



**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: 23rd Day of August 2025

ORIGINAL SUIT NO.150/2023

Plaintiff :- Smt. Kamalamma,
D/o. Late. Rangaiah,
W/o. Rangaswamaiah,
Aged about 63 years,
R/at: Thaggikuppe Village,
Kasaba Hobli, Magadi Taluk,
Ramanagara District.

(By **Sri. M.V.S.** Advocate)

--V/s--

Defendants :- 1. Sri. Rangaswamaiah,
S/o. Late. Rangaiah,
Aged about 66 years,

2. Sri. Rajendra R.,
S/o. Rangaswamy,
Aged about 33 years,

3. Sri. Pradeep Kumar R.,
S/o. Rangaswamy,
Aged about 30 years,

D1 to 3 are R/at:
Gejjagaraguppe Village,



Madabal Hobli, Magadi Taluk,
Ramanagara District.

4. Sri. Jayaramaiah,
S/o. Late. Rangaiah,
Aged about 60 years,
5. Sri. Dhananjaya,
S/o. Late. Rangaiah,
Aged about 57 years,
6. Sri. Kumar,
S/o. Late. Rangaiah,
Aged about 55 years,

D4 to 6 are R/at:
Chikkamudigere Village,
Thippasandra Hobli,
Magadi Taluk,
Ramanagara District.

7. Sri. Anjanappa,
S/o. Late. Chikkanna,
Aged about 61 years,
R/at: No.71, 1st Main Road,
Near Abhaya Anjaneya Temple Road,
Govt. Electric Factory,
Avalahalli, Bangalore South Taluk,
Bangalore – 26.

(By **Sri. R.S.** Advocate)



PARTIES TO I.A.NO.1

Applicant : Smt. Kamalamma
Vs.
Opponents : Sri. Rangaswamy & Ors.,

ORDER ON I.A.NO.1

The applicant/plaintiff has filed this interlocutory application under Order XXXIX Rule 1 and 2 r/w. Section 151 of C.P.C., for the relief of temporary injunction restraining the defendants, their agents, servants, henchmen, followers, supporters, family members, power of attorney holders and anybody claiming through them from alienating the suit schedule property in any manner pending disposal of this suit.

2. In the accompanying affidavit to the I.A.No.1, the plaintiff states that, she has filed the above suit for the relief of the partition and separate possession and declaration and other reliefs against the defendants with respect to suit schedule properties. One Sri. Rangaiah S/o late Kariguddaiah



has acquired the suit schedule properties and he was in possession and enjoyment of the suit schedule properties. That, the said Rangaiah had four sons and a daughter through his wife Smt. Gangamma who are plaintiff and defendant No.1, 4 to 6 herein. The said Rangaiah and his 5 children have been in possession and enjoyment of the suit schedule properties till his death. The father of the plaintiff by name Rangaiah was died somewhere in the year 1999 leaving behind him his wife Smt. Gangamma and 5 children. After the death of Rangaiah his wife and children have inherited and succeeded the suit schedule properties and they have been in possession and enjoyment of the suit schedule properties. The mother of the plaintiff and defendant No.1, 4 to 6 and grandmother of the defendant No.2 and 3 Smt. Gangamma died in the year 2012, after the death of Smt. Gangamma, the plaintiff and defendant No.1 to 6 are continued in possession and enjoyment of the suit schedule properties as co-sharers. The defendant No.7 is the stranger



to the family of the plaintiff and defendant No.1 to 6. The plaintiff and the defendant No.1 to 6 are governed by the Hindu undivided joint family.

3. It is further stated that, the defendant No.1 to 6 have colluded each other and created the documents as per their whims and fancy and managed to get the revenue entries of the suit schedule properties behind back of the plaintiff with an intention to defeat and deprive the legitimate right and share of the plaintiff over the suit schedule properties. The plaintiff has requested and demanded the defendant No.1, 4 to 6 for partition of the suit schedule properties, but on one or the other reasons the defendant No.1, 4 to 6 have postponed to effect the partition of the suit schedule properties and with a malafide intention they have colluded with each other by taking undue advantage of the revenue entries, the defendant no.1 to 3 have sold the item no.3 of the suit schedule property in favour of the defendant no.7 under



a registered sale deed dated 3-10-2019. That the defendant no.1 to 3 have no right to sell the item no. 3 of the suit schedule property to the defendant no. 7 and that the defendant no.7 has not derived or acquired any manner of right title interest or possession over the item no. 3 of the suit schedule property. The plaintiff is not a party to the alleged sale deed dated 3-10-2019. So, that sale deed is no way binds to share of the plaintiff.

