



**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. I

PLAINTIFFS/APPLICANTS: 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/OPPONENTS:

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)

i.	Date of institution of suit	18.02.2025
ii.	Nature of suit	Suit for Permanent injunction
Iii.	Provision under which the application is filed	I A No.1
iv.	Relief sought	Praying to grant Temporary Injunction Order against the defendants from interfering with the plaintiffs' peaceful possession and enjoyment of the suit 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	15.02.2025
vi.	Number of the application	IA No.1
vii.	The date on which the defendants / opponents are / were filed their objections to IA No.1	06.06.2025
viii.	The date on which both the parties have addressed their arguments on IA No.1	29.06.2026
ix.	The date on which the orders were passed on the said application	07.07.2026

ORDERS ON IA NO. I

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

2. According to the plaintiff, 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. It is further stated that, the plaintiffs are the owners of the suit schedule property. It is further stated that, the revenue entries stands in the name of plaintiffs. It is further stated that, the plaintiffs are in peaceful possession and enjoyment of suit schedule property. It is further stated that, the defendants have no rights in the suit schedule property. It is further stated that, the defendants are obstructing the plaintiffs in respect of suit schedule property. It is further stated that, the



defendants have no right in the suit schedule property. It is further stated that, the elders of the village give advised to defendants not to interfere in the suit schedule property. It is further stated that, the defendants have not hearing the advise of the elders. Hence this plaintiffs are approaching this Hon'ble court for the relief of permanent injunction with respect to the suit property.

3. Per contra, the defendants have opposed the same by filing objections to IA No.1 and contending that, the plaintiffs have filed this false suit by suppressing true and material facts of this case. It is further contended that, the present application is not maintainable in law and on facts and circumstances of the case. 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 defendants in respect of counter claim schedule property. It is further stated that, the plaintiffs have no right in the counter claim schedule property. It is further contended that, the plaintiffs have not made out prima-facie case and the balance of convenience not lies in their favour. It is further contended that, the plaintiffs have not come to the court with clean hands. Hence if the IA No.1 is



allowed great loss and injustice will be caused to the defendants. Hence, they prayed to dismiss the IA No.I with costs.

4. I have heard the arguments of learned counsel for the plaintiffs and defendants on IA No.I. 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 plaintiff has established prima-facie case?*
2. *Whether the balance of convenience lies in favour of plaintiff?*
3. *Whether irreparable loss or hardship will be caused to the plaintiff 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 Negative

Point No.2 - In the Negative

Point No.3 - In the Negative

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

REASONS

POINT NO.1:

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

8. The Applicants / plaintiffs have filed IA No.I under order XXXIX Rule 1 and 2 of Civil Procedure Code praying to grant Temporary Injunction



Order against the defendants from interfering with the plaintiffs' peaceful possession and enjoyment of the suit property, in any manner pending disposal of suit by allowing this application in the interest of justice.

9. 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.

10. 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.

11. Therefore the ingredients are to be established by the party who seek injunction in their 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.

12. According to the plaintiffs, they have filed this suit against the defendants for the relief of permanent injunction with respect to the suit property. It is further stated that, the plaintiffs are the owners of the suit schedule property. It is further stated that, the revenue entries stands in the name of plaintiffs. It is further stated that, the plaintiffs are in peaceful possession and enjoyment of suit schedule property. It is further stated that, the defendants have no rights in the suit schedule property. It is further stated that, the defendants are obstructing the plaintiffs in respect of suit schedule property. It is further stated that, the defendants have no right in the suit



schedule property. It is further stated that, the elders of the village give advised to defendants not to interfere in the suit schedule property. It is further stated that, the defendants have not hearing the advise of the elders. Hence this plaintiffs are approaching this Hon'ble court for the relief of permanent injunction with respect to the suit property. Hence, prayed to allow this application.

13. In the supporting affidavit, the plaintiff No.1 has sworn to the fact that, they have filed this suit against the defendants for the relief of permanent injunction with respect to the suit property. It is further stated that, the plaintiffs are the owners of the suit schedule property. It is further stated that, the revenue entries stands in the name of plaintiffs. It is further stated that, the plaintiffs are in peaceful possession and enjoyment of suit schedule property. It is further stated that, the defendants have no rights in the suit schedule property. It is further stated that, the defendants are obstructing the plaintiffs in respect of suit schedule property. It is further stated that, the defendants have no right in the suit schedule property. It is further stated that, the elders of the village give advised to defendants not to interfere in the suit schedule property. It is further stated that, the defendants have not hearing the advise of the elders. Hence this plaintiffs are approaching this Hon'ble court for the relief of permanent injunction with respect to the suit property. Hence, he prayed to allow this application.



14. 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.

15. It is specific case of the defendants that, the plaintiff has filed this false suit by suppressing true and material facts of this case. It is further contended that, the present application is not maintainable either in law or on fact and circumstances of the case, and hence the same is liable to be dismissed. 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. It is further stated that, the plaintiffs have no right in the counter claim schedule property. It is further contended that, the plaintiffs have not made out prima-facie case and the balance of convenience



not lies in their favour. It is further contended that, the plaintiffs have not come to the court with clean hands. Hence if the IA No.1 is allowed great loss and injustice will be caused to the defendants. Hence, they prayed to dismiss the IA No.I with costs.

16. 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.

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

18. Admittedly, the person who sought the relief of permanent injunction has to prove the possession and enjoyment of the plaint schedule property as on the date of filing of the suit with correct measurement, description including boundaries. Under these circumstances, it is for the plaintiffs have to prove the possession over the plaint 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.

19. 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



property is disputed by the learned counsel for the defendants. Further, the boundaries of the suit property is disputed by the learned counsel for the defendants. Further, the possession of the suit property is disputed by the learned counsel for the defendants. Hence it is shown that, balance of convenience lies in favour of defendants and not plaintiff. Taking in consideration of nature of suit and rights of plaintiffs to be decided in present suit in respect of suit property, if ad-interim temporary injunction as prayed for granted, the defendants will be put to hardship and injury. On the other hand no hardship or injury would be caused to plaintiffs if temporary injunction as prayed for is not granted. The plaint averments, affidavit annexed to I.A.No.1 is inconsistent and inconformity with documents placed on record. Therefore based on these documents, it can be safely held that, the plaintiffs have not made out prima-facie case and balance of convenience do not lies in their favour for grant of temporary injunction. Hence I answer point No.1 in the Negative.

POINTS NO.2 & 3:

20. 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 plaintiffs 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 plaintiffs.

21. Under these circumstance, the balance of convenience is does not lies in favour of the plaintiffs and in favour of the defendants. Therefore for the reasons discussed above, this Court is of the considered view that, the balance of convenience do not lies in favour of the plaintiffs and irreparable loss and injury would not be caused to plaintiffs if a temporary injunction is refused. Hence I answer points No.2 & 3 in the Negative.

Point No.4:

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

ORDER

I.A.No.1 filed by the plaintiffs under the provisions of Order 39 Rule 1 and 2 of CPC is hereby dismissed.

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

(Dictated to the Stenographer directly on Computer, typed by her, order corrected and signed by me, then pronounced by me in the Open Court on this 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

I.A.No.1 filed by the plaintiffs under the provisions of Order 39 Rule 1 and 2 of CPC is hereby dismissed.

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

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