



**IN THE COURT OF THE II ADDL. CIVIL JUDGE & JMFC., AT
Kanakapura**

Dated this 24th Day of April 2026

**Present: Sri. Vinay .V. Kundapur B.A.L , LL.B.,
II Addl.Civil Judge & JMFC,
Kanakapura.**

O.S. No.484/2017

PLAINTIFFS : Sri. Shahajahan and others.,

/Vs/

DEFENDANTS : Sri. Sardar and others.,

INTERLOCUTORY APPLICATION No.XIV

APPLICANT : Sri. Shahajahan plaintiff No.1

(By Sri. A.T.S. Advocate)

/Vs/

OPPONENTS : Sri. Sardar and others., defendants

(By Sri. M.G. Advocate)



1	Provision under which the application is filed	:	U/O 39 Rule 1 and 2 of CPC
2	Relief Sought for	:	Permanent Injunction
3	The date on which the application is filed	:	26-03-2026
4	The date on which the objection is filed by opponents	:	07-04-2026
5	The date on which the order was passed on the said application	:	24-04-2026

ORDER ON I.A.NO.XIV U/O XXXIX RULE 1 & 2 of CPC

The present IA No.XIV has been filed by the plaintiff along with affidavit U/o 39 Rule 1 and 2 R/w sec. 151 of CPC for the relief of temporary injunction against the defendant No.1 and 2 seeking to restraining the defendants, servants, legal representatives, henchmen or anybody behalf of the defendant from the disposing the plaintiff from the suit schedule property during the pendency of the suit, in the interest of justice and equity.



2. In the accompanying affidavit plaintiff stated that, the above suit filed by the plaintiff against the defendants for permanent injunction. The plaintiff submits he is the absolute owner of the suit schedule property. When the matter was posted hearing on I.A, the defendants are purposefully interfere with the peaceful possession and enjoyment of the suit schedule property. They are purposefully filed false complaints before the jurisdictional police station against the plaintiff. The plaintiff cultivating the suit schedule property along with other plaintiffs. The defendants have sold their property to some other persons through registered agreement dated 25.02.2022 during the pendency of the above suit. Now they are canvassing that land which plaintiffs are cultivating is their property and obstructing the plaintiff to do agricultural activities. When the plaintiff did not care about their canvas, they purposefully filed false complaint before the jurisdictional police station. Hence it is very necessary to get orders from the Hon'ble Court as to not to interfere with the peaceful possession and enjoyment of the suit schedule property. The plaintiff submits that, the defendants are highly influenced person they have political support. Hence order of



temporary injunction is very much necessary to protect the property till disposal of the suit. On all these grounds plaintiff prays to allow the application.

3. On the other side defendants filed objection to the said application and submits application filed by the plaintiff is not maintainable in the eye of law. The plaintiff has filed false and frivolous and vexatious application before this court. The defendants denied the averments made in the complaint and submit that, the land bearing Sy No. 56/P4 and another Sy No. 56/P5 each measuring 5 acres totally an extent of 10 acre situated at Yelachavadi Village, Maralawadi Hobli, Kanakapura Taluk, exclusively belongs to the joint family and joint ownership of defendants. The both land originally granted to the Abdul Kareem S/o Yusuf Saheb as block No.3 and block No.4 in the year 1934. The said Abdul Kareem sold the said land infavour of Chikkeeramma W/o Kenchegowda during the year of 1958-59 through registered sale deed dated 26.11.1958. After the death of said Chikkeeramma her husband and children namely one Kenchegowda, Lingegowda, Shankaregowda, Byregowda etc., sold both land infavour of defendants grandmother Smt. Jaithun Bee W/o Abdul



Khudus through registered sale deed. Now all the defendants have succeed both the properties from the Smt. Jaithun Bee, accordingly revenue records also stood in the name of defendants.

The defendants submits revenue records clearly discloses that, defendants are in possession over the suit schedule property. None of the plaintiff have got any manner of right, title or interest much less concerned whatsoever the suit schedule property.

The defendants further submits that, the plaintiff earlier filed similar application against these defendants restraining them from interfering with their peaceful possession and enjoyment over the suit schedule property. But said application is dismissed by this court. The application filed by the plaintiff does not survive and same as to be rejected with heavy costs.

4. Heard and perused material available on record.
5. On perusal, following points arise for my consideration:
 - i: Whether the plaintiff has made out prima facie case ?



- ii. Whether balance of convenience lies in favour of plaintiff ?
- iii: Whether plaintiff would be put to irreparable loss and hardship if the injunction is not granted ?
- iv: What order ?

