



O.S No.277/2025(Or)

**IN THE COURT OF ADDL. SENIOR CIVIL JUDGE &
J.M.F.C. AT CHANNAPTNA.**

Present:-

Sri. Sandesha K. MA, LLB.,

(Addl. Senior Civil Judge & J.M.F.C., Channapatna)

Dated: 03rd Day of February 2026

ORIGINAL SUIT No.277/2025

- Plaintiffs** :
1. Smt. Puttathayamma,
W/o Late. Boregowda,
Aged about 64 years,
R/at Marchanahalli Village,
Malur Hobli, Channapatna Taluk,
Ramanagara District.
 2. Smt.Jayalakshamma @ Lakshamma,
W/o Basavaraju,
D/o Late Boregowda,
Aged about 42 years,
Aged about Thagachagere Village,
Channapatna Taluk,
Channapatna,
 3. Smt.Shashikala,
W/o Mariswamy,
D/o Late Boregowda,
Aged about 39 years,
R/at Marchanahalli Village,
Malur Hobli, Channapatna Taluk,
Ramanagara District.

(By Smt. Asha., Adv.)

:-V/S:-

- Defendants:**
1. Smt. Nagarathna,
W/o Kariyappa,
Aged about 54 years,



2. Smt. Sumalatha,
W/o Kariyappa,
Aged about 41 years,
3. Sri. Anil Kumar.M.K,
S/o Kariyappa,
Aged about 40 years,
4. Sri. Prasanna,
S/o Kariyappa,
Aged about 32 years,
5. Sri. Puttalingegowda @ Puttalinga
S/o Kenchegowda,
Aged about 59 years,
6. Sri. Krishnamurthy,
S/o Puttalingegowda @ Puttalinga,,
Aged about 32 years,

All are R/at R/at,
Marchanahalli Village,
Malur Hobli,
Channapatna Taluk,

(By Sri. G.N.S Adv.)

1.	Provision under which application filed.	Under order 39 rule 1 & 2 R/w 151 of CPC.
2.	Relief sought	Restraining the Defendants from alienating the plaint schedule property.
3.	The date on which application filed.	31.10.2025
4.	Number of application	IA No.I
5.	The date of which the objection filed by the respondent /defendants	17.12.2025



6.	The date on which the order were passed on the said application	03/02/2026
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**ORDERS ON IA No.I FILED BY THE
PLAINTIFFS UNDER ORDER XXXIX RULE
1 & 2 OF CPC.**

This application filed by the plaintiffs under order XXXIX rule 1 and 2 of CPC seeking temporary injunction restraining the Defendants from alienating the suit schedule property to 3rd parties till disposal of the suit.

Case of the plaintiff in brief is as under:

2. The 1st plaintiff has sworn an affidavit in support of the application she stated that, plaint schedule property originally belongs to Kenchegowda and Chikkaningamma. Kenchegowda had a 6th children. During the life time of Kenchegowda, male children of Kenchegowda have divided the property on 11.02.1993 under the Panchaytah Parikath. Therefore, some of the properties have not included in the plaint. Plaint schedule property measuring extent of 7.24 ½ acre stands in the name of Kenchegowda, said property is divided by the male children of Kenchegowda without the knowledge of the plaintiff and also revenue records got mutated in their name. Plaintiffs have equal right the over suit schedule property. But defendants have not divided the property equal. Defendants



have trying to alienate the suit property to 3rd parties. Hence, this application.

3. Per contra the defendant No.1 to 4 have filed objection to I.A No.I and defendant No.5 and 6 have adopted the same and contended that, joint family property of Kenchegowda has already partition and revenue records have mutated in their name. The defendants are possession of their share. Defendants have paid stamp duty to the Panchayath Parikath dated 11.02.1993 before district register Ramanagara on 18.12.2024 . as per the Panchayath Parikath property in Sy.No.137/1 measuring 3.1 acre of land and Sy.No.99/1 measuring 1.11 acres of land is mutated in the name of the defendant respectively. At the time of mutation of Khatha defendant No.1 to 4 have not filed any objection. Hence, pray for dismiss the application with cost.

