

KABG040019552022



**IN THE COURT OF VII ADDL. CIVIL JUDGE & JMFC COURT
BELAGAVI.**

Smt. Lakshmibai Basanagoud Patil

B.A. LL.B.(Spl),

**C/c.VII Addl. Civil Judge & JMFC.,
Belagavi.**

Dated: this the 11th day of NOVEMBER-2025

Misc.No.39/2022

Petitioner/s: Shri. Satish S/o. Narayan Haridas.

(Petitioner by Sri. G.R.Bhave, Adv.)

// Vs. //

Respondent/s: Shri. Sidrai @ Siddappa S/o Maruti Patil
Age: About 41 Years, Occ: Agricultre,
R/o. H.No.213, Gokak Road,
Village Ashte, Tal and Dist: Belagavi.

(Rspts by placed exparte)

ORDER ON IA NO.I

Applicant/s : Shri. Satish S/o. Narayan Haridas.

(Petitioner by Sri. G.R.Bhave, Adv.)

// Vs. //

Opponent/s: Shri. Sidrai @ Siddappa S/o Maruti Patil

Age: About 41 Years, Occ: Agricultre,
R/o. H.No.213, Gokak Road,
Village Ashte, Tal and Dist: Belagavi.

ORDER

Application filed by plaintiff U/O. 39 Rule 2(a) r/W Sec. 151 of CPC requesting the Court to violation of ex parte Temporary Injunction order passed by this Hon'ble Court IA No.1 dated 04.04.2022 by Defendant hence, contempt proceedings be initiated against the defendant as per law.

2. In view of application filed by plaintiff it is ordered to register separate Misc. Further it is ordered, petition has to be considered based on evidence let in by the parties in main suit.

3. It is stated in affidavit filed in support of application that, the plaintiff has filed the suit against the Defendant for the relief of Permanent Injunction restraining the Defendant from selling are alienating the Suit Property. The suit property is an agricultural land masuring 6-1/2 gunthas (60 Feet * 120 Feet approximately) out of total land measuring 1 Acre 08 annas, assessed at Rupees 0=72 ps. Out of Rs.No.132/C, located abutting to Belagavi-Gokak Road, situated at Village

Ashte, Tal and dist. Belagvi. Further, the Defendant is the absolute owner and in possession of the Suit Property. On 04.09.2015 he entered into an agreement of sale in favour of plaintiff in respect of the Suit Property for sale consideration Rs.11,70,000/- out of the said sale consideration amount, and the plaintiff had paid an amount of Rs. 2,32,000/- to the Defendant and Agreed to pay the balance amount of sale consideration amount of Rs.9,35,000/- after he obtaining pot hissa and 11-E map of the suit property from the competent authority.

4. Further, inspite of passing of about 06 years from the date of execution of the said agreement of sale, the defendant could not obtain pot hissa and 11-E map of the Suit Property from the competent authority as agreed. On many occasions the plaintiff requested the defendant but he did not heed the plaintiff request. The Defendant was trying to sell the Suit Property to the intending purchase by suppressing the fact that he is under obligation to sell the said property to the plaintiff under the agreement of sale referred. Hence, on 27.09.2021 the plaintiff got issued paper publication cautioning the public at large as to not deal with the Defendant with the Suit Property. On 06.10.2021 plaintiff got issued the

legal notice to the Defendant to obtain pot hissa and 11-E map of the Suit Property and to receive the balance sale consideration amount and execute the registered sale deed. The plaintiff have produced agreement of sale, records of rights of the Suit Property along with its map, office copy of the legal notice, and its postal receipt having received by the Defendant. The plaintiff being pleaded with prima facie case and balance of convenience, on 04.04.2022 this Hon'ble court was pleased to issue an ad-interim temporary injucntion restraining the Defendant from selling/ alieanating the Suit Property till the next date, and the said order was extended from time to time and is continued till today. The Defendant has shown least respect to the said orders passed by this Hon'ble court and on 06.07.2022 under the registered sale deed bearing document No. BEL-1-03692/2022-23 has sold the suit property for valuable consideration and the Defendant has violated the order passed by this Hon'ble court and hence the property of the Defendant may kindly attached, it is just and necessary to allow the present application. Hence this petition.

5. On the other hand, the respondent placed exparte.

6. The counsel for petitioner addressed their argument.
7. Perused the records placed before the Court.
8. The following points that are arises for my consideration:

Point No.1 : Whether plaintiff/petitioner has sufficiently prove, the defendant has intentionally violated order of the Court during pendency of suit?

Point No.2 : What Order?

9. My answer to the above points are as follows:-

Point No:1. In the Negative.

