

KAMS710001972023



**IN THE COURT OF I ADDITIONAL CIVIL JUDGE AND JMFC AT
T.NARASIPURA**

Dated this the 1st day of August 2026

**Present: Smt. Niveditha N., B.A.L., LL.B, LL.M.,
I Additional Civil Judge & JMFC., T.Narasipura.**

O.S./34/2023

IA.No.2

Applicant : Mahadevamma

..... plaintiff

V/s

Opponents : Smt.Jayamma and Others

..... defendants

i.	Provision under which the application is filed	:	Order 39 Rule 1 and 2 of CPC
ii.	Relief sought for	:	Temporary Injunction
iii.	The date on which the application is filed	:	17/02/2023
iv.	Number of the application	:	IA No.2
v.	The date on which the objections are filed by different opponents	:	15/04/2023
vi.	The date on which the orders were passed on the said application	:	01/08/2026

**ORDERS ON IA NO.2 FILED BY THE PLAINTIFF UNDER ORDER
39 RULE 1 AND 2 OF CPC**

1. The plaintiff has filed this application seeking for temporary injunction restraining the defendants, their agents, supporters or any other persons acting under them from alienating the suit schedule property till disposal of the suit.

2. Schedule:

All that piece and parcel of the landed property bearing Sy.No.20/1, New Sy.No.20/3, measuring 27.08 guntas, situated at Kudluru Village, Kasaba Hobli, T.Narasipura Taluk, Mysuru District, bounded on, East by: Property of plaintiff and defendants No.1 to 4 family, West by: Property of plaintiff and defendants No.1 to 4 family, North by: Property belonging to defendants No.1 to 4 Rachegowda's property, South by: Property of plaintiff and defendants No.1 to 4 family.

3. a. In the affidavit the plaintiff has stated that, originally the suit schedule property, other ancestral and joint family properties were fallen to the share of her husband by name M.Puttaswamy through a registered Partition Deed dated 12/12/2001 and from the said date he was in possession and enjoyment of the suit schedule property. The suit schedule property is the item No.6 in B schedule of the said registered partition deed. After the death of her husband, she is in possession and enjoyment of the said property.

b. Further, suddenly on 02/02/2023 when she was grazing the cattle and was doing agricultural work, the defendants No.5 and 6 have obstructed her from doing agricultural work and grazing the cattle and told that the said property belongs to them. Then, she has conveyed panchayath and finally lodged complaint before the police against the defendants. But the police have advised to approach civil court as the matter is civil in nature.

c. Further, thereafter she has obtained revenue records with respect to the suit schedule property and she came to know that the defendants No.1 to 4 have illegally sold the suit schedule properties in favour of defendants No.5 and 6 through a registered sale deed dated 24/07/2019. Then, the defendants No.5 and 6 have sold 1 acre 15 guntas of their share of property, including 0.27.08 guntas i.e., suit schedule property and totally measuring 1 acre 15 guntas. The said registered sale deed is not binding on her. On the basis of said illegal registered sale deed, the defendants No.5 and 6 are trying to alienate the suit schedule property. Hence, prays for temporary injunction against the defendants.

4. The defendants No.5 and 6 have filed objections to the above application and contended that they have purchased the suit schedule property from the defendants No.1 to 4 through a registered sale deed dated 24/07/2019. The khatha of the said property was jointly entered in the name of the defendants No.1

to 4. After purchase, the katha was changed into the name of defendants No.5 and 6 through MRH.No.3/2019-20 and they are in possession and cultivation of the said property. But the plaintiff without any right and by creating fake documents causing obstruction to their possession. Hence, prays to dismiss the application.

5. Heard the argument of the counsel for plaintiff and defendants.

6. The points that arise for my consideration are as follows:

1. Whether the applicant/plaintiff has made out prima-facie case in her favour?
2. Whether plaintiff will be put to loss or hardship if temporary injunction is not granted?
3. Whether plaintiff has balance of convenience in her favour?
4. What Order?

7. My answers to the above said points are as under:

Point No.1 to 3: In the Affirmatively.

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

REASONS

8. **Point No:1**: The plaintiff has filed the suit for the relief of permanent injunction and declaration of sale deed dated 24/07/2019 is null and void. The defendants No.5 and 6 have

filed written statement by denying the claim of the plaintiff. The plaintiff filed by the above application along with the suit. The defendants No.5 and 6 have filed objections.

9. The plaintiff in order to support her application has produced copy of registered partition deed date 12/12/2001 entered by M.M.Madappa and M.Puttaswamy, EC, Mutation Register extract, Rough sketch, RTC of Sy.No.20/1 entered in the name of defendants No.1 to 4. RTC of Sy.No.20/3 measuring 1 Acre 15 guntas entered in the name of defendants No.5 and 6, copy of complainant, acknowledgment, copy of the sale deed dated 22/07/2019.

10. The defendants No.5 and 6 have relaid upon copy of RTC of Sy.No.20/3 measuring 1 Acre 15 guntas, stands in the name of defendants No.1 to 4, Mutation Register, copy of the sale deed dated 25/07/2019, RTC of Sy.No.20/3 stands in the name of defendants No.5 and 6, tax paid receipt, photos and CD.