4. Heard on arguments of both parties and perused the pleadings and materials on record.

5. The following points that arise for the consideration of this court.

POINTS

- 1. Whether the plaintiffs/applicants have made out a prima-facie case?**
- 2. Whether balance of convenience lies in favour of the plaintiffs?**



3. Whether the plaintiffs will be put to irreparable loss and injury if temporary injunction is not granted as prayed?

4. What order?

6. The findings on the above points are as hereunder:

Point No.1: In the **Affirmative**

Point No.2: In the **Affirmative**

Point No.3: In the **Affirmative**

Point No.4: As per the final order

For the following:

REASONS

7. Point No.1: It is the specific case of the plaintiff that, plaint schedule property and other property other belongs to Kenchegowda. Kenchegowda had of 6th children. During the life time of Kenchegowda family properties divided as per the Panchayath Parikath dated 11.02.1993. as per the said Panchatha Parikath expect the plaint schedule property other property is divided equal. Therefore, said property are not include the said suit. Plaint schedule property measuring 7.24 ½ acre of land stands in the name of Kenchegowda said properties divided by his male children without of knowledge of the plaintiff. Plaintiffs have equal right over said property. Without the knowledge of plaintiffs defendants pay the stamp duty to the Panchayath Parikath dated 11.02.1993 and divided the property. Therefore, plaintiffs have equally right over the plaint over the property. Based on the revenue records



defendants have trying to alienate the plaint the suit schedule property in favour of 3rd parties. Hence, the Plaintiffs have constrained this suit.

8. The submission of the plaintiff counsel is, as per the Panchayath Parikath dated 11.02.1993 plaint schedule property is not divided equally. Without the knowledge of the plaintiff defendants have pay the stamp duty to the Panchayath Parikath dated 11.02.1993 and divided the property and properties are mutated in the name of defendants. Without allotted to the share of plaintiffs defendants have mutated revenue recorded in their name. Plaintiffs are seeking partition to the plaint schedule property but defendants are the denied the same. Plaint schedule property is not equally divided. Without disclosing the said facts revenue record mutated in the name of defendants. Defendants are trying to the alienating the plaint in favour of 3rd parties. If the application is not allowed plaintiffs will be put hardship and irreparable injury and it will let multiplicity of proceedings. Hence, pray for allow the application.

9. The submission of the defendant counsel is, plaintiffs and defendants are children of Kenchegowda. During in the life time of Kenchegowda family properties are divided as per Panchayath Parikath dated 11.03.1993 1st defendant is in possession of his share and other parties have also their possession and katha is mutated in their



name. In the Panchatha Parikath plaintiffs have also got properties. 5th defendant has pay the stamp duty to the Panchatya Parikath dated 11.03.01993 on 18.02.2024 and mutated to the property in their name. Plaintiffs and 1st defendant are in possession their property. Defendant No.1 to 4 have sold the property in Sy.No.99/1 in favour of Nadana.D.C. but he has not party to suit. Hence, suit is not maintainable. Hence, pray for dismiss the application with cost.

10. In the light of submission made by the both counsel and this court has carefully perused the pleadings as well as documents produced by the both parties. The plaintiff has produced Genealogical tree and death certificate of Kenchegowda, Kenchamma and Boregowda and also produced Panchayath Parikath dated 11.02.1993, copy of M.R,RTC extract and copy of agreement.

11. At this stage, without going through the merits of the case and holding mini trial, this court has consider the aspect of prima facie case. At this stage this court makes it very clear that the court is looking towards prima-facie case and not for prima-facie title. It is well settled principles of law that at the time disposing the temporary injunction application this court cannot going the prima-facie title and only consider whether the plaintiff has made out prima-facie case for granting of interim relief.



12. The purpose of granting interim relief is the preservation of things in dispute till legal rights and conflicting claim of the parties before the court are adjudicated. In other words the object of making an order regarding interim relief is to evolve a workable formula to the extant called for by the demand of the situation. Keeping in mind the pros and cons of the matter and striking a delicate balance between conflicting interests i.e., injury and prejudice, likely to be caused to the defendants if the relief is granted. The underlying object of granting temporary injunction is to maintain and preserve status quo at the time of institution of proceedings and prevent any change until the final determination of the suit.

13. The power to grant temporary injunction is at the discretion of the court. This discretion, however, should be exercised reasonably, judiciously and on sound legal principles. Injunction should not be lightly granted as it adversely affects the other side.

14. The first rule is that the plaintiffs must make out a prima-facie case in support of the claim made by them. The court must be satisfied that there is a bonafide dispute raised by the plaintiffs. That there is a strong case for trial which needs investigation and a decision on merits and on the facts before the court there is a probability of the plaintiff being entitled to the relief claimed by them. The existence of a prima facie right and infringement of such right



is a condition precedent for granting of temporary injunction.

