

KAKL300002422023



IN THE COURT OF SENIOR CIVIL JUDGE & JMFC, At MALUR

Dated this the 19th day of June 2026

Present:
Sri. Dayanand.M.Belure
B.A., L.L.B.
(Spl)
Senior Civil Judge & JMFC Malur.

O.S.No.165/2023

Plaintiff : Smt. Susheelamma and another
V/s
Defendants : Smt. Ramamma and others

CAUSE TITLE ON IA NO.VII

Applicant :

1. Smt, Susheelamma,
W/o Rajagopala,
D/o Ramamma,
Aged about 60 years,
R/at Godagahalli Village,
Masthi Hobli, Malur Taluk, Kolar District.
2. Smt, Sumithra,
D/o Ramamma,
W/o Late Muniswamy,
Aged about 54 years,
R/at No.10 4th Floor, Maruthy Nivas,
Old B, Channasandra Road,
Dodda Banasawadi Bangalore-43.

V/s

- Respondents :**
1. Smt, Ramamma,
W/o Late M. Muniswamy,
Aged about 85 years,
 2. Sri. Rajendra Prasad,
S/o Rajagopal,
Aged about 65 years,
 3. Sri. Indrappa,
S/o Rajagopal,
Aged about 56 years,
 4. Smt. Seavithei,
D/o Rajagopal,
Aged about 52 years,
Def. No.1 to 4 are R/at Godagahalli Village,
Masthi Hobli, Malur Taluk, Kolar District.
 5. Sri. N. Devendra Babu,
S/o Late, T. Muniyappa,
Aged about 69 years,
R/at 301, 7th Main 3rd Cross,
H.R.B.R. layout, Kalyana Nagar,
Bangalore-560043.
 6. Sri. N. Amaragovinda Babu,
S/o Late T. Muniyappa,
Aged about 61 years,
R/at No.312, 1st Block, 8th Main,
3rd Cross, H.R.B.R. Layout
Kalyananagar Bangalore-560043.
 7. Sri. Rajagopala,
S/o Late Nayakara Thimmappa,
Aged about 73 years,

8. Sri. Ramanarayanaswamy,
S/o Late Nayakara Thimmappa,
Aged about 58 years,
9. Sri. Manjunath Prakash,
S/o Late Nayakara Thimmappa,
Aged about 56 years,
10. Sri. Devadas@ Omprakash,
S/o Late Nayakara Thimmappa,
Aged about 54 years,
Def. No 7 to 10 are R/at.
Bhavanahalli Village,
Kasaba Hobli, Malur Taluk,
Kolar District.
- 11 Smt..Sarojamma® Saraswathamma,
W/o Sriraman,
D/o Late Mayakara Thimmappa,
Aged about 64 years,
R/at. No. 364, 1 x E-Cross,
6th Main, 3rd phase, 3rd stage,
Banashankari Bangalore.
12. Sri. Navarathan Lal Jain,
S/o P.Jaswanth Raj,
Aged about 55 years,
R/at. Navarathan Jewellery Main Road,
Near Marikamba Temple,
Malur Town Malur.

13. Sri. Muniswamy Reddy,
S/o Late Gurumurthy Reddy,
Aged about 65 years,
14. Smt. Premamma,G.
W/o Muniswamyreddy,
Aged about 58 years,
R/o Anchetnahally Village,
Narasapura Hobli,
Kolar Taluk, and District.
- 15 The special Land Acquisitions officer
KIADB No 39. Bharath Seonly &
gundes Building. Sharthigraha
4th floor palace Road.
Bangalore-5600001.
- 16) Sri. Ramesh,
S/o Late Muniyappa
Aged about 58 years,
- 17) Sri. Venkataram,
S/o Late Muniyappa,
Aged about 54 years,
Def.No.16 & 17 are R/at No.67,
Bairath Village, Dodda Gubbi Post,
Bidarahalli Hobli Bangalore-560077.

i	Provision under which the application is filed	Under Order 39 Rule 1 & 2 R/W Sec. 151 of CPC
ii	Relief sought for	Temporary Injunction
iii	The date on which the applications are filed	28.04.2026
iv	Number of the application	VII
v	The date on which the objections are filed by different opponents	08.06.2026
vi	The date on which the orders were passed on the said application	19.06.2026

CAUSE TITLE ON IA NO.IX

Applicant : **16)** Sri. Ramesh,
S/o Late Muniyappa
Aged about 58 years,

17) Sri. Venkataram,
S/o Late Muniyappa,
Aged about 54 years,
Def.No.16 & 17 are R/at No.67,
Bairath Village, Dodda Gubbi Post,
Bidarahalli Hobli Bangalore-560077.

