

**IN THE COURT OF THE I-ADDITIONAL SENIOR CIVIL JUDGE
AND JMFC, MADDUR**

Present: **MOHANAKUMARI N.B., L.L.M.**
I-Additional Senior Civil Judge and JMFC,
Maddur, Mandya District

DATED: THE 9TH DAY OF JULY 2026

OS. NO.56 OF 2025

Plaintiffs :

- 1 Sri. Mahadevaiah C.,
S/o Late. Chowdaiah,
Aged about 50 years
- 2 Smt. Shobha
W/o Basavaraj
D/o Late. Chowdaiah
Aged about 44 years

Plaintiff No.1 and 2 are
R/at Chandhahalli village,
Kasaba Hobli,
Maddur Taluk,
Mandya District.
- 3 Smt. Chikkathayamma,
W/o late Putswamy,
D/o late. Chowdaiah,
Aged about 45 years,
R/at Kukaradhadi Machahalli post,
Mallur Hobli,
Chennapatna Taluk,
Ramanagara District.
- 4 Smt. Vasantha,
W/o late. Gundappa,

D/o late. Chowdaiah,
Aged about 41 years,
R/at Thuginakere,
Mallur Hobli,
Chennapatna Taluk,
Ramanagara District.

(Represented by Sri, APR., Advocate)

V/s

Defendants:

1. Sri. Ravikumar,
S/o late. Ankaiah,
Aged about 48 years,
2. Sri. Kantharaju,
S/o. Late. Ankaiah,
Aged about 46 years.
3. Sri. Satish Kumar,
S/o. late Ankaiah,
Aged about 43 years.
4. Sri. Madhusudan,
S/o. late Mariswamy,
Aged about 33 years.

All are residing at
Chandhahalli Village,
Kasaba Hobli,
Maddur Taluk,
Mandya District.

(D-1 to 4 are Represented by Sri BAG., Advocate, D-5 is
Represented by Sri KCM., Advocate)

ORDER ON IA NO.1

This application is filed by the plaintiffs under Order XXXIX Rule 1 and 2 of CPC seeking temporary injunction against the defendants restraining them from interfering with peaceful possession of the plaintiffs over the suit property pending disposal of the suit.

2. In the affidavit filed to the application, it is stated that the ancestor of the plaintiffs is one Channegowda @ SotheGowda. He died long back. He married one Manchamma. In their wedlock, one son Chowdaiah born. They said Chowdaiah married to Channamma. The plaintiffs are the children of Chowdaiah and Channamma. They are in lawful possession and enjoyment of the suit property which is inherited by them from their ancestors. The property is in joint possession and enjoyment of the plaintiffs as co-personery property. The defendants tried to interfere with suit schedule property on 15.01.2025. The plaintiffs questioned the defendants. The defendants stated that suit schedule property belong to them. On the very next day, they came to the suit schedule property and brought tractor to damage the plaintiffs. The defendants are strangers in respect of suit schedule

property. They have no manner of right, title or interest in respect of the suit property. The plaintiffs have lodged complaint to jurisdictional police station. The police informed the plaintiffs to approach Civil Court to get protection against the defendants. Therefore the plaintiffs have filed the present suit for declaration and permanent injunction. The plaintiffs in this application have sought for temporary injunction against the defendants.

3. The defendants No.1 to 5. appeared before the court through their counsel and filed their written statement. They filed memo to consider the written statement as objections to IA No.1. In the written statement, the defendant No.1 to 4 have denied the entire case of the plaintiffs as false. It is their specific case that landed property bearing Survey No.33/4 measuring 1 acre 37 guntas belonged to Chowdaiah S/o Chaluvegowda. Out of the total extent, there was karab land of 4 guntas. The said Chowdaiah sold 3 guntas of land in favour of Eeraiah son of Ningaiah. He has constructed dwelling house and living with his family on the said purchased property. The said Chowdaiah sold 9 guntas of land in favour of Kadaiah son of Javaraiah and Alamelamma wife of Ankaiah. They constructed dwelling house in

their respective properties and they are residing therein. The said Chowdaiah sold remaining 1.21 acres of land in favour of Chennaiyya son of Hanumegowda through registered sale deed dated 08.05.1949. The said Chennaiyya son of Hanumegowda is the grandfather of the defendants No.1 to 4. After his death, the father of the defendants No.1 to 4 was in peaceful possession of the land purchased. His sons namely Ankaaiah, Mariswamy and Channaiah partitioned his properties through unregistered palupatti dated 03.09.1989. In the said partition, entire land purchased by Chennaiah was allotted to the share of defendant No.4. The defendant No.4 is in actual possession and enjoyment of the suit scheduled property. The plaintiff filed this suit by suppressing the material facts. The plaintiff has no right or title in the property purchased by the grandfather of the defendant No.1 to 4. Therefore, it is prayed to dismiss the suit as well as IA No.1.

