

**IN THE COURT OF THE PRL. CIVIL JUDGE & J.M.F.C,
NAGAMANGALA**

PRESENT:

**Sri. SHIVARAJU H.S. B.A.Law., L.L.B,
Prl. Civil Judge & JMFC, Nagamangala**

DATED THIS THE 10th DAY OF OCTOBER-2025

O.S.No.363/2025

PLAINTIFF : Smt.Gowramma K.S.

V/s

DEFENDANT : Sri.Rajanna

PARTIES IN IA No.I

APPLICANT : Smt.Gowramma K.S.

..... Plaintiff

(By Sri.M.P.P.S., Advocate)

V/s

OPPONENT : Sri.Rajanna

..... 1st Defendant

(By Sri.K.M.P., Advocate)

ORDERS ON IA No.I

The applicant/plaintiff has filed this application under Order
XXXIX Rule 1 and 2 R/w Section 151 of CPC seeking relief of ad-

interim temporary injunction order restraining the defendant or his representatives, agents, servants or anybody claiming on his behalf or through him from alienation or encumbering or creating any charge over the suit properties in whatsoever manner, till disposal of the suit.

2. The suit schedule properties are the land bearing Sy.No.16/9A measuring 32 guntas bounded towards East-Land of Raja, West-Land of Sannakoppa, North-Halla and South-Road, and land bearing Sy.No.16/9B measuring 19 guntas bounded towards East-Land of Raja, West-Land of Sannakoppa, North-Halla and South-Road, situated at Kudugabalu Village, Devaluapura Hobli, Nagamangala Taluk, Mandya District.

3. The application is appended with the affidavit of plaintiff. In the affidavit, it is stated that, the present suit filed against defendant for the relief of permanent injunction in respect of suit properties. It is further stated that, the suit properties are her ancestral properties, which were earlier standing in the name of her father. After the death of said father, the records of the suit

properties were changed in the name of the mother of the plaintiff. After the death of said mother, the plaintiff has changed the records of suit properties in her name. As such, the plaintiff has become absolute owner and possessor of suit properties. The defendant has no right, title and interest over the suit properties. In spite of such, the defendant has created false and forged documents of suit properties into his name in collusion with revenue authority and by taking undue advantage that the records of the suit properties are in his name illegally and highhandedly causing interference to the plaintiff in possession and enjoyment of the suit properties and also trying to sell the same with an intention to engulf the suit properties. Hence, the plaintiff has filed this suit against the defendant and also filed present application seeking ad-interim temporary injunction against the defendant restraining him, his men, agent or any other person claiming under him from alienation of suit properties in whatsoever manner till the disposal of the suit.

4. It is further stated that, she has got prima-facie case, balance of convenience tilts in her favour and irreparable loss and

injury will be cause to her if injunction is not granted. On these grounds plaintiff sought for allowing this application.

5. After service of suit summons defendant has appeared before the court and filed objection. In the objection, defendant has denied entire contents of affidavit filed by the plaintiff along with the application. It is contended that, suit properties were originally belonging to one Bhyra S/o Siddaiah, who is father of defendant. The khatha of the suit properties were in the name of father of the defendant as per M.R.No.18/1977-78. After the death of said father, the khatha of suit properties were changed in the name of defendant as per M.R.No.23/1998-99. As such, the suit properties are ancestral properties of defendant. The defendant is in possession and enjoyment of the suit properties. The plaintiff has no right, title and interest over the suit properties. But, filed this false suit and application with an intention to grab the suit properties. Hence, it is prayed to reject the application with exemplary cost.

6. It is also contended by the defendant that, there is no prima-

facia case and balance of convenience in favour of the plaintiff. The balance of convenience is lies in favour of defendant and irreparable loss and hardship would caused to the defendant if application is allowed. Therefore, the application itself is not maintainable. Hence, it is prayed to reject the application.

7. Heard the arguments of both side and perused the entire records.

8. Upon hearing the arguments and on perusal of materials placed on record, the following points arises for consideration:-

1. Whether the plaintiff has made out a prima-facie case in her favour?
2. Whether the balance of convenience lies in favour of plaintiff?
3. Whether irreparable loss or hardship will be cause to the plaintiff if injunction is not granted?
4. What order?

