



**IN THE COURT OF THE ADDITIONAL SENIOR CIVIL
JUDGE AND J.M.F.C., AT MAGADI.**

Present: Sri. Shivakumar R., B.A.L., LL.B.,
Additional Senior Civil Judge & JMFC, Magadi.

Dated: 5th Day of June 2026
ORIGINAL SUIT NO. 874/2025

Plaintiff

:- Sri. Shivanna,
S/o. Late. Chikkanna,
Aged about 42 years,
R/at: Managallu Village,
Madabal Hobli, Magadi Taluk,
Bangalore South Taluk.

(By Sri. G.H.M. Advocate)

--V/s--

Defendants

:- 1. Sri. Kumara,
S/o. Late. Nanjaiah,
Aged about 48 years,

2. Sri. Gangadharaiah,
S/o. Late. Nanjaiah,

KARN410012372025



2

O.S.No.874/2025(Or.)

Aged about 46 years,

Both D1 & 2 are R/at:

Sonnenahalli Village,

Madabal Hobli, Magadi Taluk,

Bangalore South District.

(By Sri. M.C.K. Advocate)

PARTIES TO I.A.NO.2

Applicant : Sri. Shivanna

Vs.

Opponents : Sri. Kumara & Anr.,

ORDER ON I.A.NO.2

The applicant/plaintiff has filed this interlocutory application under Order XXXIX Rule 1 and 2 r/w. Section 151 of CPC for the relief of temporary injunction restraining the defendants, their agents, servants, followers, henchmen, supporters, power of attorney holder or anybody claiming



through from alienating the suit schedule property in any manner pending disposal of this suit.

2. The I.A., supported with the accompanying affidavit of the plaintiff. It is stated in the affidavit that, the plaintiff has filed the above suit against the defendants for the relief of declaration and permanent injunction and other reliefs with respect to suit schedule property. The plaintiff and his family members are the absolute owners and they are in possession and enjoyment of the suit schedule property. Originally the property land bearing Sy.No.12/1 measuring to an extent of 10 acres 9 guntas situated at Sonnenahalli village, Madbal Hobli, Mágad Taluk, Bangalore South District is the absolute self-acquired property of the grandfather of the plaintiff by name Sri. Beeraiah S/o Chikkahuchaiah and he acquired the same under the registered sale deed dated: 08.11.1950, since from the date of purchase the grandfather of the plaintiff by name Sri. Beeraiah has become the



absolute owner in possession and enjoyment over the above said land along with his family members, later the grandfather of the plaintiff by name Sri. Beeraiah was given the land measuring to an extent of 5 acres 0.04.08 guntas to his sister and retained the land measuring to an extent of 5 acres 0.04.08 guntas. Thereafter the concerned revenue officials have also reduced the extent as 3 acres 27 guntas excluding the Karab land and after the death of the grandfather of the plaintiff by name Sri. Beeraiah his three sons by name Chikkanna i.e., his father, Huchappa and Hulluraiah have partitioned the above said property in an oral partition, in the said oral partition the above said three persons have allotted each 1 acres of land and retained the 0.27 guntas of land. Later the Huchaiah and his family members had sold the land measuring to an extent of 1 acre, which is allotted to his share in favour of the father of the defendants under the registered sale deed dated: 10.06.1991



and the Hulluraiah and his family members had sold the land measuring to an extent of 1 acre which is allotted to his share in favour of the father of the defendants under the registered sale deed dated: 14.02.1992. Accordingly, the land measuring to an extent of 1 acre which is allotted to the share of the father of the plaintiff, he was in possession and enjoyment over the same which is not subject matter. Along with the said property the family of the plaintiff were in possession and enjoyment of the remaining extent of 0.27 guntas i.e., suit schedule property, his father by name Chikkanna being illiterate and ignorant person having no legal knowledge, hence he could not able to get change the revenue records of the suit schedule property in his favour as per inheritance. Later the father of the plaintiff by name Chikkanna was died by leaving behind him as his legal heir, accordingly the plaintiff has inherited and succeeded the estate of the Chikkanna and the plaintiff became the absolute owner in



possession and enjoyment over the suit schedule property, but the plaintiff also being illiterate and ignorant person having no legal knowledge, hence the plaintiff could not made any attempt to get change the revenue records of the suit schedule property in his favour as per inheritance.

3. The plaintiff further submitted that, he is in possession and enjoyment of the suit schedule property along with his family members by growing Ragi, Hurali and other allied crops without any interruption. On 27.11.2025 when the plaintiff was in suit schedule at that time the defendants came near by the suit shedule property and interfered with his peaceful possession and enjoyment of the suit schedule property, the same was resisted by the plaintiff with the help of neighbors. At that time the defendants have left the spot by stating that they have created the revenue records of the portion of the suit schedule property in their favour and again they will come near the suit schedule property along with



huge supporters and oust the plaintiff from his lawful possession over the suit schedule property and denied the title of the plaintiff over the suit schedule property.

