

IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC,
SEDAM

PRESENT:

Sri SAGAR GURUGOUDA PATIL
B.A., LL.B(Spl.)
Senior Civil Judge & JMFC, Sedam

Dated: 16.03.2026.

FDP No.1/2025

Petitioner/s :
Saireddy since dead by his Lrs
(Smt/Sri R.M. Advocate)

VS

Respondent/s :
Jagannath and others.
(Respnts. No.1 to 4 absent)
(R.5(a) to (e) Smt/Sri S.S.A. Advocate)

RANK IN IA 2

Jagannath and others : Applicant/s/respondents.

VS

Saireddy since dead by his LRs: Opponent/s/petitioners

i.	Provision under which the application is filed	U/O 39 Rule 1 & 2 of CPC
ii	Relief sought for	To draw final decree in pursuance of preliminary decree passed in OS No.15/2004.

iii	The date on which the application is filed	10-12-2025
iv	Number of application	One
v	The date on which the objections are filed by different opponents	--
vi	The date on which the orders were passed on the said application	16-03-2026

ORDERS ON IA 2
Under Order 39 rule 1 & 2 of CPC

The respondents No.5(a) to (e) have filed this application under Order 39 Rule 1 & 2 of CPC and sought to restrain the petitioners and respondent NO.1 to 4 from alienating the suit property i.e., land measuring 2 acres 36 guntas in Sy.No.270/1 situated at Kurkunta village, Tq: Sedam till disposal of this petition.

2) The respondent No.5(a)-Anuradha has sworn to an affidavit in support of IA and stated that the petitioners/plaintiffs filed suit for partition and separate possession claiming share in the suit property. The petitioners and respondents are in joint possession of the suit property. The petitioners are not ready to give share to these respondents. Now the petitioners are trying to alienate the suit property. They have made out prima facie case and balance of convenience lies in their favour. Hence, prays to

allow the I.A.

3) The petitioners have not filed objections to the I.A. The petition notice is not yet served on the respondents No.1 to 4.

4) Perused the records and heard.

5) The copy of preliminary decree passed in OS No.15/2004 shows that the respondents No.1 to 4 herein filed suit for partition and separate possession against late Saireddy and petitioners herein and respondent No.5 herein for the relief of partition and separate possession in respect of the I.A. schedule property and other properties and the said suit was decreed allotting shares to the plaintiffs No.1 to 4 i.e., respondents No.1 to 4 herein in the suit properties. The same prima facie shows that the petitioners and respondents herein are having share in the suit properties. Therefore, unless and until partition is effected by metes and bounds the said properties needs to be protected intact to avoid multiplicity of suits and to safeguard the interest of all the parties to the suit. Therefore, at this stage the respondents have made out prima facie case.

6) At this stage it is useful to refer the decision of the Hon'ble High Court of Karnataka in the case of Chinnamma VS Nagaraj, reported in ILR 1995 KAR 1561

wherein the Hon'ble High Court held as under:

CIVIL PROCEDURE CODE, 1908 (Central Act No.5 of 1908) - Order 39 Rules 1 & 2 - Disputes relating to agricultural lands & joint family property : grant of interim orders - Principles.

HELD:

Disputes relating to agricultural lands and disputes relating to joint family property are quite common in the Civil litigation of this Country. Courts have therefore been required to evolve certain broad principles which have now become almost well defined while dealing with disputes of this type which principally take into account the fact that the litigation takes some time and that if certain changes take place in the character of the property under dispute during the interim period, that it would only give rise to further litigation and sometimes renders the relief itself infructuous. For this purpose, more as a measure of safety, caution and legal expediency, the Courts have culled out certain well defined principles which ordinarily ought not to be departed from. One of this principles is that where there is a dispute in relation to immovable property which happens to be vacant, that if the property were to be encumbered, alienated, built upon or if third party rights are permitted to be created during the interim period that the situation might become and in fact does become totally irreversible by the time the Court passes final orders. It is a well defined principle of law that a Court is required to be equally fair to the defendant Nos.1 & 7s as also to the parties who have approached the Court and therefore, necessary safety precautions in relation to the plaintiffs' interest are also of some consequence. This is in fact essence of the principle behind the grant for interim orders.

7) The above principle of law is aptly applicable to the case at hand. In this case in order to avoid creating of third party rights over the suit schedule properties till disposal of the suit it is just & necessary to restrain the petitioners and respondents No.1 to 4 from alienating the I.A. schedule property. The respondent No.5(a) has stated that now the respondents No.1 to 4 and petitioners

are trying to sell the suit property. Therefore, if they succeed in their attempt and alienate the suit properties to third parties it will complicate the matter and lead to multiplicity of suits and also cause irreparable loss & untold hardship to the respondents. On the other hand if the petitioners and respondent No.1 to 4 are restrained from alienating the I.A. schedule property for some period i.e. till drawing final decree no prejudice would be caused to the petitioners and respondent No.1 to 4. Hence I proceed to pass the following;

ORDER

The application filed by the respondents No.5(a) to (e) under Order 39 Rule 1 & 2 of CPC is hereby allowed.

The petitioners and respondents No.1 to 4 are hereby restrained by way of temporary injunction from alienating the I.A. schedule property i.e., land measuring 02 acres 36 guntas in Sy.No.270/1 situated at Kurkunta village, Tq: Sedam.

(Dictated to the Stenographer directly on computer, the same revised, corrected and pronounced in the open court on this the **16th day of March 2026**)

(SAGAR GURUGOUDA PATIL)
Senior Civil Judge & JMFC, Sedam.