

KAMS710017012024



**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE AND
J.M.F.C., AT T.NARASIPURA**

Dated this the 25th day of October 2025

:PRESENT:

***Sri. Sachin H.R., B.A.,LL.B.,
Prl. Civil Judge & J.M.F.C.,
T.Narasipura***

O.S.No:183/2024

- Plaintiff/s:**
1. *Raju,
S/o Late Andlegowda,
Aged about 78 years,*
 2. *Madegowda,
S/o Late Sannegowda,
Aged about 65 years,*
 3. *Nataraju,
S/o Siddegowda,
Aged about 42 years,*

*All are:
R/at Kudluru Village,
Kasaba Hobli, T.Narasipura Taluk,
Mysuru District.*

(By Sri.P.S., Advocate)

V/s

- Defendant/s:** 1. Naganna,
S/o Late Sannegowda,
Aged about 56 years,
2. Mahendra,
S/o Naganna,
Aged about 25 years,
Def.No.1 and 2 are:
R/at Kudluru Village,
Kasaba Hobli, T.Narasipura Taluk,
Mysuru District.
3. Bommegowda,
S/o Late Doddabommegowda,
Aged about 65 years,
4. Puttaraju,
S/o Bommegowda,
Aged about 43 years,
Def.No.3 and 4 are:
R/at Mannehundi Village,
Kasaba Hobli, T.Narasipura Taluk,
Mysuru District.

(Def.No.1 & 2 by Sri.S.R, Advocate)
(Def.No.3 & 4 by Sri.H.N.B.N., Advocate)

CAUSE TITLE ON I.A.No.II

**Applicants/
Plaintiffs**

: Nataraju

V/s

**Opponents/
Defendants**

: Naganna & others

CAUSE TITLE ON I.A.No.III

**Applicant/
Defendant No.1** : Naganna

V/s

**Opponents/
Plaintiffs** : Raju & others

ORDER ON I.A. No.II & III

Instant suit has been filed by the plaintiffs against the defendants for the relief of permanent injunction.

*2. The Plaintiffs have filed I.A.No.2 under Order 39 Rule 1 & 2 R/w sec.151 of CPC praying for an order of temporary injunction restraining the defendants from interfering into the peaceful possession and enjoyment of the suit schedule properties bearing **(A) Sy.No.36 measuring 2 acres 06 guntas out of 4 acres 13 guntas**, bounded on the East by B schedule property, West by Road heading towards Morarjidesai School, North by Thayuru road and South by property of the defendants bearing Sy.No.37/2, situated at Kudluru Village, Kasaba Hobli, T.Narasipura Taluk, **(B)***

Sy.No.36 measuring 1 acre 3½ guntas out of 4 acres 13 guntas, bounded on the East by C schedule property, West by A Schedule property, North by Thayuru road and South by property of the defendants bearing Sy.No.37/2, situated at Kudluru Village, Kasaba Hobli, T.Narasipura Taluk and **(C)**

Sy.No.36 measuring 1 acre 3½ guntas, bounded on the East by Properties bearing Sy.No.37/1, 37/2 and 37/3, West by B schedule property, North by Thayuru road and South by property of the defendants bearing Sy.No.37/2, situated at Kudluru Village, Kasaba Hobli, T.Narasipura Taluk, pending disposal of the suit.

3. In support of the said application the plaintiff No.3 has filed his duly sworn affidavit of his behalf and on behalf of plaintiff No.1 and 2 and has stated **that one late Siddegowda S/o Kempegowda was the absolute owner in possession of the suit schedule survey number property bearing Sy.No.36 totally measuring 4 acres 25 guntas excluding 12 guntas karab land situated at Kudluru village, T.Narasipura taluk, Mysuru District.** That the

said Siddegowda had two sons by name Puttegowda and Mantegowda. **That one Andlegowda and Sannegowda were the sons of said Puttegowda and they were jointly enjoying the aforementioned property which was their ancestral property. That the plaintiff No.1 is the son of said Andlegowda and the plaintiff No.2 and 3 are the sons of said Sannegowda and they were in joint possession and enjoyment of the said property and they effected oral partition between them and accordingly the suit A schedule property had fallen to the share of the plaintiff No.1 and the suit B and C schedule properties were fallen to the share of the plaintiff No.2 and 3 respectively and the katha of the said properties so fallen to their respective shares were mutated into their respective names as per mutation order passed in M.R.No.18/1998-99 and they are the absolute owners in possession of their respective shares and are paying taxes to the concerned authority.** Such being the case the defendants being the owners of the property bearing

