



IN THE COURT OF THE SENIOR CIVIL JUDGE & J.M.F.C.,
DEVADURGA

Present:
Sri.Suresh Annappa Savadi., B.A., L.L.B, (Spl).,

Senior Civil Judge & JMFC, Devadurga.

O.S.No.122/2025

DATED : THIS THE 4th DAY OF JUNE 2026

Plaintiff: Jambanna S/o. Ramanna
and others.

(By Sri.B.S., Advocate)

--V/s--

Defendants: Mardhani @ Mardhanappa S/o.Yamunappa
and others.

(D.1 by Sri.R.K.advocate)
(D.2 & 3 by Sri.B.K.Advocate)

Provision under which the application is filed	U/o.XXXIX rule 1 and 2 R/w.Sec.151 of C.P.C.
Relief sought for	Temporary injunction.
The date on which the application is filed	18.10.2025
Number of the application	IA.No.I & II
The date on which the objections are filed by different opponent	05.01.2026
The date on which the orders were passed on the said application	04.06.2026

**ORDER ON IA NO.I AND II**

The plaintiffs have filed IA No.1 and 2 U/o.39 rule 1 and 2 R/w.Sec.151 of CPC restraining the defendants from interfering the peaceful possession and enjoyment of the property of the plaintiffs and also sought for restraining the defendants from alienating the suit schedule property till disposal of the suit.

2. In the affidavit plaintiff contended that the plaintiffs have filed this suit against the defendant for the relief of declaration and permanent injunction. The agricultural land bearing Sy.No.360/1 measuring 04 acres 06 guntas and Sy.No.360/2 measuring 03 acres 30 guntas situate at Kyadigera village is the subject matter of the suit property. The plaintiff filed the family pedigree. As per the same one Ramanna S/o.Huligeyya is the common ancestor who died leaving behind his wife Gangamma who is defendant no.3 and six children who are plaintiff no.1 to 4 and defendant no.2 and another son Hanumantha who died leaving behind Sarojamma who is plaintiff no.5 and her children plaintiff no.6 to 8. The defendant no.3 was married to one Yamanappa S/o. Dasnal of Gangavathi village. The defendant no.1 born to Yamanappa through defendant no.3. After birth of defendant no.1 the marriage of defendant no.3 with said Yamanappa was broken and later defendant no.3 married to Ramanna @ Huligeyya and the plaintiff no.2 to 4 and defendant no.2 born to Ramanna along with deceased Hanumantha. The defendant no.1 is no way concerned to the family of the plaintiffs and defendant no.2 and 3. The behind the back of the plaintiffs the defendant no.1 got mutated



the suit land without there being any right, title and interest. The said mutation is illegal, which is liable to be null and void. On 07.09.2025 when the plaintiffs involved in agricultural works in the suit land, at that time defendants illegally interfere in the suit land and tried to obstruct their work and also denied their title over the suit land and threatened that they will dispossess the plaintiffs from suit land and also contended that he will alienate the schedule property to deprive the right of the plaintiff. Hence, without there being any remedy the plaintiffs have filed this suit along with present application. Hence prays to allow the application.

3. On the other hand the defendant no.1 filed objection. In the objection denied the plaint averments and specifically contended that he also being the co-parcener of the family of the plaintiffs and other defendants and he is in constructive possession of the suit property and other non-suit property with the plaintiffs and defendants. The present suit against co-parcener is not maintainable. Hence with these set of contentions prays to reject the applications.

4. Heard both sides. The advocate for plaint filed written arguments.

5. The following points arises for my consideration;

1. Whether the plaintiffs have made out the prima-facie case ?



2. Whether the plaintiffs show that the balance of convenience lies in their favour?
 3. Whether the plaintiffs show that, if application is not allowed, the plaintiffs will put to irreparable injury ?
 4. What order ?
6. My answered to the aforesaid points are as under;
- Point No.1 to 3 : In the partly affirmative;
- Point No.4 : As per final order
- for the following

R E A S O N S

7. **POINT NO.1 to 3:** These points are interlinked with each other and to avoid the repetition of facts and separate discussion taken together for common consideration.
5. The plaintiffs have filed this suit for declaration and injunction against the defendants in respect of suit schedule property and filed these applications to restrain the defendants from alienating the suit schedule property and also sought the relief of restrain the defendants from interfering the peaceful possession and enjoyment of the property of the plaintiff. After going through the records, the plaintiff specifically contended that the defendant no.3 who is Gangamma initially married to one Yamanapa and through Yamanapa the defendant no.3 gave birth to defendant no.1. Later the marriage between defendant no.3



and Yamanapa was broken. Later the said Gangamma married to Ramanna and through Ramanna Gangamma gave birth to plaintiff no.1 to 4 and defendant no.2 and another deceased son Hanumantha. Hence the defendant no.1 is no way concerned to the family of the plaintiffs and defendants. The plaintiffs have filed the suit against the defendant no.1 to 3 and sought the relief against the defendant no.1 to 3 to restrain the defendants from interfering the possession and also sought the relief against the defendants to restrain them from alienating the schedule property. As per the plaintiff himself the plaintiffs and defendants no.2 and 3 are in joint possession and enjoyment of the property. Admittedly defendant no.1 is the son of defendant no.3. The defendants no.2 and 3 and plaintiffs are co-parceners and the defendant no.1 is also contending that he is also the co-parcener in the family of the plaintiff and defendants. The question of restraining from interfering the possession of one co-owner from other co-owners does not arise. As per the records the suit property as on the date of suit standing in the name of defendant no.1 and 2. As per the documents partition mutation was effected in the year 2020. Considering the material the plaintiffs and defendant no.1 are claiming the right over the properties. Hence, under such circumstances to avoid the multiplicity of proceedings it is necessary to restrain the defendants from alienating the scheduled properties. Hence considering the entire material, this court answered Item No.1 to 3 in the partly affirmative.



9. **POINT NO.4:** For the reasons stated in the Point No.1 to 3, this court proceed to pass the following;

ORDER

The I.A.No.1 filed by the plaintiff U/o. XXXIX Rule 1 and 2 R/w.Sec.151 of CPC to restrain the defendants from interfering the peaceful possession and enjoyment of the suit property is dismissed.

The IA No.2 filed by the plaintiff U/o. XXXIX Rule 1 and 2 R/w.Sec.151 of CPC to restrain the defendants from alienating the suit schedule property till disposal of suit is allowed.

The defendants are restrained from alienating the suit schedule properties till disposal of suit.

(Dictated to the stenographer directly on the computer, typed by him, corrected by me and then pronounced in the open court on this the 4th day of June 2026)

(Sri.Suresh Annappa Savadi)
Senior Civil Judge & JMFC.,
Devadurga.