

**IN THE COURT OF PRINCIPAL SENIOR CIVIL JUDGE AND J.M.F.C.,
AT PANDAVAPURA.**

Dated this the 3rd day of June 2026

: PRESENT :

Sri. R.MAHESHA,
B.A.L, LL.B.,
Prl. Senior Civil Judge and J.M.F.C.,
Pandavapura.

M.A.No.16/2024

Appellant : Kurikempegowda
S/o Late Chikkakempegowda,
Aged about 85 years,
R/o Shambhunahalli Village,
Melukote Hobli,
Pandavapura Taluk,
Mandya District.

(Rep. by Sri.H.S.C., Advocate)

V/s

Respondents :

- 1) Tahasildar,
Pandavapura Taluk,
Pandavapura.
- 2) Assistant Commissioner,
Pandavapura Sub-Division,
Pandavapura.
- 3) Chief Secretary,
Government of Karnataka,
Dr.Ambedkar Beedi,
M.S.Building, Bengaluru.
- 4) Sannaiah S/o Nilaiiah,
R/o Bolenahalli Village,

Melukote Hobli,
Pandavapura Taluk,
Mandya District.

**(Rep. By Sri.M.S.P., Advocate for
4th respondent)
(Respondent No.1 to 3 - Exparte)**

Date of institution of Miscellaneous : 04.11.2024
Appeal

Date and Nature of the decree or
Order appealed against : Orders of rejecting I.A.No.2 filed u/o
39 Rule 1 & 2 r/w 151 of CPC in
O.S.No.336/2023 passed by II Addl.
Civil Judge and JMFC.,
Pandavapura, dated 24.07.2024 is
appealed.

Date on which the order was
Pronounced : 03.06.2026

Duration of the appeal : Year/s Month/s Day/s
01 06 29

(R.MAHESHA)
Prl. Senior Civil Judge & J.M.F.C.,
Pandavapura.

J U D G M E N T

This is a miscellaneous appeal filed by the appellant/plaintiff under Order XLIII Rule 1 of CPC against the Order dated 24.07.2024 passed in O.S.336/2023 on the file of learned II Addl. Civil Judge & JMFC, Pandavapura.

2. For the sake of convenience, ranks of parties is referred to with their original ranks in the Trial Court. The appellant is the plaintiff and

respondents are the defendants before the Trial Court.

3. The brief facts of the case leading to filing of this appeal are as follows: -

The plaintiff has filed I.A.No.II under Order 39 Rules 1 and 2 of CPC praying for grant ad-interim temporary injunction restraining the defendants, not to interfere the suit schedule property.

4. The averments of affidavit filed in support of I.A.II are that, the plaintiff has filed affidavit and submitted that, the plaintiff has filed this suit against the defendants for the relief of declaration and injunction of the suit schedule property. The 4th defendant not having any right over the suit schedule property, but he is obstruction of the cultivation of the suit schedule property by the plaintiff. Further the plaintiff submits that the plaintiff is in absolute owner of the suit schedule property. As per order dated 19.04.1994 in No.3909/91-92 passed by the Akrama-Sakrama Samithi has grant Sy.No.25 extent 2 guntas in the name of plaintiff. As per Akrama-Sakrama Samithi proceedings, the plaintiff has paid a kimmatthu to the Government and the Government has issued a grant-certificate in the name of plaintiff in respect of the suit schedule property. After conducted the survey durasthi, said Sy.No.25 has assigned New Sy.No.159* extent 2 acres. Further the plaintiff submits that, on 06.05.1999, Tahasildar has spot inspected the suit schedule property, by that time he has reported that the plaintiff is not in possession, the 4th defendant is in possession of the suit schedule property. As per said report, the Deputy Commissioner has passed the order in R.A.No.72/1997-98 dated 30.07.1999, directed to the Tahasildar give notice to both parties, conducted the fresh spot inspection and submit the report before the Samithi and take further legal proceedings. Thereafter the plaintiff has challenged the said order by the plaintiff for filing

of the appeal in R.A.No.61/1999 before the District Commissioner, Mandya, but the said appeal has dismissed. Further the plaintiff has submits that, as per Akrama-Sakrama Samithi proceedings, the plaintiff is a absolute owner and in possession of the said property and RTCs also transferred in the name of plaintiff. The plaintiff has paid up-dated tax to the Government in respect of the suit schedule property. The defendants are not in possession of the suit schedule property. Since 1994-95 to 2006-07, all the RTC extracts stands in the name of plaintiff. Suddenly the Government has deleted the plaintiff's name in the RTC column and mentioned as a Government land. But In physically the plaintiff is possession of suit schedule property, the defendants are interfered and obstructed the cultivation of the suit schedule property, therefore the plaintiff is a prima-facie case. If not allowed the application it will be caused irreparable loss and balance of convenience lies in favour of the plaintiff. Hence prayed to allow the I.A.