Sy.No.37/2 situated towards the southern side of the suit schedule properties having no manner of right over the suit schedule properties are trying to illegal trespass into the suit schedule properties and are interfering into the peaceful possession and enjoyment of the suit schedule properties by the plaintiffs. That though the plaintiffs approached the T.Narasipura Police station no purpose was served and hence having no other alternative the plaintiffs have filed this suit against the defendants for the relief as prayed for and further has come up with the instant application for the relief of temporary injunction as prayed for. Accordingly prayed to allow the I.A.No.2 filed by them.

4. *The defendant No.1 has filed his written statement and also his objections to the I.A.No.2 and has admitted that one late Siddegowda S/o Kempegowda was the absolute owner of the suit schedule survey number property bearing Sy.No.36 measuring 4 acres 9 guntas and **has contended that the said Puttegowda and Mantegowda are not the sons of said Siddegowda as averred in the plaint and***

has stated that one late Marigowda and late Madaiah @ Madegowda are the sons of said late Siddegowda and the children of said Marigowda and Madaiah @ Madegowda have filed the suit in O.S.No.25/2024 before the Hon'ble Senior Civil Judge Court to declare them as the absolute owner in possession of the property bearing Sy.No.36 measuring 4 acres 9 guntas and further has contended that **the defendant No.1 has purchased 24 guntas and the defendant No.3 has purchased 20 guntas out of the said property but in the Sale deed the survey Number is wrongly mentioned as Sy.No.37 instead of Sy.No.36 but the boundaries tallies with that of the Sy.No.36.** Such being the case the plaintiffs in order to grab the suit schedule property belonging to the defendant No.1 and 3 have illegally mutated the katha of the suit schedule properties into their names as per M.R.No.18/1998-99 and the said mutation order is challenged before the Assistant Commissioner, Mysuru in appeal No. 402/2024. **That the defendant No.1 is in possession of property bearing Sy.No.36 measuring 24 guntas as per**

the Sale deed dated 19.05.2011 which is bounded on the East by block No.1 land of Shivaramu, West by La.Sy.No.148 and road, North by property bearing La.Sy.No.156 belonging to Mahadeva and South by property bearing La.hi.5 belonging to Bommegowda, but in the Sale deed the Survey number is wrongly mentioned as Sy.No.37/2. Such being the case the plaintiffs have filed this false suit to grab his property. Thus, the defendant No.1 prayed to dismiss the I.A.No.2 with costs.

5. Further, the defendant No.1 has filed I.A.No.3 under Order 39 Rule 4 R/w Sec.151 of CPC praying to vacate the ad-interim ex parte temporary injunction order dated 06.07.2024 passed by this Court and in the affidavit filed in support of the application by the defendant No.1, it is stated that he has purchased 24 guntas in the suit schedule property and is the absolute owner in possession of the said property and has cultivated sugar cane crop therein and when he was harvesting the said crop the plaintiffs had restrained him from harvesting the crops and hence prayed to vacate the ex-parte

ad-interim temporary injunction order granted in favour of the plaintiffs.

