



IN THE COURT OF THE CIVIL JUDGE AND JMFC.,
SEDAM

Present:-

SRI. BALU

B.A.,LLB.,

Civil Judge and JMFC. Sedam.

Dated this the 05th Day of August-2025

O.S. NO.63/2024

BETWEEN:-

1. Srinivas S/o Narasingrao Miskin,
Age: 41 Years, Occ: Agriculture,
R/o Sedam, Tq: Sedam,
Dist: Kalaburagi.

...Plaintiffs

AND:

1. Satish S/o Late Nagendrappa Pujari,
Age: 43 Years, Occ: Agriculture,
R/o Habal (T), Tq: Sedam, Dist: Kalaburagi.
2. Mahesh S/o Late Nagendrappa Pujari,
Age: 40 Years, Occ: Agriculture,
R/o Habal (T), Tq: Sedam, Dist: Kalaburagi.
3. Sarojamma W/o Late Nagendrappa,
Age: 65 Years, Occ: Agriculture,
R/o Habal (T), Tq: Sedam, Dist: Kalaburagi.

...Defendants

I.A.No. I

BETWEEN:-

1. Srinivas S/o Narasingrao Miskin

Applicants/ Plaintiffs

AND:



1. Satish S/o Late Nagendrappa Pujari
and others

Opponents/Defendants

:- ORDER ON IA NO.I :-

Plaintiff has filed the IA No.I under Order XXXIX Rule 1 and 2 of CPC., seeking ad interim injunction order by restraining the opponent/defendants, their supporters or their agents or any other person claiming through them from interfering into the peaceful possession of the plaintiff over the suit land Sy. No.9/4 measuring 04 acres, 00 guntas with RA of Rs.10.04 ps situated at village Sangavi (T), Tq: Sedam till disposal of the suit.

2. The plaintiff averred in the affidavit annexed to the application that, the plaintiff is the full, absolute and exclusive owner and in possession of suit land Sy. No.9/4 measuring 04 acres, 00 guntas with RA of Rs.10.04 ps situated at village Sangavi (T), Tq: Sedam and the defendants are no way concerned to the suit land either its ownership or possession and defendants are never in possession suit property either past or present. Further it is contended that, the plaintiff has purchased the suit property as stated supra from the father of defendant No.1 and 2 and husband of defendant No.3 by name Nagendrappa S/o Chandrappa Pujari under registered sale deed bearing document No.3514/2014-15 dated 18.03.2015 and as per the registered sale deed mutation is sanctioned in the name of plaintiff vide mutation No.MR-H12/2014-15 dated 17.07.2015 and the name of plaintiff is appeared in ROR in column No.9 and 12 as owner and possessor. Since the date of purchase the plaintiff is the full, absolute and exclusive owner and in possession of suit property and plaintiff is



cultivating the suit land personally by raising the crop and harvested the same every year and this year also plaintiff has grown the toor crop. On 09.08.2024 when the plaintiff spraying the insecticides to the toor crop at that time the defendants came over the suit land and quarrel with plaintiff and trying to interfere into the peaceful possession of the plaintiff over the suit land and at that time plaintiff requested not to do the above said act, but the defendants did not heed the request of the plaintiff and the plaintiff with the support of the neighborers send them back. The defendants while going back threatened the plaintiff that they will dispossess the plaintiff from suit land within short period. After executing the registered sale deed in favour of plaintiff by the father of defendant No.1 and 2 and husband of defendant No.3 the defendants are not having any right or claim or interest or title over the suit property. The plaintiff is made out a prima facie case and balance of convenience lies in favour of plaintiff and if stay is granted the plaintiff will be put to an irreparable loss which can not be compensated in terms of money. Hence, prayed to allow the petition.