5. On the other hand, the defendant No.1 to 3 remained absent before trial court and the defendant No.4 has appeared through his counsel and filed objections to IA.No.II before trial court. The defendants have filed a written statement alongwith memo, he has stated that written statement same may be consider as I.A.No.II. In their written statement, he denied the ownership and possession of the plaintiff over the suit schedule property. Further the defendants submit that the Tahasildar has spot inspected the suit schedule property and submits report, in his report clearly mentioned that, the plaintiff is not in possession of the suit schedule property, the defendants are in possession of the said property. As per report of the Tahasildar, the 2nd defendant passed the order that, issue a notice to both parties, investigate and submit the report before the concerned authority for fresh order. In the said order, challenged by the plaintiff for filing of the

appeal, said appeal also dismissed dated 27.06.2003. After lapse of 20 years, the plaintiff has filed this suit. Hence this suit is barred by limitation and also the RTC extracts also the plaintiff's name is deleted. Presently the suit schedule property continue in the name of Government. In the plaint, not disclosed the cause of action against the defendants. Without cause of action, the plaintiff has filed this false case. At this stage, this application is not maintainable. Hence, prayed to dismiss.

6. After hearing the arguments, learned trial Court dismissed I.A.No.II in O.S.No.336/2023 vide order dated 24.07.2024.

7. Aggrieved by the said order, the present appeal has been filed by the appellant/plaintiff on the following grounds :-

- 1) The impugned order passed by the trial court on I.A.No.II is illegal, erroneous, probabilities, bad in law, capricious, perverse and liable to be dismissed.
- 2) The learned trial court has given too much importance for the orders passed by the AC and DC in R.A.No.72/1997-98 dated 30.07.1999 and R.P.No.16/1999 respectively.
- 3) The grant certificate has been issued by the board consisted Tahasildar and members. As per settled proposition of law. The person who has passed the grant order is alone having rights to cancel the grant order. AC, Pandavapura had no right to cancel the grant order made in favour of appellant by allowing the appeal 72/1997-98 dated 13.07.1999 and subsequent order passed by DC in R.A.No.61/1999 dated 27.06.2003 dismissing the appeal both the orders are not maintainable in the eye of law. At any strength of imagination, impugned order is unsustainable.
- 4) The appeal filed is not well within time. Hence a separate application u/s. 5 of Limitation Act filed by the appellant.
- 5) The impugned order passed by the trial court is not

sustainable either in law or on facts, hence the same is liable to be set-aside.

- 6) The trial court has erred in negatively answering point No.1 to 3 which clearly establish that the learned trial judge has failed to appreciate the consequence of further interfering by the respondent No.4/defendant No.4 of the suit schedule property to take advantage by this respondent and his agents or anybody else and its effects and consequence on the merits of the suit in the event of succeeding of the plaintiff in the suit.
- 7) The learned trial court has driven the parties to the suit by way of multiplicity of the litigation which is not expected by a court of law.
- 8) The learned trial court has failed to exercise the discretion judiciously and cautiously in passing the impugned order.

8. Therefore, the appellant/plaintiff prays to set-aside the order dated 24.07.2024 on I.A.No.II passed by the learned II Addl. Civil Judge & JMFC, Pandavapura in O.S.336/2023 and allow this appeal in the interest of justice and equity.

9. In response to the notice issued by this court, respondent No.1 to 3 not appeared. The respondent No.4 appeared, but not filed objections.

10. Heard arguments of plaintiff side. The learned counsel for plaintiff has produced 15 documents. The learned counsel for respondent No.4 has produced 10 documents.

11. Perused material on record.

12. Now, the following points do arise for my consideration :-

POINTS

1. Whether the appellant/plaintiff has made out good grounds to consider appeal?
2. Whether the order of Trial Court calls for interference?
3. What order?