Point No:2. As per final order for the following:-

REASONS

10. **POINT NO: 1:-** Application filed by plaintiff U/O. 39 Rule 2(a) r/W Sec. 151 of CPC requesting the Court to violation of ex parte Temporary Injunction order passed by this Hon'ble Court IA No.1 dated

04.04.2022 by Defendant hence, contempt proceedings be initiated against the defendant as per law.

11. On perusal of record, the present application filed by the petitioner sought for the Defendant has violated the order passed by this court, in the affidavit stated that, after filing of this suit this court was passed temporary injunction order dated 04.04.2022 in O.S No. 406/2022 this court was passed the order that Defendant is restraining temporarily from selling/alienating the Suit Property of the plaintiff till next date of hearing. After, passed the said order this court was issued the suit summons to the Defendant, before service of the summons the Defendant sold the property in favour of one person by name Sri.Pradip M.J. the petitioner stated that the Defendant is the absolute owner and in possession of the property dated 04.09.2015 the Defendant entered into an sale agreement executed in favour of plaintiff in respect of Suit Property for sale consideration amount of Rs. 11,70,000/- out of said amount 2,32,000/- paid by the plaintiff to the Defendant/ Respondent and agreed to pay the balance amount of sale consideration amount of Rs. 9,35,000/-, after obtaining pot hissa and 11-E map of the Suit Property

from the competent authority from the date of execution of the said agreement the Defendant could not obtained the pot hissa and 11-E map of the Suit Property.

12. In the meanwhile the Defendant was trying to sale the property by suppressing the fact of agreement of sale between them. Therefore, the plaintiff was filed in O.S.No. 406/2022 before this court in the meanwhile the defendant sold the Suit Property in favour of one. Pradeep. M.J. In this regard he furnished the sale deed dated 06.07.2022 and same is got marked at Ex.P.2 on perusal of it the said deed of sale executed by Shri. Sidrai @ Shiddappa S/o. Maruti Patil in favour of Shri. Pradip M.J for sale consideration amount of Rs. 4,90,000/- in respect of schedule property, land bearing R.S No.132/2K measuring 0.35.08.00 (35-guntas 8 Annas) and on perusal of plaint copy of O.S No.406/2022 the description of the Suit Property is land measuring 6-1/2 gunthas (60feet * 120 feet approximately) out of total land measuring 1 acre 8 annas out of RS No. 132/C. The present sale deed in respect of land bearing No. R.S.No. 132/2K and Suit Schedule Property is land measuring 6-1/2 guntas out of total land measuring 1 Acre 8 annas in R.S.No. 132/C the sale deed

property and Suit Schedule Property are not corroborative each other. The petitioner has contended that, the Defendant well aware by the temporary injunction order passed by this court, in this regard he furnished the Ex.P.6 postal acknowledgment dated 08.04.2024 and on perusal of order sheet in O.S.No. 406/2022 since 04.04.2024 till 05.07.2022 for await summons and same is mentioned in the order sheet. Therefore, summons was not returned by service of the Defendant therefore, the question of awarded does not arise. Further, 05.08.2022 the plaintiffs file the extension application for temporary injunction order since 05.08.2022 till 18.08.2022 in the meanwhile also summons was not served to the Defendant. As per Ex.P.2 sale deed the said property sold on 06.07.2022 therefore the Defendant has not awarded the ex-parte Temporary Injunction order. Therefore, petitioner has failed to prove her case by producing cogent evidence. Accordingly, this Court answered point No.1 in the **Negative**.

13. Point No.2 :- On above made discussion on points No:1, I proceeded to pass the following:-

ORDER

**Application filed by the petitioner
U/O.39 Rule 2(A) R/W Sec. 151 of CPC are
hereby rejected.**

No order as to cost.

*(Dictated to the Stenographer directly on computer, typed by her,
corrected and then pronounced by me, in the open Court on this the 11th
day of November 2025*)*

**(Lakshmibai Basanagoud Patil)
C/c.VII Addl Civil Judge and J.M.F.C,
Belagavi.**

ANNEXURES**List of witnesses examined for the plaintiff/s :-**

P.W.1: Satish S/o Narayan Haridas

List of documents marked for the plaintiff/s :-

Ex.P.1	: Certified copy of order sheet in O.S No.408/2022
Ex.P.2	: Deed of sale
Ex.P.3	: RTC extract
Ex.P.4	: Affidavit
Ex.P.5	: Postal receipt
Ex.P.6	: Postal acknowledgment

Ex.P.7 : Certified copy of plaint in O.S.No.
406/2022

List of witnesses examined for the Defendant/s :-

-Nil-

List of documents marked for the Defendant/s:-

-Nil-

**C/c.VII Addl. Civil Judge & JMFC.,
Belagavi.**