

**IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC,****AT SRIRANGAPATNA**

PRESENT : Sri. UMESHA M.P., B.A.L., LL,B.
PRL. CIVIL JUDGE & JMFC,
SRIRANGAPATNA

DATED ON THIS THE 07th DAY OF JULY - 2026

O S No. 65 / 2025

PLAINTIFFS : 1. **RAMACHANDRA** S/o Late.Ningegowda,
Aged about 62 years,Occ: Agriculturist,
2. **BHASKAR** S/o Late.Ningegowda,
Aged about 60 years, Occ: Agriculturist
Both are R/o Doddapalya Village, Arakere Hobli,
Srirangapatna Taluk,Mandya District,
(BY PLEADER SRI.RL)

-V/s-

DEFENDANTS : 1. **SMT. RUKMINAMMA** W/o Late.Ramegowda,
Aged about 70 years,
2. **SMT. KALPANA** D/o Ramegowda
W/o Karigowda, Aged about 53 years,
R/o Madegowdanahundi Village,
T.Narasipura Taluk, Mysuru District.
3. **SMT. LAKSHMI** D/o Late.Ramegowda,
Aged about 50 years,
Defendant No.1&3 are R/o Doddapalya Village,
Arakere Hobli, Srirangapatna Taluk.
4. **SMT. SUNEETHA** D/o Late Ramegowda,
W/o Vairamudi, Aged about 48 years,
R/o Near Bangli Veterinary Hospital,
Mahadevapura Village, Kasaba Hobli,
Srirangapatna Taluk.
(BY PLEADER SRI.L.K.S)

PARTIES TO IA No. III

APPLICANTS/DEFENDANTS: 1. **SMT. RUKMINAMMA** W/o Late.Ramegowda,
Aged about 70 years,



2. **SMT. KALPANA** D/o Ramegowda
W/o Karigowda, Aged about 53 years,
R/o Madegowdanahundi Village,
T.Narasipura Taluk, Mysuru District.
3. **SMT. LAKSHMI** D/o Late.Ramegowda,
Aged about 50 years,
Defendant No.1&3 are R/o Doddapalya Village,
Arakere Hobli, Srirangapatna Taluk.
4. **SMT. SUNEETHA** D/o Late Ramegowda,
W/o Vairamudi, Aged about 48 years,
R/o Near Bangli Veterinary Hospital,
Mahadevapura Village, Kasaba Hobli,
Srirangapatna Taluk.

(BY PLEADER SRI.L.K.S)

-V/s-

OPPONENTS/PLAINTIFFS:

1. **RAMACHANDRA** S/o Late.Ningegowda,
Aged about 62 years,Occ: Agriculturist,
2. **BHASKAR** S/o Late.Ningegowda,
Aged about 60 years, Occ: Agriculturist
Both are R/o Doddapalya Village, Arakere Hobli,
Srirangapatna Taluk,Mandya District,

(BY PLEADER SRI.RL)

i.	Date of institution of suit	06.06.2025
ii.	Nature of suit	Suit for Permanent injunction
iii.	Provision under which the application is filed	I A No.3
iv.	Relief sought	Praying to grant Temporary Injunction Order against the plaintiffs from interfering with the defendants' peaceful possession and enjoyment of the counter claim property, in any manner pending disposal of suit by allowing this application in the interest of justice.



v.	The date on which the application is filed	06.06.2025
vi.	Number of the application	IA No.3
vii.	The date on which the plaintiffs / opponents are / were filed their objections to IA No.3	22.04.2026
viii.	The date on which both the parties have addressed their arguments on IA No.3	29.06.2026
ix.	The date on which the orders were passed on the said application	07.07.2026

ORDERS ON I A NO. III

The Applicants / defendants have filed IA No.3 under order XXXIX Rule 1 and 2 of Civil Procedure Code praying to grant Temporary Injunction Order against the plaintiffs from interfering with the defendants' peaceful possession and enjoyment of the counter claim property, in any manner pending disposal of suit by allowing this application in the interest of justice.