13. After hearing the arguments, my findings to the above points are as follows:

Point No.1: In the Negative,

Point No.2: In the Negative,

Point No.3: As per the final order for the following:-

REASONS

14. **Points No.1 & 2:-** Both points are inter-linked to each other and therefore, they are taken up together for common discussion.

15. It is the specific case of plaintiff's before trial court that, plaintiff has filed the suit against the defendants for the relief of declaration and permanent injunction against defendant No.4 in respect of suit schedule property. The 4th defendant not having any right over the suit schedule property, but he is obstruction of the cultivation of the suit schedule property by the plaintiff. Further the plaintiff submits that the plaintiff is in absolute owner of the suit schedule property. As per order dated 19.04.1994 in No.3909/91-92 passed by the Akrama-Sakrama Samithi has grant Sy.No.25 extent 2 guntas in the name of plaintiff. As per Akrama-Sakrama Samithi proceedings, the plaintiff has paid a kimmattthu to the Government and the Government has issued a grant-certificate in the name of plaintiff in respect of the suit schedule property. After conducted the survey durasthi, said

Sy.No.25 has assigned New Sy.No.159* extent 2 acres. Further the plaintiff submits that, on 06.05.1999, Tahasildar has spot inspected the suit schedule property, by that time he has reported that the plaintiff is not in possession, the 4th defendant is in possession of the suit schedule property. As per said report, the Deputy Commissioner has passed the order in R.A.No.72/1997–98 dated 30.07.1999, directed to the Tahasildar give notice to both parties, conducted the fresh spot inspection and submit the report before the Samithi and take further legal proceedings. Thereafter the plaintiff has challenged the said order by the plaintiff for filing of the appeal in R.A.No.61/1999 before the District Commissioner, Mandya, but the said appeal has dismissed. Further the plaintiff has submits that, as per Akrama-Sakrama Samithi proceedings, the plaintiff is a absolute owner and in possession of the said property and RTCs also transferred in the name of plaintiff. The plaintiff has paid up-dated tax to the Government in respect of the suit schedule property. The defendants are not in possession of the suit schedule property. Since 1994-95 to 2006-07, all the RTC extracts stands in the name of plaintiff. Suddenly the Government has deleted the plaintiff's name in the RTC column and mentioned as a Government land. But In physically the plaintiff is possession of suit schedule property, the defendants are interfered and obstructed the cultivation of the suit schedule property, therefore the plaintiff is a prima-facie case. If not allowed the application it will be caused irreparable loss and balance of convenience lies in favour of the plaintiff. Hence prayed to allow the I.A.

16. In support of his contentions, the plaintiff has produced below documents before trial court. Certified copy of plaint, written statement, interim application u/o 39 Rule 1 & 2 CPC, copy of order passed by trial court on interim application No.2 dated 24.07.2024 in O.S. No.336/2023 on the file of II Addl. Civil Judge & JMFC, Pandavapura, xerox copy of grant

certificate issued by the Tahasildar, Pandavapura Taluk, dated 25.04.1994, xerox copy of Form No.I/grant certificate/land revenue conditions, E-schedule, xerox copy of sketch, xerox copy of survey tippani book copy, xerox copy of original survey number pakka book copy, xerox copy of order regularization of unauthorised occupation dated 09.02.1994, xerox copy of hand-written RTC bearing old Sy.No.25 and new Sy.No.159 of Bolenahalli village, Melukote Hobli, Pandavapura Taluk, Mandya District from the year 1994-95 till 1999-2000, xerox copy of MR 23/1994-95, xerox copy of MR 1/1997-98, xerox copy of computerized RTC copy of the Sy.No.159 of Bolenahalli village, Melukote Hobli, Pandavapura Taluk, for the year 2001-02, 2007-08, 2023-24, xerox copy of order passed by Assistant Commissioner, Pandavapura Sub-Division, Pandavapura in R.A.No.72/1997-98 dated 30.07.1999, xerox copy of order passed by Deputy Commissioner, Mandya in R.A.No.61/1999 dated 27.06.2003.

