

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

:Present:

Sri.Mohanagowda M.E.

B.A.,LL.B.

**Prl. Senior Civil Judge & J.M.F.C.,
Srirangapatna**

O.S.No.257/2025

Dated 15th day of April 2026

Plaintiff/s : Rameeregowda

V/s

Defendant/s : Nagaraju & another

PARTIES IN I.A.No.I

Applicant/
Plaintiff/s

: Rameeregowda

(By Sri.L.K.S., Advocate)

V/s

Opponent/
Defendant/s

: Nagaraju & another

(D1 by Sri.B.M.S.K., Adv.,
D2-exparte)

I	Provision under which the application is filed	U/o 39 Rule 1 & 2 R/w Sec.151 of C.P.C.
II	Relief sought for	Temporary Injunction
III	The date on which the application is filed	13.08.2025
IV	Number of the application	I.A.No.I
V	The date on which the objections are filed by different opponents	30.10.2025
VI	The date on which the Orders were passed on the said application	15.04.2026

ORDERS ON I.A.I

This is an application filed by the plaintiff under Order 39 Rule 1 and 2 R/w Sec.151 of C.P.C. seeking ad-interim order of temporary injunction praying to restrain the defendants, their agents, men, supporters and representatives from interfering with plaintiff's peaceful possession and enjoyment over the suit schedule property pending disposal of the suit.

2. The case of the plaintiff, in brief, is as follows:

On 18.07.1961, the plaintiff's father, late Eregowda @ Erayya, purchased portions of land in Survey Nos. 91/3 and 91/4 of Bidarahalli village from M.R.Attanna and his wife M.R.Attanna and Lakshmiddevammadevamma. He acquired lawful title, obtained khata, paid revenue, and cultivated the

lands. Subsequently, he sold 0.20 guntas in Survey No.91/3 and retained 0.15 guntas. After his death, the remaining extent in Survey Nos.91/3A (0.15 guntas) and 91/4 (0.15 guntas) was transferred to the plaintiff, his adopted son, under MR.No.13/1986-87 dated 25.07.1987. Since then, the plaintiff has been in continuous possession and enjoyment. As the original sale deed is lost, a certified copy is produced. Survey No.91/3 was subdivided in 1976 into 91/3A and 91/3B. The plaintiff's father was allotted 91/3A, while 91/3B was sold to Honnamma and later transferred to the second defendant. The plaintiff continued in possession of 0.15 guntas in Survey No.91/3A. Recently, the first defendant, having no relation to the plaintiff, in collusion with the second defendant and survey officials, fraudulently created records by misrepresenting facts and exploiting the plaintiff's illiteracy. The plaintiff's land in Survey No.91/3A was illegally bifurcated, reducing his extent to 0.01 gunta and transferring 0.14 guntas to the second defendant, with a new survey number created. Long-standing RTC entries were manipulated through false documents. The second defendant had no valid title to the extent claimed but unlawfully included the plaintiff's land and sold about 2 acres to the first defendant under a sale deed dated 13.11.2023. The said sale deed is not binding on the plaintiff. The plaintiff challenged these illegal

entries before the Assistant Commissioner in R.A.No.65/2024, which was allowed on 08.01.2025, restoring his extent to 0.15 guntas in Survey No.91/3B. However, the first defendant has filed a revision before the Deputy Commissioner, which is pending. The defendants are attempting to interfere with the plaintiff's possession and dispossess him. Despite requests, they continue their illegal acts. Hence, the plaintiff has filed the suit seeking declaration of title and permanent injunction.

3. The plaintiff in support of his case produced copy of village election list, copy of PAN card, copy of Aadhaar card, copy of Election ID card, copy of death certificate, certified copy of sale deed dated 18.07.1961, certified copy of RTCs, certified copy of Mutation Register record, certified copy of Pakka book, certified copy of Akar band.

4. Suit summons was served on the defendants, the defendant No.1 has placed exparte. The defendant No.2 has appeared before the court and filed his written statement and objection.

5. The defense of the defendant No.2, in brief, is as follows:

At the outset, the plaint is not maintainable either in law or on facts and is liable to be rejected at the threshold. The

averments in paragraphs 1, 2, 4, 5, 8, and 9 are false and unknown to Defendant No. 1, and the Plaintiff is put to strict proof thereof. The averments in paragraph 3 are admitted only to the extent of 20 guntas of land in Sy. No. 91/B, and the rest are denied. The allegations in paragraph 6 are false. Though it is admitted that the Plaintiff has filed R.A. No. 65/2024, the order obtained thereunder is unsustainable, having been procured in collusion with the Assistant Commissioner, Pandavapura, and Defendant No. 1 has accordingly lodged a complaint before the Hon'ble Lokayukta, Karnataka. The averments in paragraph 7 regarding the Revision filed by Defendant No. 1 before the Deputy Commissioner, Mandya, are admitted. It is pertinent to note that Defendant No. 2 is the brother-in-law of the Plaintiff, and the present suit is collusive in nature. The Plaintiff has suppressed material facts, distorted some facts, and made false and baseless allegations, including the false claim of being the adopted son of Eregowda. There is no cause of action for the present suit, and the Plaintiff has not approached this Court with clean hands. Defendant No. 1 therefore most respectfully prays that the suit be dismissed with costs.