2. According to the defendants, in the accompanying affidavit it is sworn that, the plaintiffs have filed this suit against the defendants for the relief of permanent injunction with respect to the suit property. The defendants have contested the suit by filing their written statement along with counter claim. In the written statement, the defendants have categorically denied all the averments made in the plaint. It is further contended that, the defendants are the owners of the counter claim schedule property and they are in possession and enjoyment of the same. It is further stated that, the plaintiffs have no rights in the counter claim schedule property. It is further stated that,



the plaintiffs are obstructing the plaintiffs in respect of counter claim schedule property. Hence if the IA No.3 is allowed great loss and injustice will be caused to the plaintiffs. Hence, they prayed to allow this application.

3. Per contra, the plaintiffs have opposed the same by filing objections to IA No.3 and contending that, the present application filed by the defendants is not maintainable in law and on facts and circumstances of the case. It is further contended that, the defendants are the owners of the counter claim schedule property and they are in possession and enjoyment of the same. It is further stated that, the plaintiffs are not obstructing the defendants in respect of counter claim schedule property. Hence if the IA No.3 is allowed great loss and injustice will be caused to the plaintiffs. Hence, they prayed to dismiss the IA No.III with costs.

4. I have heard the arguments of learned counsel for the plaintiffs and defendants on IA No.III. Perused the documents on record.

5. Upon hearing arguments and on perusal of materials placed on record the following points that would arise for my consideration:

1. *Whether the defendants have established prima-facie case to allow IA No.III?*
2. *Whether the balance of convenience lies in favour of defendants?*
3. *Whether irreparable loss or hardship will be caused to the defendants if injunction is not granted?*
4. *What order?*



6. My answer for the above points are as under because of my below-discussed reasons:

Point No.1 - In the AFFIRMATIVE.

Point No.2 - In the AFFIRMATIVE.

Point No.3 - In the AFFIRMATIVE.

Point No.4 - As per order for the following:-

REASONS

POINT NO.1:

7. The plaintiff has filed the suit against the defendants seeking relief of permanent injunction with respect to the suit property.

8. The defendants have contested the suit by filing their written statement along with counter claim.

9. The Applicants / defendants have filed IA No.3 under order XXXIX Rule 1 and 2 of Civil Procedure Code praying to grant Temporary Injunction Order against the plaintiffs from interfering with the defendants' peaceful possession and enjoyment of the counter claim property, in any manner pending disposal of suit by allowing this application in the interest of justice.

10. As per the provisions of Order 39 Rule 1 of CPC, where in any suit it is proved by affidavit or otherwise (a) that any property in dispute in a suit is in danger of being wasted, damaged or alienated by any party to the suit, or wrongfully sold in a execution of a decree, or (b) that the defendant threatens, or intends, to remove or dispose of his property with a view to defrauding his creditors, (c) that the defendant threatens to dispossess, the plaintiff or



otherwise cause injury to the plaintiff in relation to any property in dispute in the suit, the Court may be order grant a temporary injunction to restrain such act, or make such other order for the purpose of staying and preventing the wasting, damaging, alienation, sale, removal or disposition of the property or dispossession of the plaintiff, or otherwise causing injury to the plaintiff in relation to any property in dispute in the suit as the Court thinks fit, until the disposal of the suit or until further orders.

11. Admittedly, granting or refusing injunction is a discretionary in nature. It is well settled position of law that the following preposition are to be established in order to invoke the jurisdiction of the Court to get an order of injunction under the provisions of Order 39 Rule 1 and 2 of CPC. (1) the plaintiff has to establish the prima-facie case, (2) the balance of inconvenience is in favour of the plaintiff and (3) that the plaintiff will suffer irreparable loss and injury if injunction is refused.

