

KAMS710023102025



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

Dated this the 2nd day of May 2026

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

O.S./254/2025

IA.No.2

Applicant : T.C.Chamegowda
..... plaintiff

V/s

Opponents : Yogannachari and Another
..... 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	:	18/08/2025
iv.	Number of the application	:	IA No.3
v.	The date on which the objections are filed by different	:	19/12/2025

	opponents		
vi.	The date on which the orders were passed on the said application	:	02/05/2026

**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 interfering with suit schedule property till disposal of the suit.

2. Schedule:

The landed property bearing Sy.No.350/1A3 (old No.350/1A) to an extent of 0.06.08 guntas, situated at Yachenahalli Village, Bannur Hobli, T.Narasipura Taluk, bounded on, East by: Land of T.C.Radhakrishna, West by: Land of Padmamma W/o Late Siddegowda, North by: Remaining property belongs to plaintiff, South by: Land of Sathyachari and defendants.

3. a. In the affidavit the plaintiff has stated that, he is the son of late T.N.Chamaiah. As per partition deed dated 23/03/2002 the suit schedule property fallen to his

share. As such, khatha stands in his name and he is paying tax regularly. The defendants are the neighboring owners of the suit schedule property. In the month of April-2025 the defendants without having any right, started interfering with the possession of the plaintiff. Then, he has applied for haddubastu before ADLR, T.Narasipura. Thereafter, notices were caused, spot inspection and mahazar was conducted on 30/07/2025 and boundaries were fixed in respect of the suit schedule property. In spite of that also, again in the month of August-2025 the defendants started interfering with the possession of the plaintiff. Then on 06/08/2025 he has lodged complaint against the defendants, but the police have not taken any action against them and advised him to approach civil court as the matter is civil in nature. Hence, prays for temporary injunction against the defendants.

4. The defendant No.1 filed objections to the application and contended that the suit schedule property is situated at Yachenahalli Village, but the land bearing Sy.No.308/6 which belongs to defendant No.1 is situated at Thuruganuru Village. At no point of time, these defendants have interfered with the peaceful possession

of the suit property as alleged in the application. But, the suit property and defendant No.1's property were adjacent lands, and the plaintiff himself creating problem to the defendant No.1 for plantation and for harvesting. In that regard, the defendant No.1 lodged complaint against the plaintiff. The by suppressing all these facts, filed false suit against him. 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 his 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 his 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 in respect of suit schedule property. The defendants have filed written statement. The plaintiff along with the suit has filed IA.No.2 under Order 39 Rule 1 and 2 of CPC seeking for temporary injunction against the defendants in respect of suit schedule property.

9. The plaintiff in order to support his application has produced copy of partition deed dated 23/03/2002, RTC, mutation register, tax paid receipt, notice issued by surveyor, spot mahazar, haddubasthu sketch, acknowledgment and endorsement issued by SHO, Bannur Police Station.

10. The defendants have not produced any documents.

11. On perusal of the plaint, written statement and the documents produced by the plaintiff prima-facie discloses

that, through partition the suit schedule property was fallen to the share of the plaintiff. After partition, the khatha was transferred in the name of plaintiff and mutation was entered in the name of plaintiff and the plaintiff is paying tax to the concerned authority. He also surveyed the suit schedule property.

12. The defendants in their written statement have admitted the suit schedule property and they admitted that they are the neighbors of suit schedule property. But they denied the interference to the suit schedule property. However, the endorsement and acknowledgment issued by SHO, Bannur Police Station discloses that the plaintiff has filed complaint against defendants and it shows that the defendants were trying to interfere with the suit schedule property by removing the stone fixed in the suit schedule property. Therefore, the documents of the plaintiff prima-facie discloses that he is in possession and enjoyment of the suit schedule property as on the date of filing of the suit and the defendants are neighbors to the suit schedule property and trying to interfere with the suit schedule property. Hence, it is necessary to restrain the defendants from interfering

with the suit schedule property temporarily till disposal of the suit. **Hence this point is answered Affirmatively.**

13. Point No.2: In view of the above discussion, the plaintiff has made out prima-facie case in his favour and if interim order is not granted the defendants may continue their interference to the suit schedule property and they may cause loss to the plaintiff. **Hence, this point No.2 is answered Affirmatively.**

14. 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 and the defendants have not produced the documents to prove their contention and hence no balance of inconvenience in their favour. **Hence, Point No.3 is answered Affirmatively.**

15. 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 interfering with the suit schedule property till disposal of the suit.

[Dictated to the Stenographer, transcribed by her and corrected by me and pronounced in the Open Court on 2nd day of May 2026]

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

(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 interfering with the suit schedule property till disposal of the suit.

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