion. Hence the plaintiff has not entitled for equitable relief. After perusal of the materials available on record, at this stage it appears to this court that, the defendant himself admitted that the plaintiff has been gifted the suit properties with love and affection in his favor. On the other hand, the plaintiff denied it and stated that the defendant executed the bogus Gift Deed by taking undue advantage of his illness. Therefore, whether the Gift Deed executed by the plaintiff with free consent or whether the defendant get executed the Gift Deed from the plaintiff by playing fraud or not, are yet to be determine at the stage of trial. Therefore, if the Temporary injunction is not granted in favour of the plaintiff more mischief and hardship will be caused to plaintiff, when compared to defendants. Hence, to avoid the multiplicity of the



proceedings, this court is of the opinion that, the balance of convenience lies in favour of the plaintiff and if the temporary injunction is not granted to the plaintiff, she will be put to irreparable loss and hardship which cannot be compensated in terms of money. Accordingly, this court has **answered Point No.2 and 3 in the affirmative.**

16. Point No.4:- In view of the discussions made above, this court proceeds to pass the following:

-: O R D E R :-

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

Consequently, the defendant or anybody else claiming through him are hereby temporarily restrained from alienating the application suit properties in any manner till disposal of the suit.

No order as to cost.

(Dictated to Stenographer directly on the computer, typed by him, corrected by me and then pronounced it in open court this the 13th day of March -2026.)

(ANIL SHEKHANAVAR)
Senior Civil Judge & JMFC
Chincholi