6. The defendant No.2 in support of his defense produced copies of acknowledgment of DC, Mandya, Complaint to Hon'ble Lokayukta, notice to Tahasildar, Srirangapatna, order dated 25.01.2024, Tahasildar, Srirangapatna, Sale deeds and RTCs extracts.

7. Having heard and perused the materials placed on record, the following points would arise for the court's consideration:

Point No.1: *Whether the plaintiff has a prima facie case?*

Point No.2: *Whether the balance of convenience is in favor of the plaintiff?*

Point No.3: *Whether the plaintiff would suffer irreparable injury if the prayer for temporary injunction is disallowed?*

Point No.4: *What order?*

8. My findings on the above points are as under:

Point No.1 to 3 : In the Affirmative

*Point No.4 : As per the final order,
for the following:*

REASONS

Point No.1:

9. To get the relief as sought for in the I.A.No.I the plaintiff has to establish his possession over the application schedule property and also should establish that the cause of action for filing the present application arose.

10. In support of their contentions, the plaintiff and defendant have produced the above-mentioned documents. I have carefully perused all the documents and the pleadings on the record. The only question before this court is whether or not the plaintiff has actual possession over the suit schedule property.

11. The plaintiff has instituted the suit seeking the relief of declaration and permanent injunction restraining the defendants from interfering with his peaceful possession and enjoyment of the suit schedule property. The present application is filed seeking temporary injunction pending disposal of the suit.

12. The case of the plaintiff, in brief, is that his father purchased 35 guntas of land in Sy.No.91/3 from M.R.Attanna and Lakshmidevamma under a registered sale deed dated 18.07.1961, registered at 2.45 p.m. on the same

day. It is further contended that on the very same day, Smt. Honnamma purchased 25 guntas of land from the same vendor under another registered sale deed, which was registered later at 2.50 p.m. Thus, both the transactions emanate from a common vendor on the same day, but with a clear difference in the time of registration.

13. It is the specific contention of the plaintiff that though under the two sale deeds the vendor purported to convey a total extent of 60 guntas, in reality, as per survey records, Smt.M.R.Attanna and Lakshmiddevamma had title only to the extent of 41 guntas in Sy.No.91/3. This discrepancy between the extent conveyed and the extent actually owned by the vendor gives rise to the present dispute regarding title and possession.

14. At this juncture, the legal position governing such transactions assumes significance. Prima facie, when a vendor executes multiple sale deeds in respect of a property exceeding his actual ownership, the principle that operates is that the earlier transferee gets priority over the subsequent transferee. The subsequent purchaser can claim title only to the extent of the property remaining with the vendor after the earlier transfer. The priority is determined not merely by the date of execution but also by the time of registration, which assumes evidentiary value under the law.

15. Applying the above principle to the facts of the present case, the sale deed in favour of the plaintiff's father, having been registered earlier in point of time, confers a better prima facie title to the extent of 35 guntas. The subsequent purchaser, namely Smt. Honnamma, can derive title only to the balance extent available with the vendor, which, on the face of the record, would be 6 guntas out of the total 41 guntas.

16. It is also not in serious dispute that subsequently, the plaintiff's father sold 20 guntas of land to Smt.Honnamma under a separate transaction, retaining 15 guntas for himself. Therefore, prima facie, the total extent to which Smt. Honnamma can lay a lawful claim would be 26 guntas (6 guntas under the earlier transaction and 20 guntas under the subsequent purchase), and not the larger extent as reflected in certain revenue records.

Jurisdiction of Revenue Officers

17. Another important aspect that arises for consideration is the role played by the revenue authorities. The material on record indicates that the revenue authorities have proceeded to alter the extent of land held by the respective parties by reducing the measurements on what appears to be their discretionary power, without adjudication

by a competent Civil Court. Such an exercise, involving determination of interest, rights of parties under rival sale deeds and adjudication of title, is beyond the scope of revenue jurisdiction. Revenue entries are primarily for fiscal purposes and cannot override or determine substantive civil rights. Therefore, the mutation entries relied upon by the defendants do not, at this stage, dislodge the prima facie case made out by the plaintiff.

18. Further on perusal of Order passed by Assistant Commissioner on 08.01.2025, it reveals that the earlier Mutations were illegal and the same was ordered to be rectified. The order of Assistant Commissioner supports the case of the plaintiff, the defendants challenged the same, but it is not yet set aside.