6. *Per contra the plaintiffs have filed their objections and have contended that the suit schedule property is their ancestral property which originally belonged to one late Siddegowda S/o Kempegowda who had two sons by name Puttegowda and Mantegowda and the said Puttegowda had two sons by name Andlegowda and Sannegowda and the plaintiff No.1 is the son of Andlegowda and the plaintiff No.2 and 3 are the sons of said Sannegowda and they had effected oral partition between them in respect to the said property and accordingly the suit A schedule property had fallen to the share of the plaintiff No.1 and the suit B and C schedule properties were fallen to the share of the plaintiff No.2 and 3 respectively and the katha of the said properties so fallen to their respective shares were mutated into their respective names as per mutation order passed in M.R.No.18/1998-99 and they are the absolute owners in possession of the suit schedule properties and are cultivating Sugar Cane, Paddy,*

Ragi and Horse gram. Such being the case the defendants having no manner of right, title and interest over the suit schedule properties are interfering into their peaceful possession and enjoyment of the suit schedule properties. Accordingly, prayed to dismiss the application.

7. Heard the arguments on I.A. No.2 and 3 and perused the documents available on record.

8. The points that would arise for consideration of this court are as follows;

- 1. Whether the plaintiffs prove that the prima facie case lies in his favour?*
- 2. Whether the balance of convenience lies in favour of the plaintiffs?*
- 3. Whether the plaintiff prove that they will be put to irreparable loss and hardship in the event of not allowing the I.A.?*
- 4. Whether the defendant No.1 has made out sufficient grounds to allow the I.A.No.3?*
- 5. What Order?*

9. *The findings of this court on the above points are as under:-*

Point No.1 : In the Affirmative;

Point No.2 : In the Affirmative;

Point No.3 : In the Affirmative;

Point No.4 : In the Negative,

Point No.5 : As per the final order

for the following:-

REASONS

10. Point No.1 to 4: *As these points are interconnected with each other, I have taken up these points together for common discussion in order to avoid repetition of facts and for better appreciation of material available on record.*

11. *The plaintiffs have filed this suit seeking for the relief of permanent injunction to restrain the defendants, their agents, servants or anybody acting on their behalf from interfering into the peaceful possession and enjoyment of the suit schedule properties by the plaintiffs. Further have filed the I.A.No.2 under Order 39 Rule 1 & 2 CPC praying for an*

order of temporary injunction against the defendants to restrain them from interfering into the peaceful possession and enjoyment of the suit schedule property by the plaintiffs pending disposal of the suit. Per contra the defendant No.1 has filed I.A.No.3 under Order 39 Rule 4 R/w sec.151 of CPC praying to vacate the ad-interim exparte temporary injunction order dated 06.07.2024 passed by this Court.

12. In order to substantiate their case *the plaintiffs have produced the C/c of the Index of Lands pertaining to the suit schedule survey number property bearing Sy.No.36 measuring 4 acres 25 guntas standing in the name of Siddegowda S/o Kempegowda, the C/c of the RTCs of the suit schedule survey number property bearing Sy.No.36 measuring 4 acres 25 guntas out of which an extent measuring 4 acre 13 guntas was standing in the name of Siddegowda S/o Kempegowda situated at Kudluru village, T.Narasipura taluk and subsequently the said property was partitioned and is standing in the names of the plaintiffs as per*

mutation order passed in M.R.No.18/1998-99, the C/c of the Mutation order passed in M.R.No.18/1998-99 which discloses that the plaintiffs had effected partition of the suit schedule property and other properties and that the suit A schedule property had fallen to the share of the plaintiff No.1 and the suit B and C schedule properties had fallen to the shares of the plaintiff No.2 and 3 respectively as narrated in the plaint, the present RTC extract of the suit schedule property bearing Sy.No.36 which discloses that the katha of the suit A, B and C schedule properties are respectively standing in the names of the plaintiff No.1 to 3 as narrated in the plaint, the C/c of the Sale deed dated 28.01.2009 executed by one Madegowda and his sons in favour of the defendant No.3 in respect to the property bearing Sy.No.37/2 measuring 20 guntas out of 1 acre 19 guntas out of total extent measuring 2 acres 37 guntas situated at Kudluru Village, Kiragasuru Gram Panchayath,

