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

Dated this the 5th day of February 2026

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

O.S./262/2024

IA.No.3

Applicant : Smt.Narasama
..... plaintiff No.1

v/s

Opponents : Smt.Deepa 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	:	05/09/2024
iv.	Number of the application	:	IA No.3
v.	The date on which the objections are filed by different	:	13/01/2025

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

**ORDERS ON IA NO.3 FILED BY THE PLAINTIFFS UNDER
ORDER 39 RULE 1 AND 2 OF CPC**

1. The plaintiff No.1 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 items No.2 and 3 properties till disposal of the suit.

2. Schedule:

Item No.2: Mangalore tiled house property bearing Janger No.1124/1125 Asset No.2/44-46 E-Swathu No.152200702009520908 measuring ExW 12.8016 meter and NxS 17.3736 meter situated at Vadeyandahalli Village, Talakadu Hobli, T.Narasipura Taluk, Mysuru District, bounded on, East by: House of Shivaiah, West by: House of Vishalakshamma, North by: Road, South by: Conservancy.

Item No.3: Asbestos sheet Cattle shed property and vacant site property bearing Asset No.1110/1 E-Swathu

No.152200702009520910 measuring ExW 24.384 meter and NxS 18.288 meter situated at Vadeyandahalli Village, Talakadu Hobli, T.Narasipura Taluk, Mysuru District, bounded on, East by: Vacant site of Rangaraju, West by: Road, North by: Road, South by: Site of Appajigowda.

3. a. In the affidavit the plaintiff No.1 has stated that, she is the wife of deceased T.V.Veeregowda and the plaintiffs No.2, 3 and husband of defendant No.1 by name late T.V.Veerappajigowda are the children of deceased T.V.Veeregowda. On 31/01/2004 the said T.V.Veeregowda died by leaving behind them and husband of the defendant No.1 as his legal heirs. The said T.V.Veerappajigowda died on 05/02/2022 leaving behind her and the defendants No.1 and 2 as his legal heirs.

b. Further, the plaint schedule properties are originally belonged to her husband T.V.Veeregowda. The khatha of the suit schedule properties were stands in the name of T.V.Veeregowda. After the death of T.V.Veeregowda, the husband of the defendant No.1 acts as kartha of the family and the khatha of the suit schedule properties

changed to his name and also in the name of the plaintiff by inheritance. There is no partition among them and still the suit schedule properties continued in joint possession and enjoyment of the same.

c. Further, during the life time of T.V.Veerappajigowda has formed sites in Sy.No.314 and sold the same to several private persons through panchayath deed. Now, she and the defendants are in possession of 1 acre 10 guntas of land in item No.1 of the suit schedule property.

d. Further, the defendant No.1 got changed khatha in respect of item No.2 and 3 properties. After the death of T.V.Veerappajigowda, the khatha has been changed to the name of the defendant No.1. Only the transfer of khatha does not confirms any right or title on the defendants. Since 50 years, she is residing in suit item No.2 of the property. But the defendant No.1 taking advantage of the same has transferred the khatha into her name in respect of suit item No.2 and 3 properties and ousted her from the residential house. Hence, she is residing in the house of plaintiff No.3 at Mysore. Further, the defendant No.1 by transferring the khatha

into her name has tried to sell the suit item No.2 and 3 properties. Hence, prays for temporary injunction against the defendants.

4. The defendants in their objections have denied the claim of plaintiffs and prays to dismiss the application.

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

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

1. Whether the applicant/plaintiff No.1 has made out prima-facie case in her favour?

2. Whether plaintiff No.1 will be put to loss or hardship if temporary injunction is not granted?

3. whether plaintiff No.1 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 plaintiffs have filed the suit for the relief of partition in respect of suit schedule properties. The defendants have filed written statement. The plaintiff NO.1 along with the suit has filed IA No.3 under Order 39 Rule 1 and 2 of CPC seeking for temporary injunction against the defendants in respect of suit schedule item No.2 and 3 properties.

9. The plaintiffs in order to support their application have produced the assessment register extract, E-swathu, endorsement, RTC, death certificate of T.B.Veeregowda and T.B.Veerappajigowda, objection, genealogical tree, legal notice, postal receipt and acknowledgment.

10. The defendants have not produced any documents.

11. On perusal of the plaint, written statement and the documents produced by the plaintiffs prima-facie discloses that, the suit item No.2 and 3 were originally stands in the name of husband of the plaintiff No.1. Plaintiff No.1 is the mother-in-law of defendant No.1.

The defendants in their written statement have admitted the relationship of the parties and also the suit schedule properties. After the death of husband of plaintiff No.1, the suit item No.2 and 3 are transferred in the name of husband of defendant No.1. As per the death certificate, the husband of plaintiff No.1 and defendant No.1 are no more. Therefore, the plaintiffs by producing assessment register, E-swathu have established prima-facie that originally the suit item No.2 and 3 were stands in the name of husband of plaintiff No.1 and after his death, the husband of defendant No.1 transferred the khatha. After the death of husband of defendant No.1, the defendant No.1 tried to transfer the khatha into her name. Hence, the plaintiffs have filed objections for transfer of khatha.

12. To disprove the claim of the plaintiffs, the defendants have not produced documents to show that suit item No.2 and 3 are not ancestral and joint family properties of the plaintiffs. To disprove the above documents, the defendants except filing the written statement have not produced any documents. Therefore, the documents produced by the plaintiffs prima-facie discloses that, the defendant No.1 by transferring the

khatha may alienate the suit item No.2 and 3 and it may cause multiplicity of proceedings. Thus, the plaintiffs have made out prima- facie case in their favour. **Hence this point is answered Affirmatively.**

13. Point No.2: In view of the above discussion, the plaintiffs have made out prima-facie case in their favour and if interim order is not granted the defendant No.1 may alienate suit property and it may cause loss to the plaintiffs. **Hence, this point No.2 is answered Affirmatively.**

14. Point No.3: As discussed above the plaintiffs have proved the prima-facie case as well as irreparable loss. Under such circumstances there is a balance of inconvenience in favour of the plaintiffs 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.3 filed by the plaintiff No.1 Under Order 39 Rule 1 and 2 of CPC is hereby allowed with cost.

The defendant No.1 is hereby restrained temporarily from alienating the suit items No.2 and 3 properties till disposal of the suit.

[Dictated to the Stenographer, transcribed by her and corrected by me and pronounced in the Open Court on 5th day of February 2026]

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

(Order pronounced in open court vide separate order)

ORDER

IA.No.3 filed by the plaintiff No.1
Under Order 39 Rule 1 and 2 of CPC
is hereby allowed with cost.

The defendant No.1 is hereby
restrained temporarily from alienating
the suit items No.2 and 3 properties
till disposal of the suit.

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