19. Further MR.No.13/1986-87 shows that this plaintiff was entitled to 15 guntas of land in Sy.No.91/3A and it was made after plaintiffs father sold 20 guntas out of 35 guntas to Smt.Honnamma. However, all of a sudden in the year 2023 the total extent of Sy.No.91/3A was reduced to 1 gunta from 15 guntas. The 14 guntas of land which was reduced in Sy.No.91/3A was alleged to have been added to Sy.No.91/3B illegally and it was set aside. Hence, as on today the property of the plaintiff is in Sy.No.91/3B.

20. Further, the contention of the plaintiff that such mutation entries were effected without affording proper opportunity and possibly under the influence of the defendants, though a matter to be established in trial, cannot be brushed aside at this interlocutory stage, particularly when the dispute involves complex questions relating to title and extent.

21. It is also relevant to note that the suit is one for declaration and injunction based on possession. In the present case, the earlier registered sale deed coupled with subsequent transactions furnishes sufficient material to infer prima facie lawful possession in favour of the plaintiff over the extent claimed.

22. The defendants, on the other hand, rely upon sale deeds and RTC entries in their favour. However, as already observed, such entries by themselves do not conclusively establish title, especially when the foundational transactions are under serious dispute and require detailed evidence.

23. It is an established principle of law that in order to ascertain whether a prima-facie case did exist or not, it is not necessary to hold a mini-trial at the threshold but it would be sufficient if an endeavour is made by the court to identify that the suit claim is neither vexatious nor too casual for

consideration. Party to the litigation who seeks an injunction must satisfy the Court that there is a serious question to be tried at the hearing of the suit. The Hon'ble High Court in Sri.Gowrishankaraswamigalu V/S Sri.Siddaganga Mutt ILR 1989 KAR 1701 affirmed the above proposition of law. In the present case on the basis of pleadings and documents produced, the court, for the reasons discussed above, is satisfied that the plaintiff has made out a prima facie case.

24. It is a well-settled proposition of law that grant of an injunction is a matter of judicial discretion and the party seeking such relief will have to establish (a) a prima facie case; (b) balance of convenience in his favour; and (c) he would suffer an irreparable injury, if his prayer for temporary injunction is disallowed. This is a sine qua non. Even if a case is made out to bring the case within the ambit of a "triable case", the relief of injunction has to be granted. Therefore, the courts have to see as to whether the appellant has made out a "Triable Case. The Hon'ble High Court in L. Shivalingaiah v. Panchajanya Vidya Peetha Welfare Trust (Registered), Bangalore (2007) 5 Kant LJ 625 affirmed the above proposition of law. In the present case on the basis of pleadings and documents produced, the court, for the reasons discussed above, is satisfied that the plaintiff has raised a

triable question which doesn't look vexatious, it appears that there is a bona fide substantial question which needs to be investigated.

25. In view of the above reasoning and judgments, this court holds Point No.1 in the Affirmative.

Point No.2 & 3:

26. It is a settled position of law that when the defendant denies possession, title etc of the plaintiff over the suit schedule property then it virtually amounts to interference in law so far as possession and enjoyment of the property by the plaintiff is concerned. The Hon'ble High Court of Karnataka in Mohammed Haji vs The Managing Director in RSA No.200126/2015 dated 02.03.2016 affirmed the above proposition of law. In the present case, the defendant is denying the possession of the plaintiff over suit schedule property and also denied the order of Assistant Commissioner. The denial of the defendant affects the rights of the plaintiff over suit schedule property, hence this court holds that there is interference by the defendant to the plaintiff to enjoy the suit schedule property. Hence this court answers the Point No.2 to 3 in Affirmative.

Point No.4:

27. In view of guidelines of Hon'ble Apex Court in Ramrameshwari Devi v. Nirmala Devi, (2011) 8 SCC 249 Hon'ble Apex court, it is hereby made clear that if the present suit is eventually dismissed, the present applicant will have to pay full restitution, actual costs, mesne profits and also liable for perjury if any. Accordingly, in view of reasons while answering Points No.1 to 3, this court proceeds to pass the following:

ORDER

*I.A.No.I filed by the plaintiff U/o 39
Rule 1 and 2 R/w Sec.151 of C.P.C. is
hereby allowed*

*Defendants and their men are hereby
restrained from interfering with the
plaintiff's possession over suit schedule
property pending disposal of the suit.*

No order as to cost.

(Dictated to the stenographer, typed by stenographer directly on computer, after corrections, pronounced in the open Court on 15th day of April 2026)

**(Sri.Mohanagowda M.E)
Prl Senior Civil Judge and JMFC.,
Srirangapatna**