Kasaba Hobli, T.Narasipura taluk, the C/c of the Sale deed dated 19.05.2011 executed by one Marigowda S/o Siddegowda in favour of the defendant No.1 in respect to the property bearing Sy.No.37/2 measuring 24 guntas out of 2 acres 17 guntas situated at Kudluru Village, Kiragasuru Gram Panchayath, Kasaba Hobli, T.Narasipura taluk, the RTC extract of the property bearing Sy.No.37/6 measuring 24 guntas situated at Kudluru Village, T.Narasipura taluk standing in the name of the defendant No.1, the RTC extract of the property bearing Sy.No.37/8 measuring 20 guntas situated at Kudluru Village, T.Narasipura taluk standing in the name of the defendant No.3, the C/c of the Phodi sketch pertaining to the Sy.No.37/2 and C/c of the village map of Kudluru village. The said documents relied upon by the plaintiffs are absolutely in par with the plaint averments and further establishes that the plaintiffs are in possession and enjoyment of the suit schedule properties as narrated in the plaint.

13. *On the contrary the defendant No.1 has produced the Sale deed dated 24.4.1963 executed by one H.R.Srikanta on his behalf and on behalf of his minor son by name Nanjunda in favour of Marigowda and Madaiah Sons of Siddegowda in respect to the property bearing Sy.No.15/1 measuring 1 acre 17 guntas and Sy.No.15/2 measuring 1 acre 3 guntas situated at Kudluru village, T.Narasipura taluk, the mutation order passed in M.R.No.H8/2019-20 which discloses that the property bearing Sy.No.14/1B measuring 209 guntas, Sy.No.15/1 measuring 28 guntas and Sy.No.37/2 measuring 34 guntas was mutated into the names of the LRs of the deceased Marigowda S/o Siddegowda by way of pouthi katha, the RTC extracts of property bearing Sy.No.15/1, 14/1B and Sy.No.37/2, the photocopy of the Sale deed dated 19.05.2011, the C/c of the Akarbandh, the O/c of the Notice issued to the ADLR, T.Narasipura taluk, Postal receipt and Acknowledgment, the endorsement issued by the Tahasildar, T.Narasipura taluk, the photocopy of the voters Id card of Marigowda and*

Chikkamallamma, the C/c of the Mahazar drawn by the Taluk Surveyor, the C/c of the plaint in O.S.No.25/2024 filed the LRs of Marigowda and Madegowda against the plaintiffs to declare them as the absolute owners of the suit schedule survey number property, the C/c of the Appeal Memorandum in R.A.No.402/2024 on the file of Assistant Commissioner, Mysore, the photocopy of the electoral list, the C/c of the RTC extract of Sy.No.36 standing in the name of Siddegowda S/o Kempegowda and subsequently standing in the name of the plaintiffs, the C/c of the Index pertaining to the suit schedule survey number property bearing Sy.No.36 measuring 4 acres 25 guntas standing in the name of Siddegowda S/o Kempegowda, the RTC extract of the suit schedule property bearing Sy.No.36 which discloses that the katha of the suit A, B and C schedule properties are respectively standing in the names of the plaintiff No.1 to 3, the C/c of the Tippani Book pertaining to property bearing Sy.No.36 and the photographs and C.D.

14. *In the case on hand it is the specific case of the defendant No.1 that the plaintiffs are nowhere related to the said Siddegowda who is the original owner of the suit schedule survey number property and that one Marigowda and Madaiah @ Madegowda are the real sons of late Siddegowda and they are the absolute owners of the said property and the said Marigowda and his son M.Raju have sold 24 guntas in Sy.No.36 to this defendant but the survey number was wrongly mentioned as Sy.No.37/2 instead of Sy.No.36 in the said Sale deed dated 19.05.2011. **But the said facts so narrated by the defendant No.1 cannot be believed to be true, because as on the date of the execution of the said Sale deed dated 19.05.2011 after verifying the fact that the katha of the said property so sold stood in the name of the vendor then only the Sub-Registrar would register the Sale deed. Further in the said Sale deed it is clearly mentioned that the defendant No.1 has purchased 24 guntas out of 2 acre 17 guntas in Sy.No.37/2 situated at Kudluru***