9. My findings 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

10. **Point No.1:-** The plaintiff has filed suit for the relief of permanent injunction against the defendant.

11. It is the specific case of the plaintiff that, suit properties were originally belonging to her father. After the death of said father, the records of the suit properties were changed in the name of her mother. Later on, after the death of her mother, the khatha of the suit properties are changed in the name of plaintiff. As such, suit properties are ancestral properties of plaintiff. The plaintiff is in possession and enjoyment of the suit properties. The defendant being noway concerned to the suit properties, illegally colluding with the revenue officials has changed the khatha of the suit properties into his name name and causing interference to the plaintiff in possession and enjoyment of the suit properties and also trying to sell the same in favour of others with an intention to grab the suit properties. Hence, this suit.

12. On the other hand, the defendant has denied the entire case of the plaintiff by contending that, originally, suit properties were

belonging to his father namely Bhyra. After the death of said father, the katha of the suit properties were came into the name of defendant. As such, the suit properties are ancestral properties of defendant, but not the plaintiff. The plaintiff has filed this false suit.

13. The serious contention of the plaintiff is that, originally suit properties were in the name of her father. After the death of said father, katha of the suit properties were changed in the name of mother of the plaintiff namely Lakshmamma. And later on, after the death of said mother, the katha of the suit properties were changed in the name of the plaintiff. As such, the suit properties are ancestral properties of plaintiff and she is in possession and enjoyment of the suit properties.

14. Here, firstly, the plaintiff except taking contention in the plaint has not produced single piece of documents to show that originally suit properties were in the name of her father, after the death of her father, katha of the same were changed in the name of her mother and later on, came into the name of plaintiff. On the other hand, the documents.

15. Further, secondly, it is the serious argument of the plaintiff that, the name Madiwala Siddaiah S/o Jogaiah appearing in the RTC extract of item No.1 for the year 1973-74 to 1977-78 is her grandfather. Therefore, the suit properties are her ancestral properties.

16. However, the said Madiwala Siddaiah is not shown in the genealogy produced by the plaintiff. Even, there is no pleadings in the plaint that said Madiwala Siddaiah S/o Jogaiah is grandfather of the plaintiff and originally suit properties were belonging to said grandfather.

17. On the other hand, the documents produced by the defendant shows that suit properties were originally belonging to father of the defendant and later on, came into the name of defendant.

18. As such, the plaintiff has not produced any materials to show the prima-facie case in her favour. When there is no documents to show the prima-facie case of the plaintiff, at this stage cannot be come to the conclusion that suit property is ancestral property of

plaintiff and thus if application is allowed and injunction is granted it would nothing but granting of main relief, which is not permissible under the law that too this pre-early stage. Therefore, this court is of the opinion that, the plaintiff has not made out prima-facie case for trial. As such, case of the plaintiff has to be put into trial and to be tested on merits. As such, there is no prima-facie case in favour of plaintiff. ***Hence, this court answered point No.1 is in the Negative.***

19. **Point No.2 and 3:-** As discussion held on point No.1, the plaintiff has not shown existence of prima-facie case in her favour. Under such circumstances, if the application is allowed and injunction is granted, definitely irreparable loss and untold hardship would cause to the defendant.

20. On the other hand, if the application is rejected, no such loss and hardship would cause the plaintiff. Therefore, the balance of convenience tilts in favour of the defendant. Accordingly, if the application is allowed, irreparable loss and hardship would cause to defendant. Hence, it is better not to grant injunction at this

stage. However, it is needless to note here that any transaction including sale or etc. is subject to final outcome of this case as provided under Section 52 of Transfer of Property Act, 1882.

Hence, this court answered point Nos.2 and 3 are in the Negative.

21. **Point No.4:-** For the reason assigned above, this court proceeds to pass the following:-

ORDER

IA No.I filed by the applicant/plaintiff
U/o.XXXIX Rule 1 and 2 R/w Sec.151 of the
Civil Procedure Code is hereby rejected.

No order as to costs.

(Dictated to the Stenographer directly on the computer, typed by him, corrected and pronounced by me in the open court on this the **10th day of October-2025**).

(Shivaraju H.S.)
Prl. Civil Judge & JMFC.,
Nagamangala.