6. My answers to the aforementioned points are as under:

Point No.i : In the Affirmative,

Point No.ii : In the Affirmative,

Point No.iii : In the Affirmative,

Point No.iv: As per the final order

for the following;

REASONS

7. **Point No.i:** The plaintiffs have instituted this suit against the defendants for permanent injunction and such other relief.

In the present case plaintiff counsel argued that, the plaintiff and their ancestors are cultivating the suit schedule property, since from the long time and invested lacks of rupees cultivating and cleaning the land and now it has been brought to clean fertile land.



The main contention of the plaintiff is that, the defendant with the political support interfere with the peaceful possession and enjoyment over the plaintiff suit schedule property and trying to obstruct the agricultural activities of the plaintiff in the suit schedule property.

8. On the other side defendants denied the averments made in the plaint and submits that, none of the plaintiff have got any right, title or interest over the suit schedule property. The plaintiff themselves are uncertain to locate where exactly thier property land bearing Sy No. 56/P6 are situated. Further defendant submits taking disadvantage of the revenue record the plaintiff has filed false suit against the defendants.

The plaintiffs have produced Ex.P.1 to Ex.P.20 documents before the court. The Ex.P.1 is the grant certificate pertaining to the suit schedule property, Ex.P.2 is the R.R, Ex.P.3 to 12 are the tax reciepts, Ex.P.13 is the E.C, Ex.P.14 is the certified copy of M.R extract, Ex.P.15 is the order copy, Ex.P.16 & 17 are the RTC extracts, Ex.P.18 is the rented



reciept, Ex.P.19 is the acknowledgment, EX.P.20 is the photo, Ex.P.21 C.D and Ex.P.22 is the RTC extract of Sy No.56/P6.

On perusal of the Ex.P.14 the M.R extract it clearly discloses that, the suit schedule property belongss to the family of the plaintiff. On the other side the defendant not produced the document to prove the alleged fact before the court, that suit schedule property belongss to their family. The defendants alleged that, merely based on katha stand in name of plaintiff family, they filed false suit against them. So defendant admitted the fact that, the katha of the suit schedule property stands in the name of plaintiff family, so the said admission is clearly discloses the fact that, the plaintiff family cultivating the said land. Now coming to the said fact balance of inconvenience and apprehension of interference by the defendant to the suit schedule property as to be proved by the plaintiff. To prove the said fact the plaintiff has produced photo copies of the suit schedule property and claims that, the defendants threatening the plaintiff and also obstructing the agricultural activities in the suit schedule property.



The said fact was not denied by the defendants. The defendant contention that, the plaintiff has filed similar application at earlier stage and same was dismissed by this court.

9. On perusal of the said order, this court noticed that, in the said application also Hon'ble Court held that, the plaintiff ancestors are in possession over the suit schedule property and there is no apprehension of interference over the suit schedule property by the defendant. But the plaintiff taken contention that, the defendants now at this stage of this case, during the cultivating period influencing their political power, threatened and obstruct the agricultural activities. The main purpose of the temporary injunction protect the property till disposal of the suit. The considering averments made in the plaint and written statement and also perusal of the documents this court thinks that, if the application is rejected it will cause of loss to the plaintiff. On the other side if the application is allowed no harm or loss will cause to the defendants. Hence this court opinion that,



plaintiffs are entitled relief of temporary injunction at this stage.

Accordingly point No.1 to 3 is answered in the **Affirmative**.

10. Point No.iv : In view of findings on point No. i to iii, this courts proceed to pass the following :

ORDER

**I.A.No.XIV filed by the Plaintiff No.1
under O. 39. R. 1 & 2 is hereby allowed.**

**The defendant No.1 and 2, their
agents, servants, legal representatives,
henchmen or anybody on behalf
restrained from interfering with the
plaintiffs peaceful possession and
enjoyment over the suit schedule
property, till disposal of the suit.**

No order as to cost.

*(Dictated to the stenographer directly on Computer, typed by her, corrected, signed
and then pronounced by me in the open court on **24th Day of April 2026**).*

Sd/-
(VINAY .V. KUNDAPUR)
II Addl. Civil Judge & JMFC.,
Kanakapura.

KARN320028962017

O.S No. 484/2017





(Order pronounced in open court
vide separate order)

ORDER

I.A.No.XIV filed by the Plaintiff No.1 under
O. 39. R. 1 & 2 is hereby allowed.

The defendant No.1 and 2, their agents,
servants, legal representatives, henchmen or
anybody on behalf restrained from interfering with
the plaintiffs peaceful possession and enjoyment
over the suit schedule property, till disposal of the
suit.

No order as to cost.



**II Addl. Civil Judge & JMFC.,
Kanakapura.**

Cross of D.W.1
Call on: 05.06.2026

**II Addl. Civil Judge & JMFC.,
Kanakapura.**