V/s

Respondents : 1. Smt, Susheelamma,
W/o Rajagopala,
D/o Ramamma,
Aged about 60 years,
R/at Godagahalli Village,
Masthi Hobli, Malur Taluk,
Kolar District.

2. Smt, Sumithra,
D/o Ramamma,
W/o Late Muniswamy,
Aged about 54 years,
R/at No.10 4th Floor, Maruthy Nivas,
Old B, Channasandra Road,
Dodda Banasawadi Bangalore-43.

Iviii	Provision under which the application is filed	Under Order 39 Rule 4 R/W Sec. 151 of CPC
ii	Relief sought for	Vacate Temporary Injunction
iii	The date on which the applications are filed	05.06.2026
iv	Number of the application	IX
v	The date on which the objections are filed by different opponents	08.06.2026
vi	The date on which the orders were passed on the said application	19.06.2026

Common Orders on I.A No. VII filed by plaintiffs U/o. 39 Rule 1 and 2 R/W Sec. 151 of CPC., and IA No.IX filed by the defendant No.16 and 17 U/o. 39 Rule 4 R/W Sec. 151 of CPC.,

The plaintiffs have filed IA No.VII Under Order 39 Rule 1 and 2 R/W Sec. 151 of CPC., seeking an order of temporary injunction restraining the defendant No.15, its agents, servants or any other persons on their behalf from disbursement of compensation amount

in respect of alienating the suit item No.9 and 10 of suit schedule properties by allowing the application.

2. The defendant No.16 and 17 have filed IA No.VII Under Order 39 Rule 4 R/W Sec. 151 of CPC., pleaded to vacate the interim orders passed on IA No.7 in the above case in respect of suit schedule item No.10 land bearing Sy.NO. 239 measuring 15-31 acres situated at Bhavanahalli village by allowing the application.

3. It is contended in the annexed affidavit of IA No.VII, the defendant No.15 is KIADB government authority issued the gazette notification for acquisition land which are suit item NO.9 and 10 in the suit schedule properties and the said items are joint family properties of plaintiffs and defendant NO.1 to 11 and they are having legitimate share over the said properties and other suit schedule properties and they have tenable grounds and having material evidence to prove this case before this Court and the concerned special land acquisition officer may issue the compensation amount on the disputed above said properties for which the present RTC holders are not entitle thereby order for injunction is very much necessary before releasing compensation amount to any third parties or illegal purchasers this stay application is necessary before disbursement of any amount in respect of above said suit

schedule properties. On these grounds prays to allow the application IA No. VII .

4. It is contended in the annexed affidavit of IA No.IX, the defendant No.16 and 17 are brothers , the KIADB Bengaluru issued preliminary notification on 02.12.2020 for acquisition of suit schedule item No.10 along with other adjoining lands. The defendant No.16 and 17 purchased item No.10 through registered sale deed dated 10.12.2012 got katha and RTC in their name in the year 2013-14 the same is continuing till today. The plaintiffs have filed this suit on 01.04.2023 including their said land in the said suit also produced RTC , but they have not been made as parties to the said suit, no application for interim relief is filed along with suit, but on 28.04.2026 the plaintiffs filed IA No.VII U/o. 39 Rule 1 and 2 for prohibitory order restraining the defendant No.15 from disbursement of compensation amount in respect of alienating the suit item No.9 and 10 of suit schedule properties. It is not stated what is the compensation amount and also not stated to whom the said compensation amount should not be disbursed, further it is not stated in whose name suit item No.10 is standing also not stated who are trying to draw compensation

amount from KIADB. Further, two reliefs were made in single application i.e., one is not to disburse compensation amount and another relief is not to alienate the item NO.10 in the affidavit filed in support of the application, the plaintiffs stated that special land acquisition officer of KIADB may issue compensation amount to present RTC holders. The plaintiffs intentionally not been made as parties to the defendant No.16 and 17 to this suit, because the item No.10 stands in their names. The defendant No.10 sons and daughters are filed partition suit against defendant No.16 and 17 and their family members in OS No. 476/2023 and obtained exparte order against defendant No.16 and 17 drawing award amount for suit land, then the defendant No.16 and 17 filed application U/o. 7 Rule 11 to reject the plaint, accordingly the plaint was rejected. The plaintiffs know that defendant No.16 and 17 filed the application for rejection of plaint, plaintiff falsely represented before this Court and managed to obtain orders, the plaintiffs are not entitled to extent the said order, the said order has been obtained by suppressing material facts and without making them as parties to the said suit. On these grounds prays to allow the application IA No.IX.

