

KAMS410002502026



**IN THE COURT OF PRINCIPAL CIVIL JUDGE & JMFC.,
KRISHNARAJANAGAR**

PRESENT

**Sri. Chandan S, B.Com., LL.B
Prl. Civil Judge & JMFC, Krishnarajanagara.**

DATED 02ND DAY OF APRIL 2026

O.S./79/2026

Plaintiff : Swamy Gowda

-V/s-

**Defendants : Sri.Rajashetty @ Dasharatha Shetty
& others**

I.A. No.1

Applicant : Swamy Gowda

--- Plaintiff

-V/s-

**Opponents : Sri.Rajashetty @ Dasharatha Shetty
& others**

--- Defendants

Provision under which the applications are filed	U/o 39 R-1 and 2 of C.P.C.
Relief sought for	Injunction
The date on which the applications are filed	10.02.2026 & 09.03.2026
Number of the application	1 & 2
Date on which the objections are filed by the different opponents	25.03.2026

Date on which the order is passed	02.04.2026
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**ORDER ON IA NO.1 AND 2 FILED U/O 39 R-1 AND 2 R/W
SEC.151 OF C.P.C**

This interlocutory application is filed by the appellant/plaintiff seeking an order of temporary injunction restraining the defendants, their agents, servants, or anybody claiming under them from obstructing the construction work undertaken by the plaintiff and interfering with the peaceful possession and enjoyment of the suit schedule property.

2. The plaintiff contends that, he is the absolute owner in lawful possession of the suit schedule property. The same was purchased from one Sri.Swamigowda, S/o late.Kengegowda under a registered sale deed dated 15.11.1996, registered before the Sub-Registrar, Saligrama Taluk, Mysuru District. Pursuant to the purchase the khata has been mutated in his name as per M.R. No.31/1996-97 under khata No.667. He has been regularly paying property taxes, he has constructed a residential house measuring East-West 36 feet and North-South 72 feet. It is further submitted that, the plaintiff has undertaken extension and renovation of the existing house basement work has been completed and construction is in progress necessary electricity and water connections have been obtained by paying requisite charges. The plaintiff has invested approximately Rs.8-10 lakhs for construction and procured materials and necessary construction equipment.

3. However on 04.02.2026, the defendants, who have no right, title, or interest over the suit property, unlawfully interfered with the construction work and attempted to obstruct the same. It is further stated that due to such interference, the plaintiff was constrained to lodge a criminal complaint. Hence, the plaintiff seeks protection from this court by way of temporary injunction.

4. Defendant No.1 has filed detailed common objections contending that, the pleadings of the plaintiff are inconsistent regarding the vendor and source of title, creating serious doubt about the genuineness of the alleged sale deed dated 15.11.1996. Non-compliance with Legal Requirements, the plaintiff has undertaken construction without conversion of land for non-agricultural usage obtaining building licence and approved plan. Hence, the construction is illegal and unauthorized, and no injunction can be granted in favour of such unlawful activity.

5. As per the plaintiff's own admission of investing Rs.8-10 lakhs, the suit may not fall within the pecuniary jurisdiction of this Court. Dispute Regarding Title and RTC Entries, RTC extracts (2011-12) show land standing in the name of Rukmini W/o Thammannagowda, Mutation entries M.R. No.48/1992-93 and 46/2007-08 contradict plaintiff's claim alleged sale deed is claimed to be created and concocted. The boundaries and survey details mentioned by the plaintiff are inconsistent and incorrect. Defendant refers to prior litigation in O.S. No.384/2012, appeals, and pending proceedings before the Hon'ble High Court of Karnataka, to show ongoing disputes regarding the property.

6. The suit is bad for non-joinder of necessary parties, as several persons shown in RTC records are not impleaded. Defendant No.1 claims ownership and possession over the land by virtue of order of the Land Tribunal, K.R.Nagar dated 06.10.1981, Issuance of Form No.10 Occupancy Rights, Mutation entries in his favour, allegations against plaintiff. The plaintiff is alleged to be misusing influence and has filed a false and vexatious suit to harass the defendants.

7. Heard the arguments of both sides. Perused the records.

8. The following points arise for this court's consideration in the present applications.

1) Whether the applicant/plaintiff made out that, he has got a prima-facie case on hand?