17. On the other hand, the defendant No.4 specifically took contentions before trial court that, he denied the ownership and possession of the plaintiff over the suit schedule property. Further the defendant No.4 submit that the Tahasildar has spot inspected the suit schedule property and submits report, in his report clearly mentioned that, the plaintiff is not in possession of the suit schedule property, the defendant No.4 is in possession of the said property. As per report of the Tahasildar, the 2nd defendant passed the order that, issue a notice to both parties, investigate and submit the report before the concerned authority for fresh order. In the said order, challenged by the plaintiff for filing of the appeal, said appeal also dismissed dated 27.06.2003. After lapse of 20 years, the plaintiff has filed this suit. Hence this suit is barred by limitation and also the RTC extracts also the plaintiff's name is deleted. Presently the suit schedule property continue in the name of Government. In the plaint, not disclosed

the cause of action against the defendant No.4. Without cause of action, the plaintiff has filed this false case. At this stage, this application is not maintainable. Hence, prayed to dismissal of suit.

18. In support of his contentions, the defendant No.4 has produced below documents before trial court. Zerox copy of plaint, written statement pertains to O.S.No.336/2023 on the file of II Addl. Civil Judge & JMFC, Pandavapura, xerox copy of list of documents dated 15.07.2024, copy of computerized RTC bearing Sy.No.159 of Bolenahalli village, Melukote Hobli, Pandavapura Taluk, Mandya District for the year 2023-24, xerox copy of order passed by Assistant Commissioner, Pandavapura Sub-Division, Pandavapura in R.A.No.72/1997-98 dated 30.07.1999, xerox copy of order passed by Deputy Commissioner, Mandya in R.A.No.61/1999 dated 27.06.2003, xerox copy of representation given by ADLR, Pandavapura Taluk, to JDLR, Mysuru division, Mysuru dated 09.06.2023, xerox copy of order passed by JDLR in R.P.No.102/2023-24 dated 22.01.2024.

19. Under this background, this court perused pleadings and documents placed by appellants and respondent No.4, it indicates that, as per the say of plaintiff, the schedule property had been in possession and unauthorized occupation by plaintiff. The plaintiff has filed application before revenue officers for regularize his unauthorized occupation in schedule property. Accordingly, competent authority has granted suit schedule land in favour of plaintiff on 19.02.1994. In view of the proceedings taken place by competent committee, the plaintiff has paid necessary kimmathu before competent authority and the then Tahasildar, Pandavapura Taluk, has issued grant certificate in favour of plaintiff. After inspection made by the Tahasildar, Pandavapura Taluk, he submitted his

report stating that, the plaintiff was not in possession in granted land, respondent No.4 is in possession on 06.05.1999. The respondent No.4 challenged the order passed by the Tahasildar, Pandavapura Taluk, in Sy.No.25 (Old survey number) of Bolenahalli village, Melukote Hobli, Pandavapura Taluk extent 1 acre 10 guntas, encroachment No.4142 before the Assistant Commissioner, Pandavapura Sub-Division, Pandavapura in R.A. No.72/1997-98. After contest, the appeal filed by respondent No.4 allowed and grant made in favour of plaintiff was canceled. Consequently, competent revenue officer ordered that, “ಮೇಲ್ಮನವಿ ಅಂಗೀಕರಿಸಿದೆ. ಪ್ರಶ್ನಿತ ಮಂಜೂರಾತಿಯನ್ನು ವಜಾ ಮಾಡಿದೆ. ತಹಸೀಲ್ದಾರರವರು ಉಭಯತ್ರರಿಗೂ ನೋಟೀಸು ನೀಡಿ ಗ್ರಾಮದಲ್ಲಿ ತನಿಖೆ ಮಾಡಿ ಮತ್ತೆ ಸಮಿತಿಯ ಮುಂದೆ ಮಂಡಿಸಿ ನಿಯಮಾನುಸಾರ ಆದೇಶ ಪಡೆದು ಕ್ರಮಕೈಗೊಳ್ಳಲು ಸೂಚಿಸಿದೆ. ಆದೇಶದ ದಿನಾಂಕ **30.07.1999.**” This order had been challenged by plaintiff herein before Deputy Commissioner, Mandya District, Mandya in R.A.No.61/1999. After contest by both parties, the said appeal dismissed. The relevant order portion was extracted below;