12. Therefore the ingredients are to be established by the party who seeks injunction in his favour. The grant of injunction being a discretionary relief, the party should come with clean hands and place all the materials before the Court so that the Court will be satisfied about the prima-facie case in favour of the party seeking order. It is no part of Court's duty or function at this stage of litigation to try to resolve difficult questions of facts and law which require elaborate evaluation of the evidence to be recorded at the trial.



Now keeping the above said provisions of law and also principles in mind, let us consider as to whether the plaintiff could able to establish prima-facie case for grant of temporary injunction.

13. It is specific case of the defendants that, the plaintiffs have filed this suit against the defendants for the relief of Permanent Injunction with respect to suit property. The defendants have contested the suit by filing their written statement along with counter claim. In the written statement, the defendants have categorically denied all the averments made in the plaint. It is further contended that, the defendants are the owners of the counter claim schedule property and they are in possession and enjoyment of the same. It is further stated that, the plaintiffs have no rights in the counter claim schedule property. It is further stated that, the plaintiffs are obstructing the plaintiffs in respect of counter claim schedule property. Hence if the IA No.3 is allowed great loss and injustice will be caused to the plaintiffs. Hence, they prayed to allow this application. If the present application is not allowed, the defendants will put into great loss and injustice. On the other hand, no loss or hardship caused to the other side. Hence they prayed to allow the application.

14. In the supporting affidavit, the plaintiffs have filed this suit against the defendants for permanent injunction with respect to the suit property. The defendants have contested the suit by filing their written statement along with counter claim. In the written statement, the defendants have categorically



denied all the averments made in the plaint. It is further contended that, the defendants are the owners of the counter claim schedule property and they are in possession and enjoyment of the same. It is further stated that, the plaintiffs have no rights in the counter claim schedule property. It is further stated that, the plaintiffs are obstructing the plaintiffs in respect of counter claim schedule property. Hence if the IA No.3 is allowed great loss and injustice will be caused to the plaintiffs. Hence, they prayed to allow this application. If the application is not allowed, the defendants will put into great loss and injustice. On the other hand, no loss or hardship caused to the other side. Hence they prayed to allow the application.

15. It is the specific case of the plaintiffs that, the defendants are the owners of the counter claim schedule property and they are in possession and enjoyment of the same. It is further stated that, the plaintiffs are not obstructing the defendants in respect of counter claim schedule property. Hence if the IA No.3 is allowed great loss and injustice will be caused to the plaintiffs. Hence, they prayed to dismiss the IA No.III with costs.

16. The plaintiffs have placed the copy of RTC extract with respect to the suit property bearing Sy.No.108/2, for the year 2023-2024 which is standing in the joint names of the plaintiffs, certified copy of RTC extract with respect to the suit property bearing Sy.No.108, certified copy of Sale deed dated:14.05.1953 with respect to the suit property, copy of Village Pakka



Book with respect to the suit property, copy of akar band with respect to the suit property.

17. In this connection it is relevant to extract the provisions of Sec.41 of Specific Relief Act, 1963 – Injunction when refused:-

“An injunction cannot be granted:-

- (a) to restrain any person from prosecuting a judicial proceeding pending at the institution of the suit in which the injunction is sought, unless such restraint is necessary to prevent a multiplicity of proceedings;
- (b) to restrain any person from instituting or prosecuting any proceeding in a Court not sub-ordinate to that from which the injunction is sought;
- (c) to restrain any person from applying to any legislative body;
- (d) to restrain any person from instituting or prosecuting any proceeding in a criminal matter;
- (e) to prevent the breach of a contract the performance of which would not be specifically enforced;
- (f) to prevent, on the ground of nuisance, an act of which it is not reasonably clear that it will be a nuisance;
- (g) to prevent a continuing breach in which the plaintiff has acquiesced;
- (h) when equally efficacious relief can certainly be obtained by any other usual mode of proceeding except in case of breach of trust;



- (ha) if it would impede or delay the progress or completion of any infrastructure project or interfere with the continued provision of relevant facility related thereto or services being the subject matter of such project.
- (i) when the conduct of the plaintiff or his agent has been such as to dis-entitle him to be the assistance of the Court;
- (j) when the plaintiff has no personal interest in the matter.