2) Whether the applicant further made out that, the balance of convenience lies in his favour?

3) Whether the applicant further made out that, it will cause untold hardship and irreparable damages and injury to him, if the present application is not allowed?

4) What order?

9. This court findings on the above points for consideration in both applications are as under:

Point No.1 : Partly in the Affirmative

Point No.2 : Partly in the Affirmative

Point No.3 : Partly in the Affirmative

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

REASONS

10. POINT NO.1 TO 3:

For the facts and circumstance of the application are concern these three points are interlinked and to avoid the repetition of facts these points are taken up together for common discussion.

11. Upon appreciating the pleadings along with the materials placed before this court, while adjudicating and deciding the application which is filed U/o 39 R-1 and 2 of C.P.C., the relevant factors to be considered by the court is regarding existence of prima-facie factors and case which involves finding of facts as to whether a case for trial is made out and also whether other factors requisite for grant of injunction exists. Further, the court has to consider the balance of convenience in respect of the parties and irreparable injuries or loss if any, that may be suffered by the plaintiff in the case of refusal to grant injunction.

12. Further, admittedly there is no evidence on record to consider the applications on the basis of the evidence. Further, the parties to the suit are yet to lead their evidence. Accordingly, in the absence of any evidence to discuss the applications, this court has to consider only the available materials which are presented before this court by the respective parties to the suit.

13. The plaintiff claims ownership based on a registered sale deed dated 15.11.1996 and has produced documents such as mutation extracts and tax paid receipts to show possession. On the other hand, the defendants have seriously disputed the title of the plaintiff, alleging contradictions in pleadings genuineness of the sale deed, RTC entries standing in the name of third parties, prior litigation concerning the property. Their own claim of title based on Land Tribunal order and occupancy rights. At this interlocutory stage, the Court cannot conduct a detailed trial on title. However, the documents produced by both sides indicate that title is seriously disputed and requires full-fledged trial.

14. Nevertheless, the material on record prima-facie indicates that the plaintiff is in possession of at least a portion of the property, as evidenced by construction activity and utility connections. Accordingly, this Court holds that the plaintiff has made out a limited prima-facie case with respect to possession, but not conclusively as to title.

15. The plaintiff contends that he has already invested substantial amounts Rs.8–10 lakhs and commenced construction. However, the defendants have specifically contended that, the construction is unauthorized and without necessary approvals the land is allegedly agricultural and not converted the plaintiff is proceeding in violation of law if the plaintiff is permitted to continue construction it may lead to creation of further complications it may result in irreversible changes to the property.

16. On the contrary, if construction is temporarily restrained the property can be preserved in its present condition rights of both parties can be adjudicated without prejudice. Therefore, the balance of convenience lies in maintaining status quo rather than permitting further construction. Irreparable Injury if injunction is not granted and construction continues, it may result in irreparable alteration of the suit property it may complicate enforcement of final decree. On the other hand, any financial loss to the plaintiff due to temporary stoppage of construction can be compensated if he ultimately succeeds. Thus, greater hardship would be caused if construction is allowed to proceed. Hence the **point No.1 to 3 in both applications are answered in the partly affirmative.**

17. POINT NO.4:

In view of the above discussions and the reasons mentioned therein this court proceeds to pass the following:-

ORDER

The applications filed by the plaintiff U/o 39 R-1 and 2 R/w Sec.151 of CPC are hereby partly allowed.

Both parties are hereby directed to maintain status quo as on the date of this order with respect to the nature, possession, and construction over the suit schedule property, until disposal of the suit.

The plaintiff is restrained from putting up any further construction without due

process of law and necessary approvals from competent authorities.

The defendants are restrained from interfering with the peaceful possession of the plaintiff, if any, otherwise than by due process of law.

It is made clear that the observations made herein are prima-facie in nature and shall not influence the final adjudication of the suit on merits.

No order as to cost.

[Dictated to the Steno, transcribed by her. Corrected and then pronounced by me in the Open Court on this the 02nd day of April 2026]

(Chandan.S)
Prl. Civil Judge & JMFC.,
K.R.Nagar.