“ಉಭಯ ಪಾರ್ಟಿಗಳ ವಕೀಲರ ವಾದ ವಿವಾದಗಳನ್ನು ಆಲಿಸಲಾಗಿದೆ ಹಾಗೂ ಕಡತದಲ್ಲಿನ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿದೆ. ಉಪವಿಭಾಗಾಧಿಕಾರಿಗಳು ವಿವಾದಿತ ಜಮೀನನ್ನು ಸ್ಥಳ ತನಿಖೆ ಮಾಡಿದ್ದು, ಪ್ರತಿವಾದಿಗಳು ಸ್ವಾಧೀನದಲ್ಲಿರುವುದಾಗಿ, ಅಪೀಲುದಾರರು ಸ್ವಾಧೀನದಲ್ಲಿ ಇರುವುದಿಲ್ಲವೆಂದು ಗ್ರಾಮಸ್ಥರು ತಿಳಿಸಿರುವುದಾಗಿ ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಗ್ರಾಮದಲ್ಲಿ ತನಿಖೆ ಮಾಡಿ ಸಮಿತಿಯ ಮುಂದೆ ಮಂಡಿಸಿ ನಿಯಮಾನುಸಾರ ಆದೇಶ ಪಡೆದು ಕ್ರಮಕೈಗೊಳ್ಳಲು ಸೂಚಿಸಿರುವುದರಲ್ಲಿ ಯಾವುದೇ ದೋಷ ಇರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಅಪೀಲನ್ನು ತಳ್ಳಿಹಾಕಿದೆ. ಉಪವಿಭಾಗಾಧಿಕಾರಿಗಳ ಆದೇಶವನ್ನು ಎತ್ತಿ ಹಿಡಿದಿದೆ. ಆದೇಶದ ದಿನಾಂಕ **27.06.2003.**”

20. So, as per these documents, the suit schedule property granted in favour of plaintiff. The plaintiff has paid necessary kimmathu and

competent revenue officer changed khatha in the name of plaintiff. As per MR 1/1997-98, the plaintiff had RTC in his name since 2007. In view of the MR 10/2007-08, the name of plaintiff deleted and incorporate the name of government for the extent 2 acres 0.01 guntas. Admittedly, the plaintiff herein has not challenged the order passed by the Deputy Commissioner, Mandya District, Mandya before competent court of law which is passed in R.A.No.61/1999 dated 27.06.2003. The plaintiff directly filed suit before trial court for declaration of his title and consequential relief of permanent injunction against defendant No.1 to 4 in O.S.No.336/2023 on the file of II Addl. Civil Judge & JMFC, Pandavapura. There is a delay in preferring suit by plaintiff as rightly contended by defendant No.4. The question of limitation is mixed question of law and facts and its need full-pledged trial. I.A.No.II has filed by plaintiff for not to interfere the schedule property till disposal of suit on merits. But trial court dismissed I.A.No.II on the specific ground the grant order made by Tahasildar is rejected by Assistant Commissioner, Pandavapura Sub-Division, Pandavapura and observation made by Assistant Commissioner was confirmed by Deputy Commissioner, Mandya District, Mandya. The specific case of respondent No.4 before trial court that, he completely denied title and possession of plaintiff in suit schedule property. The Tahasildar has inspected spot physically and submitted his report pertains to schedule property stating that, the plaintiff is not in possession of schedule property. The defendant No.4 is in possession and enjoyment of schedule property. As per the report of the Tahasildar, Pandavapura Taluk, the 2nd respondent (Assistant Commissioner, Pandavapura Sub-Division, Pandavapura) has canceled grant order and order of Assistant Commissioner was confirmed by Deputy Commissioner, Mandya District, in R.A.No.61/1999 dated 27.06.2003, the plaintiff had knowledge about the said cancel order of grant by revenue officers. The order passed by

Deputy Commissioner was not yet challenged by plaintiff before any competent authority, after lapse of more than 20 years the present suit filed for the relief of declaration of his title and permanent injunction against defendant No.1 to 4 is not maintainable in view of article 27 and 54 of Limitation Act. The respondent No.4 is also produced same revenue documents which were produced by appellant/plaintiff. Admittedly, no grant order made in favour of respondent No.4 by any competent revenue officers. Only on the basis of inspection report submitted by the Tahasildar, Pandavapura Taluk, the Assistant Commissioner and DC are canceled grant made by Land Grant Committee. The order passed by Assistant Commissioner in R.A.No.72/1997-98 dated 30.07.1999, earlier grant order made by competent authority in favour of plaintiff/appellant was canceled and directed to be placed before competent authority and took order in accordance with law. Now question of title to be granted in favour of plaintiff/appellant or in favour of respondent No.4 now vested with competent revenue land grant committee. Admittedly, there is no any material before trial court or this court, the government has formed committee for grant lands as per the order passed by Assistant Commissioner dated 30.07.1999. It is duty of the land grant committee formed by the government and re-appreciate the materials and grant disputed land in favour of any persons. But in the instant case, land grant committee not yet formed by the government, no effective steps taken from the revenue department to place this dispute before land grant committee. The factum of possession shall prove before civil court by produce independent materials, spot inspection report submitted by the Tahasildar is not a conclusive proof to hold the factum of possession. Mere changing of RTC is not confers the title, admittedly RTC stood in the name of government in view of the order passed by Assistant Commissioner, Pandavapura Sub-Division, Pandavapura, the disputed