18. Admittedly, the plaintiffs have filed the suit against the defendants seeking relief of permanent injunction with respect to the suit property.

19. The defendants have contested the suit by filing their written statement along with counter claim.

20. Admittedly, the person who sought the relief of permanent injunction has to prove the possession and enjoyment of the counter claim schedule property as on the date of filing of the suit with correct measurement, description including boundaries. Under these circumstances, it is for the defendants have to prove the possession over the counter claim schedule property as on the date of filing of suit with correct measurements, descriptions, identification of the property, existence including boundaries of the schedule property in question.

21. It is to be noted that, the right of parties in suit property is to be decided after conclusion of trial. Further, the nature and acquisition of the



counter claim property is admitted by the learned counsel for the plaintiffs. Further, the possession of the counter claim property is disputed by the learned counsel for the plaintiffs. Hence it is shown that, balance of convenience lies in favour of defendants and not plaintiffs. The written statement averments, affidavit annexed to I.ANo.3 are very much consistent and in conformity with documents placed on record. Therefore based on the same, it can be safely held that, the defendants have got prima-facie case for grant of temporary injunction. Hence I answer point No.1 in the affirmative.

POINTS NO.2 & 3:

22.These two points are taken up together for common discussion, for the sake of convenience, clarity and also to avoid repetition of facts. In considering the question of balance of convenience, the Court has to consider the comparative mischief or inconvenience of both the parties or otherwise it is necessary or proper to maintain the status quo until the disputes are finally decided. Further, in considering the question of irreparable loss and injury, the Court has to see that the defendants will sustain such injury which cannot possibly and adequately be remedied by way of damage and the damage would be inadequate in case of success of defendants.

23. The plaintiffs have not placed any materials at this stage of litigations, to prove of their title or possession over the counter claim schedule



property. Under these circumstance, the balance of convenience is lies in favour of the defendants and not in favour of the plaintiffs. Under these circumstances, the very apprehension of defendants that, the plaintiffs begun to cause obstruction to the defendants' peaceful possession and enjoyment of the counter claim property is quite probable and there are no reasons to disbelieve the apprehension of the defendants at this stage of the litigations. Under these circumstance, there is every likely would of causing injury to the defendants in relation to the property in question. In weighing the risk of injustice which granting or refusing injunction would entitled there appearance to me that there is justification in granting order of temporary injunction now sought by the defendants. Therefore if the injunction is refused, it is who the defendants would be put to irreparable loss and injury and not the plaintiffs. Therefore for the reasons discussed above, this Court is of the considered view that the balance of convenience also lies in favour of the defendants and irreparable loss and injury would be caused to defendants if a temporary injunction is refused. Hence I answer points No.2 and 3 in the affirmative.

POINT NO. 4:

24. In view of my findings on Points No.1 to 3, I proceed to pass the following order:



ORDER

I.A.No.3 filed by the defendants under the provisions of Order 39 Rule 1 and 2 of CPC is hereby allowed.

The plaintiffs are hereby restrained by way of temporary injunction from interfering / causing obstruction to the defendants' peaceful possession and enjoyment of the counter claim schedule property, in any manner till the disposal of the suit.

The cost of this application shall follow the result of the suit.

(Directly dictated to Stenographer on computer, typed by her, corrected by me, signed and then pronounced in open court on the 07th day of JULY – 2026, at Srirangapatna)

(UMESHA M.P)
Prl.Civil Judge & JMFC.,
Srirangapatna



Order pronounced in the open court
vide separate order

ORDER

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The plaintiffs are hereby restrained by way of temporary injunction from interfering / causing obstruction to the defendants' peaceful possession and enjoyment of the counter claim schedule property, in any manner till the disposal of the suit.

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(UMESHA M.P)
Prl.Civil Judge & JMFC.,
Srirangapatna