

KARN320004132025



Presented on : 31-01-2025
Registered on : 31-01-2025

IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC.,
KANAKAPURA

Present: Smt. Radha S, B.A., LL.M.,
Prl. Civil Judge & JMFC.,
Kanakapura.

O.S./56/2025

Dated this the 28th day of January 2026

Plaintiff :- Sri. Shivanna
S/o late Ramegowda
Aged about 58 years,
R/o: Avaremla Village,
Maralavadi Hobli,
Harohalli Taluk,
Ramanagara District.

(By Sri. K.M.G., Advocate)

.Vs.

Defendant:- Sri. Venkatappa
S/o late Muddaiah
Aged about 60 years,
R/o: Gundanagollahalli Village,
Karikaldoddi Post,
Harohalli Hobli & Taluk,
Ramanagara District.

(Ex-Parte)



PARTIES TO IA No.I

Applicant / plaintiff : Sri. Shivanna

Vs.

Opponent/defendant : Sri. Venkatappa

(Smt. Radha.S)
Prl. Civil Judge & JMFC.,
Kanakapura.

**ORDERS ON I.A.NO.I FILED BY THE PLAINTIFF
UNDER ORDER XXXIX RULE 1 AND 2 R/W
SECTION 151 OF CPC.**

This is an application filed by the plaintiff requesting the court to pass an order of temporary injunction against the defendant to restrain him, his agents, servants or anybody acting on his behalf from alienating the land bearing Sy.No.259/15A (Old Sy.No.259) measuring 00 acre 22 guntas situated at Avaremala Village, Maralawadi Hobli, Harohalli Taluk, Ramanagara District to anybody in any manner till disposal of the suit. The description of the above property is clearly mentioned in the application and plaint schedule and herein after referred as the suit schedule property.



2. On the basis of application filed by the plaintiff, the following points would arise for the consideration of this court.

1. Whether the plaintiff has made out prima-facie case ?
2. Whether balance of convenience lies in favour of plaintiff ?
3. Whether irreparable loss and injury would be caused to plaintiff if temporary injunction is not granted ?
4. What order ?

3. Heard the arguments canvased by the learned counsel for the plaintiff at length in great detail on IA.No.I. Scrutinized the records of the case.

4. On scrutiny of records of the case and having heard arguments, my answer to the above points are as under;

Points No.1 to 3 : In the Affirmative

Point No.4: as per the following reasons.

REASONS

5. Point Nos.1 to 3 : Since these points are interlinked to each other as such they are taken together for common



discussion to avoid repetition of facts. Admittedly, plaintiff has filed this suit against defendant for the relief of declaration of title and permanent injunction in respect of suit schedule property.

6. The present application is supported by the affidavit of the plaintiff, wherein he deposed that he is the absolute owner in possession and enjoyment of the suit schedule property. The suit schedule property was originally belonged to the father of the plaintiff viz Ramegowda @ Ramaiah @ Ramanna. The said Ramegowda @ Ramaiah @ Ramanna had purchased the suit schedule property from one Venkataiah S/o Chaluvaiah under the registered sale deed dated 23-04-1966. Since the day of purchase the father of plaintiff was in possession and enjoyment of the suit schedule property. Due to ignorance and illiteracy, the katha pertaining to the suit schedule property was not transferred in the name of the plaintiff's father. After the death of said Ramegowda @ Ramaiah @ Ramanna, the plaintiff succeeded the suit schedule property and continued in possession and enjoyment of the same. The katha pertaining to the suit schedule is standing in the name of vendor of the plaintiff's father. By taking the advantage of the katha standing in the name of vendor of the plaintiff's father, the defendant has created some



documents and purchased the suit schedule property from one Muddaiah S/o Nanjaiah under the registered sale deed dated 30-03-2002. The said Muddaiah is not the owner and nowhere concerned to the suit schedule property. The plaintiff is not given any consent to said transaction. Hence the alleged sale deed is not binding on the plaintiff's right. The plaintiff is in possession and enjoyment of the suit schedule property. The defendant is not in possession of the suit schedule property. As per the order passed in RRT (Dis) No.365/2023 the katha pertaining to the suit schedule property is changed in the name of plaintiff's father as per sale deed dated 23-04-1966. But the defendant has created some false documents in his name on the basis of alleged nominal sale deed. Now by taking the advantage of said documents, the defendant is trying to alienate the suit schedule property. As such in order to stop the defendant from such illegal acts, the plaintiff without having any other go has filed this suit along with present application. On these grounds the plaintiff sought to allow the present application.

7. The plaintiff in support of his contention has produced certified copy of sale deed dated 23-04-1966, certified copy of sale deed dated 30-03-2002, Photostat copy of order



passed by the Deputy Commissioner Ramanagara dated 09-02-2023, Photostat copy of order passed by the Tahasildhar, Harohalli dated 21-11-2023, RTCs and Photostat copy of encumbrance certificate. The documents produced by the plaintiff are made out prima facie case in his favour at this stage to grant temporary injunction as prayed for. More over the genuineness of the documents cannot be seen at this stage, that can be seen at the time of trial. If the defendant is alienated the suit schedule property, the rule of lis-pendense will apply and it leads to multiplicity of proceedings. If the defendant is restrained from alienating the suit schedule property till disposal of suit no injustice would be caused to defendant, otherwise it causes irreparable loss and injury to the plaintiff. The merit of the case cannot be decided at this stage. Considering the nature of the suit and materials available on record I am of the opinion that plaintiff has made out prima-facie case and balance of convenience is also lies in his favour. Therefore, if order of injunction is not granted, irreparable loss and injury would be caused to the plaintiff rather than the defendant. For these reasons this court answers point Nos.1 to 3 in the Affirmative.

8. Point No.4 : For the above said reasons I proceed to pass the following order;



ORDER

I.A.No.I filed by the plaintiff
Under Order XXXIX Rule 1 and 2
R/w Section 151 of CPC is hereby
allowed.

Defendant, his agents,
servants or anybody acting on his
behalf is hereby restrained by way
of temporary injunction from
alienating the suit schedule
property to anybody in any
manner till the disposal of the
present suit.

Cost of this I.A shall follow the
final result of the suit.

(Dictated to the stenographer directly on computer, corrected by me then the Stenographer has taken print out, after taking printout corrected, signed and then order pronounced by me in open court on **28th day of January 2026.**)

(Smt. Radha.S)
Prl. Civil Judge & JMFC.,
Kanakapura.