15. In order to ascertain the prima-facie case, this court as carefully perused the document produced by the plaintiffs i.e., Panchatha Parikath dated 11.02.1993, mutation extract, RTC extract, stamp duty paid by the defendants, the Panchayaht Parikath dated 11.02.1993 unveil that, the family property of Kenchegowda already divided between the family members. The main contention of the plaintiff that, plaint schedule property are not equally divided. Without the knowledge of plaintiffs defendants are mutated the RTC extracts in their name. In the Panchauyath Parikath dated 11.02.1993 plaint schedule property is not divided meets and bounds. Plaint schedule property as to be equally divided between family members of Kenchegowda. Plaintiffs have also equal not right the over the suit properties. Without proper division defendants have mutated plaint schedule property in their name. RTC produced by the plaintiff unveil that, plaint schedule property stands in the name of defendants. Defendant No.1 to 4 have agree to sell the portion of the plaint schedule property in favour of Nandan.D.C. Whether the plaintiffs have right over the suit schedule property or not is a triable issue. At this stage the document dated 11.03.1993 prima-facie shows that, there is triable case. Without the evidence of the both parties at the stage court cannot come to conclusion that, defendants have right over the schedule



property and as per the Panchayath Parikath dated 1.02.1993 document got mutated in the name of defendants. At this stage plaintiffs have a triable issue.

16. At this stage this court only consider whether the plaintiffs have made out a prima-facie case or not and whether the plaintiffs have produced sufficient document to prove that they has made out prima-facie case. But upon verifying the documents produced by the plaintiffs clearly shows that, they have made out prima-facie case. Hence plaintiffs are entitled equitable relief of injunction. With these observation this court as answered point No. 1 in the **Affirmative.**

17. Point No.2 and 3: The second condition for granting interim injunction is that the balance of convenience must be in favour of the applicant, in other words this court must be satisfied that the comparative mischief, hardship or inconvenience which is likely to be caused to the applicants by refusing the injunction will be grater than that which is likely to be caused to the opposite party by granting it.

18. The existence of prima-facie case alone does not entitled the plaintiffs for a temporary injunction. The applicants/plaintiffs must further satisfied the court about the 3rd condition by showing that she will suffer irreparable injury if the injunction as prayed is not granted and there is no other remedy open to them by which she can protect



herself from the consequences of apprehended injury. The plaintiffs have produced RTC extract in respect of suit schedule property. RTC extract produced by the plaintiffs depict that plaint schedule property stands in the name of Defendant No.1 to 4. If the said Defendant No.1 to 4 are alienate said property, it will lead multiplicity of proceedings and Plaintiffs will put irreparable loss and injury. Therefore at the stage if the defendant No.1 to 4 are alienate the plaint schedule property plaintiffs will put irreparable loss injury and hardship. The balance of convenience lies in favour of plaintiffs. In these circumstances this court is the opinion that, if IA No. I is not allowed more mischief and hardship will be caused to the plaintiffs when compared to the mischief and hardship which will be suffered by the defendants. By considering all this aspect, this court is of the opinion that if the application is not allowed, the plaintiffs will be put to irreparable loss and hardship and the same cannot be compensated in terms of money. Hence this court answered point No. 2 and 3 in the **Affirmative**.

19. Point No.4: In view of the discussion, this court proceeds to pass the following:

ORDER

I.A. No.I filed by the plaintiffs under order XXXIX Rule 1 and 2 R/w 151 of CPC is hereby allowed.



The Defendants are here by restrain
from alienating the plaint schedule
property till disposal of the suit.

No order as to cost.

(Dictated to the Stenographer, directly on the computer and signed by me
and then pronounced in the Open Court on this 03rd day of February 2026)

(Sri.Sandesha.K)
Addl. Senior Civil judge & JMFC.,
Channapatna



**(ORDER PRONOUNCED IN THE OPEN COURT
(ON 03/02/2026)
(VIDE SEPARATE ORDER)
ORDER**

I.A. No.I filed by the plaintiffs under order XXXIX Rule 1 and 2 R/w 151 of CPC is hereby allowed.

The Defendants are here by restrain from alienating the plaint schedule property till disposal of the suit.

No order as to cost.

For compliance of Sec.89 of CPC.
Call on 13.03.2025.

Addl. Senior Civil judge & JMFC.,
Channapatna