5. On the other hand the plaintiffs have filed objections to the above application and contended that this Court after considering the pleadings and material available on record, was pleased to grant an order of temporary injunction restraining disbursement of the KIADB compensation amount. The said order was passed after being satisfied about the existence of a prima facie case, balance of convenience and likelihood of irreparable injury to the plaintiffs. The defendants are questioning the competence of this Court in passing of the orders on IA No.VII U/o. 39 Rule 1 and 2 of CPC and the defendants sworn to the affidavit showing the contumacy and willfully disrespecting and disregarding the considerable order passed by this Court. The defendants have failed to demonstrate any change in circumstances, subsequent event, suppression of material facts or any other ground warranting vacation of the injunction order as contemplated under order 39 Rule 4 of CPC. The suit schedule property is the subject matter of the present partition suit. The compensation amount awarded by KIADB is directly traceable to the acquisition of the suit property and represents the substituted form of the property itself. Therefore, the compensation amount is also

liable to be preserved pending adjudication of the rights of the parties. If the compensation amount is released in favour of these defendants there is every possibility of misappropriation alienation or dissipation of the amount, thereby causing irreparable loss and injury to the plaintiffs. In such event the very purpose of filing the partition suit would be defeated. On these grounds prays to reject the IA No.IX.

6. Based on the above pleadings following points would arise for my consideration;

POINTS

- 1. Whether plaintiffs have made out a prima-facie case? ?**
- 2. Whether plaintiffs proves that the balance of convenience lies in their favour?**
- 3. Whether plaintiffs are entitled for the relief as prayed in IA No.VII ?**
- 4. Whether the defendant No.16 and 17 have made out grounds to vacate the interim order passed on IA No.VII by this Court dated 28.04.2026**
- 5. What order?**

7. On going through the pleadings and documents on record. Having heard the arguments on both side, my answer to the above points as follows:

Point No.1 : In the Negative

Point No.2 : In the Negative

Point No.3 : In the Negative

Point No.4 : In the Affirmative

Point No.5 : As per final order

for the following;

:: REASONS ::

Point No.1 to 4 :-

8. These points are interconnected to each other. Hence taken together for common discussion.

9. The plaintiffs have filed this suit for the relief of partition and separate possession stating that suit schedule properties are their joint family ancestral properties, plaintiffs and defendant No.1 to 11 are in joint possession and enjoyment of the same. The defendants without knowledge and consent of the plaintiffs executed registered sale deed in favour of defendant No.12 to 14 and now the KIADB has acquired the property bearing Sy.No.139 and Sy.No.167/2. The defendants are going to disburse the compensation amount in respect of item No.9 and 10. Therefore,

they are seeking an order of temporary injunction restraining the defendant No.15 from disbursing the compensation amount in respect of suit item NO.9 and 10 by allowing the application.

10. After hearing the arguments on IA No.VII this Court on 28.04.2026 passed an order restraining the defendant No.15 from releasing the compensation amount in respect of suit item No.9 and 10 till next date of hearing. The said order is continued time to time. In the mean time the defendant No.16 and 17 appeared before the Court by filing application Under Order 1 Rule 10 of CPC., to implead them as a necessary parties to the suit. After hearing the matter application filed by the defendant No.16 and 17 was allowed and they are permitted to come on record. Subsequently, the defendant defendant No.16 and 17 have filed IA No.IX Under Order 39 Rule 4 R/W Sec. 151 of CPC., to vacate the interim order passed on IA No. VII in respect of suit item No.10 land bearing Sy.No.239 measuring 15 acre 31 guntas situated at Bhavanahalli village, Malur taluk. On the ground that the KIADB has acquired suit item No.10 on 02.12.2020 by issuing notification along with other adjoining lands. The defendant No.16 and 17 are the purchaser of suit item No.10 through registered sale deed dated 10.12.2012 by virtue of registered sale deed their names has been entered in the RTC M.R No.H5/2013-14 in the year 2013-14 the same is continuing till today. The plaintiffs have filed above suit on

