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**IN THE COURT OF SENIOR CIVIL JUDGE & JMFC  
NANJANGUD**

**Present :** **Sri. Kamalaksha D., B.A., LL.B.,**  
Senior Civil Judge & J.M.F.C.,  
Nanjangud.

**Dated this the 24<sup>th</sup> day of September 2025**

**O.S./55/2025**

**Plaintiff** : Datthathreya

**-V/s-**

**Defendants** Mahadevamma and others

**I.A. IV**

**Applicant** : Datthathreya  
.... plaintiff

(By Sri. R.N.S., Adv.)

**-V/s-**

**Opponents:** Mahadevamma and others  
... defendants  
(By Sri. S.S., Adv. for D.6 & 9  
Sri. Kumar – Adv. for D.16 )

**ORDER ON I.A. IV UNDER ORDER XXXIX**  
**RULES 1 & 2 OF CPC**

The plaintiff filed the said application for temporary injunction to be issued against the defendants restraining them from preventing the plaintiff to do his daily duty in Srikanteshwaraswamy Temple, Nanjangud, till disposal of the suit.

2. In the affidavit it is sworn that, the plaintiff filed the suit against the defendants for proper direction to consider his name to the post of his father doing in the temple. He further sworn in the affidavit that, he is the son of late Maraiah and Sakamma. During the lifetime Maraiah was doing traditional and hereditary work in Srikanteshwara Temple. However, the temple authority has not provided the same work to the plaintiff because of non-production of documents. The defendants No.1 to 10 are the children of first wife of Maraiah and they were living in the house No.1627 Ward No.65 Kuruba Street at Nanjangud Town. The defendants preventing the plaintiff

to do traditional and hereditary work in the temple. So, he further explained that, the family members of the plaintiff have been cleaning the surrounding of the temple used to beat the drum at the time of pooja etc. According to the plaintiff, these duties are the traditional and hereditary work of their family. The plaintiff's father died on 01.11.2017 due to heart attack. Thereafter the mother of the plaintiff gave an application to Srikanteshwara Temple on 14.07.2018 requesting to allot the said duty to the plaintiff. It is further sworn in the affidavit that, Sri Srikanteshwara Temple has consented to give Rs.50,000/- as death benefit, but out of that only Rs.10,000/- was paid on behalf of Srikanteshwara Temple to the mother of the plaintiff under the head of death compensation. However, the mother of the plaintiff by name Sakamma also died due to age related diseases on 02.12.2018. It is further sworn in the affidavit that the plaintiff used to assist his father to do cleaning work in Srikanteshwara Temple. After the death of his parents he requested with the temple authority to permanent his job, but the Deputy

Commissioner of Mysuru denied to give permanent post to the plaintiff saying that he has to get such order from the temple. However, the defendants unnecessarily preventing the plaintiff to get traditional and hereditary work of his father. Therefore, he filed this application.

3. Per contra, the defendant No.16 filed objections to the application by denying the entire allegations. It is further submitted in the objection that the 16<sup>th</sup> defendant has been appointed to do work in the temple which was earlier doing by his father, but the father of the 16<sup>th</sup> defendant died. Thereafter the 16<sup>th</sup> defendant gave application to Srikanteshwara Temple on 22.06.2018. The Deputy Commissioner asked the 16<sup>th</sup> defendant to furnish 3 generation proof to allow the permanent job of his father. The revenue authority has not given such 3 generation family tree. Therefore, the 16<sup>th</sup> defendant approached the Deputy Commissioner, Mysuru, but the Deputy Commissioner advised the 16<sup>th</sup> defendant to get the hereditary work he has to file civil suit before the Court. It

is further submitted that the plaintiff is not the suitable person to do work in the temple which was done by his father. The name of the plaintiff cannot be considered to do the post of his father, because he is not the member of his family. Therefore, prays to reject the application.

4. Heard the arguments. Perused pleadings and materials placed on record. The points that arise for my consideration are:

1. Whether the plaintiff proves prima-facie case to grant temporary injunction ?
2. Whether the plaintiff further proves that balance of convenience lies in his favour?
3. Whether irreparable injury will cause to the plaintiff if temporary injunction is rejected?
4. What order ?

5. The above points are answered as follows :-

Points No.1 to 3 : In the negative

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

## **REASONS**

6. **Point No.1** :- As usual it is the bounden duty of the plaintiff/ applicant to prove the prima-facie case. At this juncture, I would like to refer the judgment of the Hon'ble Supreme Court reported in **2024 SAR Online (SC) 243** in the case of **Bloomberg Television Production Services India Private Limited and others Vs. Zee Entertainment Enterprises Limited**, in that case the Hon'ble Supreme Court has held as below:

“The three-fold test of establishing (i) prima-facie case, (ii) balance of convenience and (iii) irreparable loss or harm for the grant of interim relief is well-established in the jurisprudence of the Supreme Court – While granting interim relief, the court must provide detailed reasons and analyse how the three-fold test is satisfied. A cursory reproduction of the submissions and precedents before the court is not sufficient.”

7. Therefore, the Hon'ble Supreme Court held that it is the duty of the court which passed the order of temporary injunction to give detailed and satisfactory answer to grant

temporary injunction. The plaintiff has produced many documents. At this juncture, I would not like to touch the merits of those documents to prevent the apparent prejudice to the parties. However, it is worth to say that the role of the plaintiff to continue his post of his father in the temple has to be proved in trial, because though the rival claimants are before the court fighting each other for the same post. It is the burden of the plaintiff to produce eligibility to sit in the post of his father by producing necessary documents. So far, the plaintiff has not produced any document issued by the temple authority or Deputy Commissioner, Mysuru, enabling him atleast to do the duty in the temple on temporary basis. It shows that the eligibility and entitlement of the plaintiff has to be gathered and sorted in the evidence only. It is not proper time to grant temporary injunction in favour of the plaintiff to do the work of his father which was being done during the lifetime of his father, because suppose this court consider the relief of the plaintiff, then in future the plaintiff will claim the said post as his permanent post

saying that the court itself recognize his position to do the work in the temple after the death of his father. Therefore, evidence will give certain answer and eligibility of the parties to the suit for the post of Maraiah. It is very premature stage to grant such relief in the absence of any proof. Hence, it may be said that the plaintiff failed to prove prima-facie case to grant temporary injunction. Therefore, **point No.1** is answered **in the negative**.

8. **Points No.2 and 3:** These points are taken together for common discussion. As mentioned above, person who seeks temporary injunction must prove prima-facie case, then subsequent criteria or ingredients like balance of convenience and irreparable injury will open for discussion. But in the present dispute the plaintiff has failed to prove prima-facie case, therefore discussion of balance of convenience and irreparable injury would not arise for consideration. Therefore, **points No.2 and 3** are answered **in the negative**.

9. **Point No.4:-** In view of the findings on the above points, this Court proceeds to pass the following:

**ORDER**

I.A.IV filed by the plaintiff under Order XXXIX Rules 1 and 2 CPC is rejected.

No order as to cost.

*(Dictated to the stenographer, transcribed by her on computer, revised, corrected and then pronounced by me in open Court on this the 24<sup>th</sup> day of September 2025).*

**(Kamalaksha D.)**  
Senior Civil Judge & J.M.F.C.,  
Nanjangud.