

KARN320006062025



Presented on : 11-02-2025
Registered on : 11-02-2025

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

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

Dated this the 14th day of October 2025

O.S./75/2025

Plaintiff/s :- Sri. Ningamadegowda
S/o late Javaregowda
Aged about 51 years,
R/o: Thagadegowdanadoddi Village,
Uyyamballi Hobli,
Kanakapura Taluk.

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

.Vs.

Defendant/s :- 1. Sri. Puttaswamygowda
S/o Peechegowda
Aged about 60 years,

2. Smt. Savithramma
W/o Puttaswamygowda
Aged about 53 years,



Both are R/o:
Thagadegowdanadoddi Village,
I-Gollahalli Post,
Uyyamballi Hobli,
Kanakapura Taluk.

(By Sri. P.S.R., Advocate)

PARTIES TO IA No.I

Applicant / plaintiff: Sri. Ningamadegowda

Vs.

Opponents/ defendants : Sri. Puttaswamygowda
and Another

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

**ORDERS ON I.A.NO.I FILED BY THE PLAINTIFF
U/O XXXIX RULE 1 & 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 defendants to restrain them, their agents, servants or anybody acting on their behalf from interfering into the peaceful possession and enjoyment of the plaintiff in respect of land bearing Sy.No.174/4 (its old Sy.No.174/1B) measuring 00 acres 10 guntas situated at I-Gollahalli Village, Uyyamballi Hobli, Kanakapura Taluk and



Ramanagara District in any manner during the pendency of the suit. The description of the above property is clearly described in application and plaint schedule and the same will be herein after referred as the suit schedule property.

2. The defendants have appeared before the court through their counsel and filed written statement and memo to consider their written statement as objections to present application.

3. On the basis of application and written statement filed by either party, 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 ?

4. Heard the arguments canvassed by the learned counsels for plaintiff and the defendants at length in great detail on IA No.I. Scrutinized the records of the case.



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

Point No.1	:	In the Negative
Point No.2	:	In the Negative
Point No.3	:	In the Negative
Point No.4	:	As per final Order, for the following :

REASONS

6. Point No.1: While granting interim injunction, the court must be satisfied that, the applicant has raised a bona-fide dispute which needs investigation and decision on merit and that there is a probability of the applicant being entitled to the relief claimed by them under the suit. The burden is on the plaintiff to establish that, there is prima-facie case in his favour. While considering the said application, the court must be satisfied that, there is a serious question to be tried.

7. Admittedly, the plaintiff has filed this suit against the defendants for the relief of permanent injunction. 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 as he purchased the same under the registered sale deed dated 07-11-2024. As per the sale deed, the katha



pertaining to the suit schedule property is transferred in the name of the plaintiff. Since the day of purchase the plaintiff is in possession and enjoyment of the suit schedule property. The defendants are nowhere concerned to the suit schedule property even though they are trying to interfere into the peaceful possession and enjoyment of the plaintiff over the suit schedule property. However, the plaintiff tried to resist the illegal acts of the defendants, but his all efforts are went in vain as the defendants are influential and powerful persons in the locality. As such, in order to stop the illegal acts of the defendants, 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.

8. Per contra the defendants have filed their written statement wherein they denied the entire contents of plaint. It is the specific defence of the defendants that the defendant No.2 is the absolute owner in possession and enjoyment of the portion of the suit schedule property measuring 2 guntas in Sy.No.174/1B (K.No.48/31/3 measuring 37½ feet and North-South-75 feet situated at Thagadegowdanadoddi Village, Hamlet of Doddakoppa, Uyyamballi Hobli, Kanakapura Taluk as she got the same from her father viz Javaregowda under the registered gift deed dated 06-09-2012. Accordingly the khata pertaining to



the above extent of land is transferred in the name of the defendant No.2 and she is in peaceful possession and enjoyment of the same. Except the defendant No.2 no one are having any manner of right and title over the said property. The plaintiff is not having any manner of right, title and interest over the said property even though he tried to interfere into the peaceful possession and enjoyment of the defendant No.2. The defendant No.2 tried to resist the illegal acts of the plaintiff but when she couldn't able to resist the plaintiff, the defendant No.2 has filed a suit under O.S.No.287/2013 for permanent injunction and the said suit is decreed in her favour. The plaintiff has not preferred any appeal against the judgment and decree passed in O.S.No.287/2013. Now the plaintiff has come up with this suit without having any cause of action. The plaintiff is well aware of Judgment and Decree passed in favour of the defendant No.2 even though without disclosing the said fact has filed this false and frivolous suit only in order to grab the suit schedule property. The property which was got by the defendant No.2 under the registered gift deed dated 06-09-2012 is adjacent to the I-Gollahalli Village therefore the said Gramapanchayath has included the said property to the Gramatana and given a separate khata number as K.No.48/31/3. The plaintiff has not approached the court with clean hand as he



deliberately mentioned wrong boundaries to the suit schedule property. The plaintiff is not having any manner of right and possession on the suit schedule property as described in the plaint schedule as such the plaintiff is not entitled for any relief as sought in the application. On these grounds the defendants prayed to dismiss the application.