land RTC changed in favour of government as per MR No.10/2007-08 dated 06.12.2007. It is settled principle of law to get a temporary injunction against government or revenue authorities, the plaintiff must satisfy three strict legal tests.

1. **Prima-facie case:-** The plaintiff must show a triable case that, the cancelation of orders passed by the Assistant Commissioner and Deputy Commissioner are arbitrary, illegal or passed without jurisdiction.
2. **Balance of convenience:-** The plaintiff must prove that keeping the status-quo protects both parties better than allowing immediate government takeover.
3. **Irreparable injury:-** The plaintiff must demonstrate that, if the injunction is refused, they will suffer a loss that cannot be compensated with money, (ex.:- immediate forced eviction or crop destruction)

21. In the instant case, the disputed facts are meticulously analysed it disclosed that, as rightly stated by respondent No.4/defendant No.4, the present suit filed after order passed by Deputy Commissioner dated 27.06.2003 i.e., after lapse of 20 years the present plaintiff herein has filed O.S.No.336/2023 before court of II Addl. Civil Judge & JMFC, Pandavapura. The revenue authorities have already taken physical possession of disputed land following the Deputy Commissioner order. The order passed by Deputy Commissioner in R.A.No.61/1999 dated 27.06.2003 not yet challenged before any competent authority by the plaintiff/appellant. So, in view of act of omission of plaintiff/appellant the order passed by Assistant Commissioner in R.A.No.72/1997-98 dated 30.07.1999 and the said order confirmed by Deputy Commissioner in R.A.No.61/1999 dated 27.06.2003 become final. An injunction is a

remedy to protect existing possession, not to regain lost possession. The civil court generally cannot act as an appellate body to review the factual merits of an administrative revenue grant, jurisdiction is never completely barred if there is a violation of natural justice, (Ex.:- No notice was given to the grantee or if the cancellation order is ex-facie illegal or fraudulent). The present plaintiff has filed present suit for only relief of declaration and permanent injunction against defendant No.1 to 4, but as per materials plaintiff has lost his possession, he must ask for declaration and recovery of possession. As per section 34 of Specific Relief Act, a pure suit for declaration without seeking physical possession (if lost) will be dismissed as not maintainable. Therefore, the trial court has rightly rejected I.A.No.II filed by appellant by assigned judicious, sound reasons.

22. The trial court properly came to conclusion that, the plaintiff has not made out prima-facie case to consider interim application u/o. 39 rule 1 and 2 CPC and further trial court properly assigned reasons in its impugned order dated 24.07.2024, the necessary ingredients of granting temporary injunction i.e., balance of convenience is not lies in favour of plaintiff and there is no irreparable loss or injury would caused to plaintiff if denied to grant temporary injunction as prayed by the plaintiff before trial court. Therefore, the orders of the Trail Court in not granting the order of injunction is based on proper appreciation of the prima-facie material, facts, circumstances and probabilities of the case and therefore, it does not calls for interference of this Court. In the light of the said reasons, **I answer Point No.1 and 2 in the Negative.**

22. **Point No.3:-** In the result, this court proceed to pass the following:-

ORDER

The Miscellaneous Appeal preferred by the
appellant/plaintiff under Order XLIII Rule 1 of CPC

is hereby dismissed.

Consequently, the order of Trial Court dated 24.07.2024 passed in O.S.336/2023 on IA No.II on the file of II Addl. Civil Judge & JMFC, Pandavapura is hereby confirmed.

In the circumstances, cost of the said application shall follow the result of the suit.

Same shall transmit to the Trial Court along with the certified copy of this judgment.

(Dictated to Stenographer directly through computer, typed by him, corrected & pronounced by me in open Court this the **3rd day of June 2026**)

(Sd/-)

(R.MAHESHA)

Prl. Senior Civil Judge & JMFC.,
Pandavapura.