11. On perusal of the plaint, written statement and the documents of both the parties, it appears that the plaintiff is claiming the relief of permanent injunction in respect of suit schedule property, on the ground that originally the suit schedule property was fallen to the share of her husband by name M.Puttaswamy through register partition deed and thereafter mutation was entered in the name of her husband but khatha was not transferred in the name of her husband. After

his death, the plaintiff is in possession and enjoyment of suit schedule property.

12. To prove the above contention, the plaintiff has relaid upon copy of registered partition deed dated 12/12/2001 and it prima facie discloses that the property in Sy.No.20/1 measuring 27½ guntas i.e., suit property out of 1 Acre 15 guntas was fallen to the share of husband of plaintiff including other properties. As per the said partition MR.No.12/2001-02 was entered in the name of husband of plaintiff but the husband of plaintiff or after his death, the plaintiff failed to transfer the khatha into her name.

13. on the other hand, the defendants No.5 and 6 in their written statement and objections have denied the claim of the plaintiff and contented that they are in possession and enjoyment of the property in Sy.No.20/3 measuring 1 Acre 15 guntas and it was purchased through registered sale deed from defendants No.1 to 4 on 22/07/2019 and have transferred the khatha into their names.

14. To prove the above contention the defendants No.5 and 6 have relaid upon RTC for year 2018-19 of Sy.No.20/3 and it discloses that the property measuring 1 Acre 5 guntas was stands in the name of defendants No.1 to 4 herein and subsequently the defendant NO. 5 and 6 were purchased the said property from defendants No.1 to 4 on 22/07/2019. After

purchase, the khatha has been transferred in the name of defendants No.5 and 6.

15. As stated above the husband of plaintiff and his brother were entered registered partition deed on 12/12/2001 and the property in Sy.No.20/1 and new Sy.No.20/3 measuring 27½ guntas was fallen to the share of husband of plaintiff. Further it is mentioned that the total extent of Sy.No.20/1 is 2 Acre 15 guntas and 1 Acre was granted through court decree and remaining 1 Acre 15 guntas was divided by husband of plaintiff and his brother Madappa. The same was entered in the mutation register extract and also in the EC. But the defendants No.1 to 4 by transferring the khatha into their names for the property of Sy.No.20/3 measuring 1 Acre 15 guntas and sold the same infavour of defendants No.5 and 6 on 22/07/2019. But the defendants have not produced the documents to show that the defendants No.1 to 4 had title over the suit schedule property to execute the sale deed in favour of defendants NO.5 and 6. Except RTC, the defendants No.5 and 6 have not produced the documents to show the defendants No.1 to 4 had got the right over the suit schedule property. It prima facie show that without having any right, the defendants NO.1 to 4 by transferring the katha in respect of said property, were sold in favour of defendants NO.5 and 6.

16. As per the complaint and acknowledgment issued by the concerned police prima-facie shows that the defendants No.5 and 6 were trying to interfere with the same. Hence the plaintiff has lodged to the complaint. Thus, the aforesaid partition deed and other documents of the plaintiff prima-facie establishes that the husband of plaintiff was in possession of suit schedule property and after his death, the plaintiff continued the possession of suit schedule property but after partition, the khatha was not transferred either in the name of Puttaswamy nor in the name of plaintiff. By taking undue advantage of the same, though the defendants No.1 to 4 had no right to execute the sale deed in favour of defendants No.5 and 6 but by transferring the khatha, were sold the extent of 1 Acre 15 guntas including suit property and on the basis of said sale deed, the defendants No.5 and 6 are try to interfere with the possession of the suit schedule property. Moreover, on the basis of sale deed the defendants may alienate suit property. Therefore, the plaintiff has made out prima facie case in her favour to grant temporary injunction by restraining the defendants from alienating the suit property. **Hence, Point No.1 is answered Affirmatively.**

17. Point No.2: In view of the above discussion, the plaintiff has made out prima-facie case in her favour and if interim order is not granted, the defendants may alinate the suit property and it

may cause loss to the plaintiff and multiplicity of proceedings.
Hence, Point No.2 is answered Affirmatively.

18. Point No.3: As discussed above the plaintiff has proved the prima-facie case as well as irreparable loss. Under such circumstances there is a balance of inconvenience in favour of the plaintiff. **Hence, Point No.3 is answered Affirmatively.**

19. Point No.4: In view of above answer and reasons stated in point No.1 to 3, this Court proceed to pass the following;

ORDER

IA.No.2 filed by the plaintiff Under Order 39 Rule 1 and 2 of CPC is hereby allowed with cost.

The defendants are hereby restrained temporarily from alienating the suit schedule property of the plaintiff till disposal of the suit.

[Dictated to the Stenographer, transcribed by her and corrected by me and pronounced in the Open Court on 1st day of August 2026]

**I Addl.Civil Judge & JMFC.,
T.Narasipura.**

OS.34/2023

(Order pronounced in open court vide separate order)

ORDER

IA.No.2 filed by the plaintiff Under Order 39 Rule 1 and 2 of CPC is hereby allowed with cost.

The defendants are hereby restrained temporarily from alienating the suit schedule property of the plaintiff till disposal of the suit.

**I Addl.Civil Judge & JMFC.,
T.Narasipura.**