

KARN210011202024



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

Present:-

Sandesha K. M.A, LLB.,

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

Dated: 24th Day of July 2026

ORIGINAL SUIT No.295/2024

- Plaintiffs :**
1. Smt.Shyamala,
W/o Late Chandregowda,
Aged about 44 years,
 2. Sri.Chirak Gowda.M.C,
S/o Late Chandregowda,
Aged about 22 years,
 3. Bhoomika.M.C,
D/o Late Chandregowda,
Aged about 20 years,

All are R/at House No.2101/2,
12th Cross, Kuvempunagara,
Mangalawarapet, Channapatna Town,
Ramanagara District

(By Smt.Ambika., Adv.)

:-V/S:-

- Defendants:**
1. Sri. Pradeep Kumar,
S/o Late Thirumalaiah,
Aged about 52 years,
Permanent R/at,
No.2101/2,
12th Cross, Mangalawarapet,



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Channapatna Town,
Ramanagara District.

Present R/at,
Hoysthla Circle,
Kengiri Upanagara,
Bangalore.

2. Sri.Ravi Kumar,
S/o Late Thirumalaiah,
Aged about 48 years,
R/at No.2101/2, 12th Cross,
Mangalawarapet,
Channapatna Town,
Mangalawarapet,
Channapatna Taluk,
Ramanagara District.
3. Smt.Manjula,
D/o Late Thirumalaiah,
Aged about 45 years,

All are R/at No.125, 9th C Cross,
Yallappa Garden,
Banashankari,
B.S.K 3rd Stage,
Bangalore-560085.
4. Yashwasini.K,
D/o Krishnappa,
Aged about 23 years,
R/at Thimmasandra Village,
Kasaba Hobli,
Channapatna Taluk,
Bengaluru South District.

(D-1 & 2 By Sri. M.M., Adv.)

(D-3 By Smt. V.T.D, Adv.)

(D-4 By Sri. T.M.L., Adv.)

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Parties on IA No.I

Applicants/Plaintiffs : Smt.Shyamala and others

V/s

Opponents/Defendants : Sri. Pradeep Kumar and others.

1.	Provision under which application filed.	Under order 39 rule 1 & 2 R/w 151 of CPC.
2.	Relief sought	Pray for restraining the defendants their agents are any body claiming under them from alienating the plaint schedule properties till the disposal of the suit
3.	The date on which application filed.	15.11.2024
4.	Number of application	IA No.I
5.	The date of which the objection filed by the respondent /defendants	14.11.2025
6.	The date on which the order were passed on the said application	24.07.2026

**ORDERS ON IA No.I FILED BY THE
PLAINTIFFS UNDER ORDER XXXIX RULE
1 & 2 and R/W SEC.151 OF CPC.**

This application filed by the plaintiffs under Order XXXIX Rule 1 and 2, R/w 151 of CPC, pray for



restraining the defendants their agents or any body claiming under them from alienating the plaint schedule properties till the disposal of the suit.

Case of the plaintiff in brief is as under:

2. In the affidavit filed in support of application, plaintiff No.1 stated that, suit schedule properties are the ancestral and joint family family of the plaintiffs and defendants. Defendants are trying to alienate the said properties, plaintiffs have given complaint before the Police Station but Police have not any action. Hence, this application.

3. After receipt of the application filed by the plaintiffs, defendant No.1 and 2 have filed objection to I.A.No. I and contended that, item No.1 to 3, 5 and 6 properties are the belongs to father of the defendants. Item No.4 belongs to mother of the defendants. Defendant No.1 and 2 have no objection to divided the above said properties equally. Item No.7 of the plaint schedule property self acquired property of the 2nd defendant. 2nd defendant converted the said properties and form a layout, CMC Khatha standing in the name of the 2nd defendant. 2nd defendant pay tax to the concerned to the authority. Plaintiffs intentionally filed a suit against the 2nd defendant. Item No.8 of the plaint



schedule property not a joint family properties of the plaintiffs and defendants. Said properties belongs to Auntie of defendant No.1 and 2 by name Puttalingamma. There is no relationship between the plaintiff and Puttalingamma. Item No.7 and 8 of the properties are self acquired property of the defendant No.2. Hence, pray for dismiss the application.

4. Heard the argument of learned counsel for the both parties on I.A.No.I and perused the pleading and material records.

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 Negative
Point No.2	:	In the Negative
Point No.3	:	In the Negative



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Point No.4 : As per the final order
For the following:

REASONS

7. Point No.1: Plaintiffs have filed this suit against the defendants for the relief of partition and separate possession as well as declaration. It is the case of the plaintiffs that plaint schedule properties are ancestral and joint family properties of the plaintiffs and defendants. Said properties are not divided between the parties of the suit. Defendants are trying to alienate the plaint schedule properties. Hence, this application.

8. Learned counsel for the plaintiff argued before this court that, plaint schedule properties are ancestral and joint family properties of plaintiffs and defendants. Defendants are trying to alienating the plaint schedule properties. Therefore, if the application is not allowed plaintiffs will put irreparable loss and injury. Plaintiffs have made out prima-facie. Hence, pray for allow the application.

9. Submission of the defendant No.1 and 2 counsel is they have no objection to partition the properties in item No.1 to 3, 5 and 6. Item No.7 and 8 of the plaint schedule properties are the self acquired



properties are the 2nd defendant. Plaintiffs intentionally included the said properties in the plaint. In order to harass the defendant No.1 and 2, plaintiffs have filed this suit. Item No.7 of the plaint schedule property purchase by the 2nd defendant through her Auntie through the registered sale deed. Item No.7 and 8 of the plaint schedule properties are the self acquired properties of the defendant No.2. Hence, pray for dismiss the application.