Village, Kiragasuru Gram Panchayath, T.Narasipura taluk from one Marigowda S/o Siddegowda and his son M.Raju S/o Marigowda and further the RTC pertaining the property bearing Sy.No.37/6 discloses that the said property is the very same property which was purchased by the Defendant No.1 under the Sale deed dated 19.05.2011 is standing in the name of the defendant No.1 and further the boundaries recited in the said Sale deed no way are in par with the suit schedule boundaries. Further the RTC extract of the property bearing Sy.No.37/2 measuring 20 guntas pertaining to the year 2023-24 discloses that the katha of the said property is now jointly standing in the name of M.Raju and M.Dhakyayini who are the children of M.Marigowda. Further the defendant No.1 has not produced any documents to show that at any point of time the katha of the property bearing Sy.No.36 stood in the names of his vendors and as such they were competent to sell the said property to

him as on 19.05.2011 during which period the name of the katha holder/vendor was verified in the Bhoomi portal and thereafter the registration of the Sale deed was done through Kaveri Portal which was officially launched in the year 2003 by the Government of Karnataka, wherein which there was no scope for registration of wrong survey number. Further the said suit is O.S.No.24/2025 filed the LRs of Marigowda and Madegowda against the plaintiffs to declare them as the absolute owners of the suit schedule survey number property is still pending for disposal. Per contra at this stage the documents relied upon by the plaintiffs are absolutely in consonance to each other as narrated in the plaint which clearly discloses that the katha of the suit schedule properties are standing in the names of the plaintiffs and that the plaintiffs are in possession and enjoyment of the suit schedule properties as narrated in the plaint. Such being the case the denials of the material facts by the defendant

No.1 itself throw light upon the alleged interference caused by him into the peaceful possession and enjoyment of the suit schedule properties by the plaintiffs.

15. Thus on perusal of the pleadings and the documents, the plaintiffs are successful in showing that they are in possession of the suit schedule properties as narrated in the plaint and as such the plaintiffs have made out prima facie case. Further the balance convenience also lies in favour of the plaintiffs and the plaintiffs are successful in showing that if the said application is not allowed, they will be put to great hardship and injury.

16. Accordingly from the observations held above the plaintiffs have made out prima facie case and balance of convenience also lies in their favour at this pre trial stage and the plaintiffs will be put to irreparable loss as prayed. Accordingly, the plaintiffs have successfully proved the Point No.1 to 3 and defendant No.1 has failed to prove the point

No.4. **Hence, I am inclined to answer the point No.1 to 3 in the Affirmative and Point No.4 in the Negative.**

POINT No.5:-

17. In view of my findings on point No.1 to 3 in the Affirmative and the point No.4 in the Negative, I proceed to pass the following:

ORDER

The I.A.No.II filed by the plaintiffs under Order 39 Rule 1 and 2 of CPC is hereby allowed with cost.

The I.A.No.III filed by the defendant No.1 under Order 39 Rule 4 of CPC is hereby dismissed with cost.

Consequently the defendants are hereby restrained by way of temporary injunction from interfering into the peaceful possession and enjoyment of the suit schedule properties by the plaintiffs till pending disposal of the suit.

(Dictated to the Stenographer, on computer and computerized by her, corrected by me, and then pronounced in the open court on this the 25th day of October, 2025.)

(SACHIN H.R.)
PRL.CIVIL JUDGE & J.M.F.C.,
T.NARASIPURA.

**(Order is pronounced in the
open court vide separate
order)**

:O R D E R:

The I.A.No.II filed by the plaintiffs under Order 39 Rule 1 and 2 of CPC is hereby allowed with cost.

The I.A.No.III filed by the defendant No.1 under Order 39 Rule 4 of CPC is hereby dismissed with cost.

Consequently the defendants are hereby restrained by way of temporary injunction from interfering into the peaceful possession and enjoyment of the suit schedule properties by the plaintiffs till pending disposal of the suit.

Issues are framed. For plaintiff evidence by 17.01.2026.

**Prl. Civil Judge & JMFC,
T.Narasipura.**