4. Heard both sides.

5. Now, the following points arise for consideration of this Court :

1. Whether plaintiff has made out prima facie case in his favour?

2. Whether balance of convenience lies in favour of plaintiff at this stage?

3. Whether irreparable loss or injury will be caused to the plaintiff, if temporary injunction is not granted in his favour at this stage?

4. What order?

6. Now, the findings of this Court to the above points are as under :-

Point No.1 : In the Negative
Point No.2 : In the Negative
Point No.3 : In the Negative
Point No.4 : As per final order for the following:

REASONS

7. POINTS NO.1:- It is the case of the plaintiffs that suit schedule property was originally belonged to their ancestor. The plaintiffs along with the suit have produced recent RTC of suit seal property wherein the name of plaintiff No.1 is entered in respect of Land measuring 1 acre 30 guntas as powthi khatha under M. R. No.H21/2023-2024. The plaintiffs have produced old RTC in respect of Survey No.33/4A. The said RTCs are standing in the name of Chowdaiah son of Channegowda. The plaintiffs have

also produced mutation register extract of MR. No.T/2020-2021. wherein, Survey No.33A and Survey No.34B are consolidated and new Survey No.33/4 is given. The old RTC documents produced by the plaintiffs are pertaining to the year 1978-79 to 2012. The plaintiffs have also produced other revenue records which are all standing in the name of Chowdaiah son of Channegowda. It is the case of the plaintiffs that their ancestor's name is Channegowda alias Sothe Gowda.

8. The defendants have produced certified copy of sale deed dated 08.05.1949. On perusal of the same, it is forthcoming that Landed property bearing Survey No.33/4 totally measuring 1 acre 21 guntas was sold by Chowdaiah son of Channegowda, in favour of Chennaiah son of Hanumegowda. The defendants claim that the said purchaser is their grandfather. The defendants have also produced other documents to show that the name of the father of the plaintiffs is only Sothegowda not Chowdaiah. The defendants have produced RTC of suit schedule property of the year 2025-26 wherein the name of grandfather of the defendant No.1 to 4 is entered in respect of landed property measuring 1 acre 21 guntas.

9. On perusal of the documents and rival contentions taken by both parties, it is forthcoming that the defendant No.1 to 4 are claiming their right in respect of suit property on the basis of registered sale deed. The plaintiffs are claiming their right on the basis of revenue records. The revenue records produced by the plaintiffs are standing in the name of Chennaiah son of Chennagoda. But the plaintiffs claim that their ancestor's name is Chennagoda alias Sothagwoda. The defendants dispute the very name of the father of the plaintiffs. The present RTC of suit property in respect of land measuring 1 acre 21 guntha is standing in the name of grandfather of the defendant No.1 to 4. Therefore, this Court is of the considered view that the plaintiffs have no prima facie case in their favour at this stage.

Accordingly, Point No.1 is answered in the Negative.

10. Point No.2 and 3:- When the plaintiffs have no prima facie case in their favour, no question of irreparable loss and balance of convenience in their favour does arise. Accordingly, **Point No.2 and 3 are answered in the Negative.**

11. Point No.4:- For the reasons stated and findings given on Points, this court proceed to pass the following :

O R D E R

**I.A.No.1 filed by the plaintiffs under
Order 39 Rule 1 and 2 r/w Sec.151 of
C.P.C is hereby dismissed.**

No order as to costs.

(Dictated partly to the Stenographer and transcribed by her, and dictated partly through Adalath AI. Order corrected and signed by me, then pronounced by me in the Open Court on this the 9th day of July, 2026)

(MOHANAKUMARI N.B.)

**I-Addl. Senior Civil Judge & JMFC.,
Maddur.**