3. On the other hand, the defendants have appeared before the court and filed WS and also filed a memo stating that contentions of WS may be treated as objections to the I.A. No.1. In WS, they denied the case of the plaintiff and stated that, the father of defendant was not exclusive owner and possessor of suit property. The said suit property is ancestral and joint family property of the defendants. The father of defendant is not at all executed any sale deed in favour of plaintiff. The plaintiff doing money lending business, so the father of defendant was in need of amount Rs. 1,50,000/-, so the father of defendant approached the plaintiff for above said hand loan amount. The plaintiff asked the father of defendant to give security of above



said hand loan, therefore believing the words of plaintiff the father of defendant given a security to above said suit land, but the plaintiff with an malafide intension play the fraud, cheating and got executed alleged sale deed in his favour. Further it is contended that, father of defendant never executed alleged sale deed in favour of plaintiff. The father of plaintiff received Rs. 1,50,000/- from the hand loan and mortgaged above said land in favour of plaintiff as a security of above said amount. The above said alleged sale deed is created, bogus and sham and without any consideration as mentioned in the above sale deed and same is concocted one. Further it is contended that, after filing of this suit the defendant came to know about the alleged bogus sale deed. After the death of father of defendant, the defendants are LR's of decease Nagendrappa and they are the exclusive owners and possessor of the above suit land. The defendants are in possession of the suit property and personally cultivating the suit property without any body's interference. The plaintiff never is in possession of the suit property in any point of time. Hence, prayed to reject the application.

4. In view of material facts and documents available on record the points that arise for my consideration are as follows.,

--:POINTS:-

1. Whether plaintiff has made out prima facie case for the relief of temporary injunction?
2. Whether the plaintiff proves that the balance of convenience in his favour?
3. Whether the plaintiff will be put to irreparable loss or injury if an order of temporary injunction is not granted?



4. What order?

5. Heard the learned counsels appearing for the plaintiff and defendants. Perused the records and on perusal my findings to above said points are as under:

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 the present suit against the defendants for the relief of Perpetual Injunction with respect to the suit property.

7. The court has to keep in mind the three principles governing the field of grant or refusal of interim injunction, while entertaining the application for temporary injunction, such as prima facie case balance of convenience and irreparable loss. It is settled law that while entertaining the application seeking interim injunction the court is not expected to hold mini trial on the issue brought by the parties. The court has to see that the suing party has made out prima facie case for trial, once the suing party made out prima facie a case for trial the court has to foresee the effect of grant or refusal of the interim injunction. In other words, the court has to see that the injunction is refused the situation would become irreversible at that time when suit is taken up for final disposal. Therefore, to keep intact the property and the right of the parties the interim injunction could be issued.

8. Therefore, with this backdrop of settled law, I proceed to



examine the document tendered by the parties.

9. At this stage the plaintiff has produced documents in order to prove the prima facie case, those are Registered sale deed bearing document No.35/14-15 dated 18.03.2015, Certified copy of Mutation dated 17.07.2015, Certified copy RTC extract of land Sy. No.9/4 situated at village Sangavi (T), Tq: Sedam. On the other hand defendants in support of their pleadings have not produced any documents.

10. It is contended by the plaintiff that, they are the owners the plaintiff is the full, absolute and exclusive owner and in possession of suit land Sy. No.9/4 measuring 04 acres, 00 guntas with RA of Rs.10.04 ps situated at village Sangavi (T), Tq: Sedam and the defendants are no way concerned to the suit land either its ownership or possession and defendants are never in possession suit property either past or present. Further it is contended that, the plaintiff has purchased the suit property as stated supra from the father of defendant No.1 and 2 and husband of defendant No.3 by name Nagendrappa S/o Chandrappa Pujari under registered sale deed bearing document No.3514/2014-15 dated 18.03.2015 and as per the registered sale deed mutation is sanctioned in the name of plaintiff vide mutation No.MR-H12/2014-15 dated 17.07.2015 and the name of plaintiff is appeared in ROR in column No.9 and 12 as owner and possessor. Since the date of purchase the plaintiff is the full, absolute and exclusive owner and in possession of suit property and plaintiff is cultivating the suit land personally by raising the crop and harvested the same every year and this year also plaintiff has grown the toor crop and the defendants are in no way concerned to the suit land either its ownership or possession.