4. The plaintiff further submitted that, immediately after coming to know about the same the plaintiff got rushed to the concerned revenue department and got obtained the revenue records and other documents pertaining to the suit schedule property and on verification of the same, the plaintiff came to know that the revenue records of the suit schedule property is not mutated in the name of the father of the plaintiff by name Chikkanna or in his name as per inheritance, the defendants got entered their names in respect of the portion of the suit schedule property measuring to an extent of 0.20 guntas and remaining extent of 0.07 guntas is still continued as original Khathedar. Though the defendants got entered in the name in respect of the portion of the suit schedule property, they never in possession and



enjoyment over the suit schedule property and the plaintiff continued in possession and enjoyment over the suit schedule property.

5. The plaintiff further submitted that, after coming to know about the same immediately without alternative on 30.11.2025 the plaintiff got convened the Panchayathi in the village and requested and demanded the defendants to come and give statement before the concerned revenue officials to get mutate the name of the plaintiff in the revenue records of the suit schedule property. For which the defendants vehemently refused the same and in the Panchayathi they openly declared that once again they will come and interfere with the plaintiff's peaceful possession and enjoyment over the suit schedule property and forcibly oust the plaintiff from the suit schedule property and denied the title of the plaintiff over the suit schedule property. The defendants have no manner of right, title, interest or possession or what so ever



to do with the suit schedule property. The plaintiff being poor person and the plaintiff is not in a position to resist the illegal acts of the defendants always and on the other hand the defendants are powerful persons and they have men and money power and also they are powerful person in the locality, the plaintiff cannot resist the illegal acts of the defendants without the aid of this Court. In this regard, the plaintiff also made a complaint before the jurisdictional police, but the police have not taken any action and told to approach the jurisdictional civil court for proper remedy as the matter is of civil in nature, hence without alternative, the plaintiff got filed this suit for permanent injunction and declaration. Hence, this I.A.

6. After service of suit summons, the defendants have appeared through their counsel and filed the detailed statement of objection and resisted the I.A., filed by the plaintiff and totally denied the plaintiff's case and interalia



contended that, Huchappa and Hulluraiah have sold the property to the Defendant father Nanjaiah on 10.06.1991, in the Sale deed it is clearly stated that out of 3 acres 30 guntas the 2 acres 20 guntas was sold by the brothers of the Plaintiff to the defendants' father. Hence, the Plaintiff remains only 1 acre 10 guntas, the question of claiming declaration or permanent injunction or an IA for injunction does not arise to the extent of 27 guntas, does not arise because already 1 acre 20 guntas out of Sy.No.12/1 the defendants are the owner and enjoyment and the defendant father got this property to Sale deed. However the Plaintiff falsely representing before the Tahasildar Magadi 27 guntas was made in the name of Original owner, when defendant made an application before the Tahasildar claiming 2 acres of 20 guntas are standing in the name of defendants' father and then in the name of the defendants, however the matter was referred to the Assistant Commissioner, Ramanagar to dispose the matter. After



confirming the documents of the defendants the Assistant commissioner passed an order on 30.07.2025 confirming the right of 2 acres 20 guntas in the name defendants only then refer to the Tahasildar to dispose the matter on 27.10.2025. The Tahasildar Magadi has passed an order confirming the right of defendant to the extent of 2 acres 20 guntas situated in the above said address, hence, in 2026 RTC also the 2 acres 20 guntas shown in the name of defendants only, now the question of claiming the interference of the defendant to the extent of 27 guntas does not arise because the plaintiff is having only possession of 1 acre 10 guntas. Hence the defendants are cultivating the crops in their land only, the question of interfering of the plaintiff property does not arise. The question of alienation are not by the defendant is left to defendants only, the Plaintiff can not seek an injunction the property belongs to defendants, wherefore the plaintiff



intention is to grab the suit schedule property. Hence, the defendants pray to dismiss the above I.A.

7. Heard the arguments of both sides.

8. Upon hearing arguments and on perusal of materials placed on record, the following points that would arise for my consideration are as under:

- 1) Whether the plaintiff has made out a prima-facie case?
- 2) Whether the balance of convenience lies in favour of the plaintiff?
- 3) Whether the plaintiff will be put to irreparable loss and injury, if the temporary injunction is not granted as prayed in the I.A.?

4) What order?