9. I have gone through the pleadings of plaintiff and documents available on record. The plaintiff in support of his contention, has produced the Photostat copy of registered sale deed dated 07-11-2024, RTC for the year 2024-2025 pertaining to the suit schedule property, tax paid receipt, copy of endorsement issued by Kodihalli Police Station and copy of acknowledgment issued by Kodihalli Police Station. I have carefully gone through the documents produced by the plaintiff in support of his case. It is the case of the plaintiff that he purchased the suit schedule property from his vendor viz Manchegowda but at this stage he has not produced any documents to show that as on the date of execution of registered sale deed the suit schedule property was standing in the name of the plaintiff's vendor. The defendant No.2 is claiming her independent right and title on the portion of the suit schedule survey number under the registered gift deed which was executed prior to execution of sale deed in favour of the plaintiff. As per the sale deed dated 07-11-2024 the plaintiff has purchased 10



guntas of land in Sy.No.174/1B but the present suit is filed in respect of Sy.No.174/4. The plaintiff has not produced any documents at this stage to show that Sy.No.174/1B and Sy.No.174/4 are one and the same to consider the present application. The defendants have specifically denied the possession of the plaintiff on the suit schedule property as described in the plaint schedule as such the facts with regard to the possession of the plaintiff to the entire extent as mentioned in the plaint schedule and sale deed has to be ascertained during trial. Hence there are no reasons to disbelieve the version of the defendants with regard to the possession of the plaintiff on the suit schedule property. The plaintiff has not produced any documents to establish his possession on the property which was purchased by him under the sale deed at this stage to grant temporary injunction as prayed for. The defendants in support of their defence have produced Photostat copy of registered gift deed dated 06-09-2012, Photostat copy of demand register extract, Photostat copy of tax paid receipt, Photostat copy of Form No.76A issued by Kodihalli Police Station, Photostat copy of acknowledgment issued by Kodihalli Police Station, Photostat copy of Judgment and Decree passed in O.S.No.287/2013. From the documents produced by the plaintiff and defendants it is crystal clear that Sy.No.174/1B and Sy.No.174/4 are not one and the same



as such at this stage the possession of the plaintiff on the suit schedule property is under doubt. More over the burden is upon the plaintiff to prove that Sy.No.174/1B and Sy.No.174/4 are one and the same and he purchased the said property under the registered sale deed and he is in exclusive possession and enjoyment over the suit schedule property as on the date of the suit but in order to prove this fact the plaintiff has not produced any documents to consider the present application.

10. Though the plaintiff in the plaint has averred that he is in possession and enjoyment of the suit schedule property, but at this pre-trial stage there are no documents to show that the plaintiff is in possession over the suit schedule property as on the date of the suit and he purchased the land in Sy.No.174/4. It is pertinent to note that the defendants have specifically denied the possession of the plaintiff on the extent as mentioned in the plaint. The plaintiff has completely failed to prove his possession over the suit schedule property as on the date of the filing of the suit and its identity. Therefore, this court is of the considered opinion that plaintiff has not made out prima-facie case for granting of temporary injunction at this stage as prayed for. Accordingly, this court answers Point No.1 in the Negative.



11. Point No.2 and 3:- Both points are taken together for common discussion in order to avoid repetition of reasoning. While considering the question of granting an order of temporary injunction one way or the other, the court, apart from finding out a prima-facie case would consider the question with regard to balance of convenience of the parties as also irreparable injury which might be suffered by the parties.

12. As discussed supra, the plaintiff has utterly failed to prove his possession over the suit schedule property by producing cogent documents to grant temporary injunction at this stage. In the present case trial has to be conducted to prove the case of plaintiff. Validity and genuineness of the documents cannot be seen and discussed at this stage and that can be seen at the time of deciding the case on merits. If order of temporary injunction is granted it will cause injustice, irreparable loss and injury to the defendants rather than the plaintiff. Moreover the possession of the plaintiff on the suit schedule property is also under dispute, as such at this stage the plaintiff failed to prove his possession over the suit schedule property as on the date of suit, if an order of temporary injunction is granted the defendants would be put into greater hardship and balance of convenience is also lies in favour of the



defendants. With these observation, this court answers Point No.2 and 3 in the Negative.

13. Point No.4 : In view of the aforesaid reasons and finding made on Point No.1 to 3, this court proceeds to pass the following;

ORDER

I.A.No.I filed Under Order 39 Rule
1 and 2 R/w Section 151 of CPC by the
plaintiff is hereby dismissed.

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 **14th day of October 2025.**)

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