10. This Court has considered the submission made by the erudite counsel for the both parties and perused the documents produced by the both parties. Plaintiffs has produced legal notice, reply notice, genealogical tree, acknowledgment, postal acknowledgment, RTC extracts, demand register extracts, copy sale deed dated 22.07.2020, copy of sale deed dated 03.04.2021. Defendant No.1 and 2 produced copy of Panchayth Parikath, RTC extracts, M.R, RTC in Sy.No.106/17 copy of sale deed copy of will, endorsement, tax paid receipt, death certificate of Puttaswamiah, M.R and survey documents.

11. At this stage, without going to 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 plaintiffs have 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 if the matter and striking a delicate balance between to conflicting interest i.e., injury and prejudice, likely to be caused to the defendants if the relief is granted. The underlying object granting of 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 granting temporary injunction is at the discretion of the court. This discretion, however, should be exercised reasonable, judiciously



and on sound legal principles. Injunction should not be lightly granted as it adversely affects other side.

14. The first rule is that the plaintiff must make out a prima-facie case in support of the claimed by them. The court must be satisfied that there is a bonafied dispute raised by the plaintiff. That there is strong case for trial which needs investigation and a decision in merits and on the facts before the court there is a probability of the plaintiffs 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. Admittedly, item No.1 to 3, 5 and 6 are the ancestral and joint family properties of the plaintiffs and defendants. The document produced by the plaintiffs i.e., copy of sale deed dated 03.04.2021 with respect to the item No.7 of the plaint schedule property shows that, 2nd defendant has executed a registered sale deed with respect to the item No.7 of the plaint schedule property in favour of 4th defendant. Defendant No.1 and 2 have produced copy of the sale deed dated 22.07.2020 depict that Smt.Puttalingamma has executed sale deed in favour of 2nd defendant with respect to the item No.7 of the plaint schedule property. Upon verify the genealogical produced by the plaintiffs



depict that Smt.Puttalingamma is not family member of plaintiffs and defendants. Puttalingamma has executed a sale deed in favour of 2nd defendant with respect to her self acquired property. Upon verify said sale deed shows that Puttalingamma acquired the said property through the Panchayath Parikath. Defendant No.1 and 2 have produced said copy of Panchayath Parikath. After the execution of sale deed, RTC got mutated in the name of the 2nd defendant. So, for as item No.8 of the plaint schedule property, Puttalingamma has executed a will in favour of 2nd defendant. Based on that Khatha also mutated in the name of 2nd defendant.

16. Further, more copy of sale deed produced by the plaintiffs themselves shows that, item No.7 of the plaint schedule property belong to Puttalingamma who is not family members of the plaintiffs and defendants. As per Panchayath Parikath dated 30.06.1994 husband of the Puttalingamma acquired the item No.7 and 8 of the plaint schedule properties, after his death item No.7 and 8 of the plaint schedule properties mutated in the name of the Puttalingamma. Said Puttalingamma executed a registered sale deed as well as gift deed with respect of her property in favour of 2nd defendant. But plaintiffs are suppressed the above said facts. It shows



that plaintiffs are not come before the court with clean hand. At this stage plaintiffs have not made out a prima-facie case. Accordingly, I answer point No.1 in the **Negative** .

17. POINT No.2 and 3:- Since all these points are inter-connected to each other, they are taken up together for common discussion in order to avoid repetition of facts and findings.

18. Plaintiffs are produce copy of the sale deed dated 03.04.2021 and defendant No.2 has produced copy of the Panchayath Parikath and copy of the will, said documents clearly shows that item No.7 and 8 of the plaint schedule properties stood in the name of the 2nd defendant. Upon the verify the contents of the sale deed dated 03.04.2021 and will dated 16.08.2018 depict that item No.7 and 8 of the plaint schedule properties are belongs to Puttalingamma who is the auntie of defendant No.2 and also not family member of the plaintiffs and defendants. But plaintiffs are suppressed the true facts before the sight of the court and filed this application for seeking equable of the relief of injunction. It is well settled that parties of the lies seeking equable relief of the injunction, they come before the court with clean hand. But in this case upon



verify the documents and genealogical produced by the plaintiffs shows that plaintiffs have come before the court with unclean hand. Including the family properties and other properties they have seeking injunction. Hence, plaintiffs cannot entitled equable relief of injunction. At this stage balance of convenience not lies in favour of plaintiffs. If the application is allowed defendant No.1 and 2 will put irreparable loss hardship and injury which cannot be compensated in terms of money. Accordingly, I answer point No.2 and 3 in the **Negative**.

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

ORDER

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

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 24th day of July 2026)

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

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**(ORDER PRONOUNCED IN THE OPEN COURT
(ON 21/07/2026)
(VIDE SEPARATE ORDER)
ORDER**

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

No order as to cost.

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15 **O.S No.295/2024(Or)**

For compliance of SEC.89 of CPC.

Call on 28.08.2026

Addl. Senior Civil judge & JMFC.,
Channapatna

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Copy of Panchayatha paalu parikath datd 30.06.1991, RTC extracts, mutation register, copy of sale deed dated 22.07.2020, copy of Will or Testamentary Document, Endorsement, tax paid receipt, death certificate of H.Puttaswamaiah, copy of Pakka book