9. 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 the Order,

for the following:

REASONS

10. **POINT NO.1 TO 3:** As these points are interconnected and interlinked with each other, these points are taken up together for common discussion to avoid repetition of facts. The plaintiff has filed the instant I.A., for the relief of temporary injunction restraining the defendants or their agents, henchmen or anybody acting on their behalf from alienating the suit schedule property in any manner till disposal of this suit. It is the case of the plaintiff that, the father of the plaintiff acquired the land to an extent of 1 acre in land bearing Sy.No.12/1 of Sonnenahalli Village through oral partition effected between his family members. The said property is not the subject matter of this suit. Along with the said property the plaintiff's father was in possession of to an extent of 0.27 guntas i.e., suit schedule property, but the



khata of the suit schedule property was not mutated in the name of the father of the plaintiff due to his illiteracy and ignorant. After demise of father of the plaintiff, the plaintiff has succeeded to the suit schedule property by way of inheritance. But the khata of the suit schedule property was mutated in the name of plaintiff. But the plaintiff is in possession of the suit schedule property. When such being the case, the defendants have no manner of right, title or interest over the suit schedule property, they are trying to interfere with the suit schedule property on the basis of the alleged revenue entries.

11. In order to substantiate the case of the plaintiff, at this stage he has produced the documents i.e., the notarized copy of the Genealogical Tree, the certified copy of the Registered Sale Deed dated: 08.11.1950, certified copy of the registered Sale Deed dated: 10.06.1991, Mutation Register Extracts, RTC Extracts, certified copy of the Orders passed in



R.A.No.1266/2025 passed by the Assistant Commissioner, Bangalore South Sub-Division, Ramanagar, the copy of the Acknowledgment dated: 02.08.2025 and Photographs.

12. On the other hand, the defendants have contended that, the father of these defendants namely Nanjaiah was purchased to an extent of 2 acres 20 guntas out of 3 acres 20 guntas in land bearing Sy.No.12/1 of Sonnenahalli Village from Huchappa and Hulluraiah, who are the brothers of the father of the plaintiff through the registered Sale Deed dated: 10.06.1991. Hence, the plaintiff retains only 1 acre 10 guntas in the said survey number. Hence, now the question of claiming the alienation by the defendants to an extent of 27 guntas does not arise.

13. The defendants to substantiate their contention, have produced the xerox copy of the Encumbrance Certified, two registered Sale Deeds, xerox copies of the Orders passed



by the Thasildar and Assistant Commissioner, Partition Deed and Mutation Register Extract.

14. At this stage, without going through the merits of the case and conducting mini trial, the court is considering the aspect of prima-facie. At this stage, this court makes very clear that this court is looking towards prima-facie case and not for the prima-facie title. I have carefully perused the rival contentions of both the parties and also documents produced by both the parties in the above matter. In order to show the prima-facie case, the plaintiffs have produced the RTC Extracts for the year 2025-26. On perusal of the same, the khata of the 27 guntas in land bearing Sy.No.12/1 is stands in the name of Mulakhatedar (Khathedar name is not mentioned). It is to be noted that, as per the pleadings of the plaintiff, the khata of the suit schedule property was neither mutated in the name of his father nor plaintiff. It is very relevant to note that, to substantiate the case of the plaintiff



at this stage, except oral say the plaintiff, he has not produced any prima-facie documents to show that, the plaintiff is the title holder of the suit schedule property. In the absence of the same, at this stage its hold no water in the eye of Law. No doubt at this stage in the instant suit, the rights of the parties cannot be adjudicated, it needs full fledged trial. Looking into the pleadings and documents produced by the plaintiff, this Court consider view that, at this stage the plaintiff has not made out a prima-facie case for grant of injunction and once that it is the admitted circumstances, question of this Court having to advert to the other aspects would not arise which is what has been held by the Hon'ble Apex Court in **Kashi Math Samsthan Vs. Shrimad Thirtha Swamy**, reported in **(2010) 1 SC 689**, wherein it has been held as under;

“It is well settled that, in order to obtained an order of injunction, the party who seeks for grant of injunction has to prove that, he has made out a



prima-facie case to go for trial, the balance of convenience is also in his favour and he will suffer irreparable loss and injury if injunction is not granted. But, it is equally well settled that when a party fails to prove prima-facie case to go for trial, question of considering the balance of convenience or irreparable loss and injury to the party concerned would not be material at all, that is to say, if that party fails to prove prima-facie case to go for trial, it is not open to the court to grant injunction in his favour. Even if, he has made out a balance of convenience being in his favour and would suffer irreparable loss and injury, if no injunction order is granted. Therefore, keeping these principles in mind, let us now see whether the appellant has been able to prove prima-facie case to get on order of injunction during the pendency of the two appeal in the High Court.”

In the light of the aforesaid discussion, I answer Point No.1 to 3 in the Negative.



15. **POINT NO.4** : In the light of the above discussion on Point No.1 to 3, I proceed the following :

ORDER

I.A.No.2 filed by the plaintiff/applicant under Order XXXIX Rule 1 and 2 r/w. Section 151 of CPC is hereby rejected.

No order as to cost.

(Dictated to the Typist directly on computer, typed by her, corrected by me and then pronounced in the open Court, on this the day of **5th day of June, 2026.**)

**(SHIVAKUMAR R.,)
ADDITIONAL SENIOR CIVIL JUDGE &
J.M.F.C., MAGADI.**