01.04.2023 including their land but they have been not made as parties to the above suit. No application for injunction is filed along with suit, but on 28.04.2026 the plaintiffs filed IA No.VII Under order 39 Rule 1 and 2 for prohibition order restraining the defendant No.15 KIADB from disbursement of compensation amount in respect of suit item No.9 and 10. It is submitted that the defendant No.16 and 17 are the bonafide purchaser. But plaintiffs without making them as a parties and seeking the cancellation of the sale deed dated 10.12.2012 got obtained an order of temporary injunction which is causing great hardship to defendant No.16 and 17 to release the compensation amount in their favour. On these grounds defendant No.16 and 17 seeking rejection of IA No.VII by allowing the IA No.IX filed by them Under Order 39 Rule 4 R/W Sec. 151 of CPC.,.

11. On the above said background I have carefully scrutinized the plaint averments and documents on record, plaintiffs in order to prove their claim produced copy of G-tree, records of rights, copy of mutation, copy of sale deed dated 27.06.2013 in respect of suit schedule property. On the other hand defendant No.16 and 17 have produced copy of sale deed dated 10.12.2012, copy of RTC in respect of suit item No.10 Sy.No.239 measuring 15 acre 31 gunas, copy of order passed in OS No. 476/2023, copy of petition in Misc. 2/2021. On perusal of these documents it appears that the

defendant No.16 and 17 have purchased the suit schedule item No.10, Sy.No.239 measuring 15 acre 31 gunta situated at Bhanvanahalli village, Malur taluk. By virtue of sale deed the names of defendant No.16 and 17 entered in the revenue records through MR No.H5/13-14 dated 14.08.2013. Therefore there is no dispute with regard to ownership of defendant No.16 and 17 in respect of suit item No.10 schedule property. The copy of receipts submitted before the special land acquisition officer, Bengaluru discloses that the defendant No.16 and 17 given undertaking before the land acquisition officer. If any dispute arises with regard to ownership of acquired property bearing Sy.No.239 measuring 15 acre 31 guntas they will deposit the amount before the land acquisition officer. The copy of sale deed and records of rights clearly goes to show that in the year 2013 defendant No.16 and 17 have purchased the suit item No.10 subsequently land acquisition officer has acquired the suit schedule property item No.10 and declared the compensation amount in favour of defendant No.16 and 17. But the plaintiff;s filed the present suit on 01.04.2023 before this Court without impleading the defendant No.16 and 17 to the present suit and revenue records clearly discloses that suit item No.10 Sy.No.239 measuring 15 acre 31 guntas stands in the name of defendant No.16 and 17. Therefore, there is a clear suppression of facts by the plaintiffs while presenting the plaint. It

is also reveals from the orders passed by this Court in OS No.476/2023 some of the relatives of present plaintiffs have filed suit for the relief of partition in respect of suit item No.10 Sy.No.239 measuring 15 acre 31 guntas. The said suit was rejected by invoking the provisions Under Order 7 Rule 11(a) and (d) of CPC., as per order dated 30.04.2026. Therefore, at this stage plaintiffs have not made out any prima facie case and no balance of convenience lies in their favour. Under these circumstances if an order of temporary injunction passed by this Court on IA No. VII is continued or allowed. The defendant No.16 and 17 being the bonafide purchaser of the suit item No.10 schedule property put into irreparable loss. On the other hand plaintiffs will not suffer if the application is rejected. The defendant No.16 and 17 have made out sufficient grounds to vacate an order of injunction passed by this Court on IA No.VII. Accordingly, I answer **Point No.1 to 3 in the Negative and Point No.4 in the Affirmative.**

Point No.5:

12. For the foregoing reasons I proceed to pass the following;

ORDER

IA No.VII filed by the plaintiffs U/o
39 rule 1 and 2 R/W Sec. 151 of CPC.,
is hereby rejected.

IA No.IX filed by the defendant No.16
and 17 U/o 39 rule 4 R/W Sec. 151 of
CPC., is hereby allowed.

Exparte temporary injunction granted
by this Court on IA No.VII dated
28.04.2026 stands vacated.

No order as to cost.

(Dictated to stenographer, transcribed and computerized by her, revised,
corrected and then pronounced by me in the open court, on this the 19.06.2026)

Sd/-
(DAYANAND.M.BELURE)
Senior Civil Judge Malur.