11. On perusal of the Registered sale deed produced by the plaintiff it clearly goes to show that the father of the defendant No.1 and 2 and husband of defendant No.3 has sold the suit property in land Sy. No.9/1 to the extent of 04 acres out of total land measuring 14 acres, 15 guntas of village Sangavi (T), Sedam taluka for consideration of Rs. 5,40,000/-. Further the recitals of sale deed stating that already the possession of the suit property has been delivered in favour of the plaintiff by its previous owner Nagendrappa S/o Chandrappa Pujari who is none other than father of defendant No.1 and 2 and husband of defendant No.3. The mutation extract dated 17.07.2015 clearly goes to show that, the revenue authority have sanctioned the mutation in name of plaintiff on the basis of sale deed as stated above. Accordingly the name of plaintiff is appearing in column No.9 and 12 as owner and possessor which is evident from the RTC extract produced by the plaintiff. The registered sale deed and the RTC extracts being the public document have presumptive value in the law until and unless contrary is proved. Therefore, at this stage of discussion I have no impediment to hold that the plaintiff has successfully established the prima facie case to grant the injunction.

12. Furthermore, there is no specific documents has been produced by the defendants to show that, the defendants in support of their pleadings and arguments. Therefore, in the absence of material evidence at this stage of proceeding it can not be said that, the sale deed has been got executed by the plaintiff by playing fraud on the father of defendant No.1 and 2 and husband of defendant No.3 it needs full pledge of trial. As stated above it is well settled principle of law that, while deciding the application for temporary injunction the court can not hold many trial on the issues brought by the parties.



13. The every object of granting temporary injunction in favour of the parties is to protect the property until the rights of the parties are adjudicated by full-fledged trial. In this suit the obstruction/interference with the right of the plaintiff to enjoyment of the suit property of the plaintiff is supported by the affidavit and documents as such if injunction is not granted to the plaintiff, it affects the interest of the plaintiff and it may lead to the cause hardship to the plaintiff. At this stage plaintiff has made out prima facie case accordingly, this court answers Point No.1 in “**Affirmative**”

14. **Point No:2** At this stage, if injunction is granted there may be chances of loss to crops grown in the suit land. Apart from If Injunction is not granted, it is unable to harvest the crops grown in the suit land. On weighing both side, if the injunction is not granted to the plaintiff, they may put more inconvenience than the defendants. The balance of convenience lies in favour of the plaintiff accordingly, this court answers Point No.2 in “**Affirmative**”

15. **Point No:3** If the defendants are not restrained, the plaintiff will put to irreparable loss and hardship which cannot be compensated in terms of money. At these circumstances it is necessary and proper to restrain the defendants from disturbing to possession and enjoyment of the plaintiff over the suit property and till the rights of the parties are adjudicated by full fledged trial. Hence, this court answers point No.3 in the “**Affirmative**”.

16. **Point No.4:** It is further clarified that the observations made in this order would not have a effect or bearing on merits of the case and the observations are limited only for the purpose of this IA No.1. For the foregoing reasons, this court proceed to pass the following.



ORDER

**The I.A. No.1 filed by the plaintiff U/o.
XXXIX Rule 1 and 2 of C.P.C. is hereby
allowed.**

**The defendants their supporters or
their agents or any other person claiming
through them are hereby temporarily
restrained from interfering into the peaceful
possession of the plaintiff over the suit land
Sy. No.9/4 measuring 04 acres, 00 guntas
with RA of Rs.10.04 ps situated at village
Sangavi (T), Tq: Sedam till disposal of the
suit.**

No order as to cost.

(Directly dictated to the stenographer on the computer, Computerized by her. Then corrected, signed and then the order is pronounced by me in the open court this 05th day of August, 2025)

**Sd/-
(Balu)
C.J. & JMFC., Sedam.**