4. It is further stated that, finally about a month back i.e., on 14-1-2023 the plaintiff requested and demanded the defendants for partition of the suit schedule properties, for which the defendants have told that the item no.3 of the suit schedule property has been sold in favour of the defendant no.7 and refused to effect the partition. Immediately, the plaintiff got obtained the certified copy of the sale deed and revenue records and the plaintiff become shocked without her knowledge, consent and signature have created the revenue



entries and the alleged sale deed. That the defendants with an malafide intention to defeat the right of share of the plaintiff over the suit schedule properties are making arrangement to alienate the suit schedule properties to the third parties and they are in search of prospective purchasers. The plaintiff is not in a position to resist the illegal acts of the defendants. There is no partition or division among the plaintiff and defendant no.1 to 6 in the suit schedule properties during the life time of Rangaiah, Gangamma or after their death. The plaintiff is entitled for 1/5th share in all the suit schedule properties and the defendants are bound to effect the partition of the suit schedule properties and allot the share of the plaintiff. Hence, this application.

5. After service of suit summons, the defendants have appeared through their counsel and filed detailed written and resisted the suit of the plaintiff. The defendants have filed the memo adopting the written statement averments as objection



to I.A.No.1. The defendants in their written statement they have admitted the relationship with the plaintiff and denied the rest of the plaint averments and interalia contended that, in this regard this defendants contended that, the Item No.1 of the suit schedule property i.e., land bearing Sy.No.46/6 measuring 0-10 guntas is self-acquired property of defendant No.4 - Jayaramaiah and defendant No.5 Dhananjaiah and they have jointly purchased the same under registered sale deed dated: 04/01/1992 and the revenue records mutated in their names and same is not ancestral property of the plaintiff and defendant No.1 to 6, remaining 0-05 guntas in the said survey number is belong to one Gangathimmaiah who is no way related to the family of plaintiff or defendant No.1 to 6.

6. It is further contended that, during the life time of father of the plaintiff and defendant No.1 to 6, there was Panchayathi partition was effected among the male children of Late. Rangaiah dated:10/07/1998, accordingly revenue records got mutated in the name of defendants as per their



respective share under MR.No.7/2000-01. The Item No.1 of the suit schedule property was given to the share of defendant No.4 and 5 as per their title and possession.

7. It is further contended that, the Item No.3 of the suit schedule property i.e., land bearing Sy.No.3/3 measuring 0-36 guntas after phodi renumbered as land bearing Sy.No.3/7 measuring 0-10 guntas, land bearing Sy.No.3/8 measuring 0-10 guntas, land bearing Sy.No.3/9 measuring 0-16 guntas of Chikkamudigere village, was given to the share of defendant No.1 - Rangaswamy for legal necessities of 1st defendant who alienated the same in favour of 7th defendant under registered sale deed dated:03/10/2019 and possession has been delivered in favour of defendant No.7. At present all the revenue records in respect of Item No.3 of the suit schedule property stands in the name of 7th defendant and the plaintiff or the defendant No.1 to 6 not in joint possession and enjoyment of the said property, hence unless seeking the relief of possession plaintiff not seek the relief of partition and



also suit is valued under Section 35(2) of The Karnataka Court Fees and Suits valuation Act 1958 is not correct and suit is required to valued under Section 35(1) of The Karnataka Court Fees and Suits Valuation Act, 1958.

8. It is further contended that, in respect of Item No.2 of the suit schedule property land bearing Sy.No.46/1 totally measuring 3 acres 0-18 guntas, under the above said panchayathi partition to an extent of 1 acre 0-06 guntas each allotted to the share of defendant No.4 Jayaramaiah defendant No.5 Dhananjaiah and defendant No.6 Kumara accordingly the revenue records mutated in their names as per MR.No.7/2000-01, subsequently 0-04 guntas land has been acquired by the KSHIP for widening the road and compensation amount of Rs.25,000/- was given to the defendant No.6.

9. It is further contended that, Item No.4 of the suit schedule property i.e., land bearing Sy.No.31/1A New



Sy.No.3/4, 3/5 and 3/6 totally measuring 0-35 guntas was allotted to the share of defendant No.1 - Rangaswamy and accordingly the revenue records mutated in the name of defendant No.1 and even today 1st defendant is in separate possession and enjoyment of Item No.4 of the suit schedule property and there is no joint status or joint possession in respect of suit properties among plaintiff and defendant No.1 to 6, hence question of allotting share to the plaintiff does not arise.

10. It is further contended that, the marriage of plaintiff was taken about 50 years back during the life time of Late. Rangaiah who performed her marriage and given golden articles and valuables during the time of her marriage and she is permanently residing at Taggikuppe village and she never in joint possession and enjoyment of the suit schedule properties since more than 50 years. The plaintiff fully aware about the Panchayathi partition was taken among the



defendant No.1 to 6 in the presence of their father Late. Rangaiah.

11. It is further contended that, even after effecting Panchayathi partition deed dated:10/07/1998 some of the revenue records continued in the name of defendant No.4 to 6 with respect to the share of defendant No.1, as such the defendant No.4 to 6 have executed different three registered right of relinquishment deed dated:01/03/2016 in favour of defendant No.1 vide Magadi Sub-Registrar document No.5730/2015-16, 5734/2015-16 and 5739/2015-16 with respect of Item No.4 of the suit schedule property, there was Panchayathi partition was taken on: 10/07/1998. The plaintiff is not entitled for any share in respect suit properties and the suit is not maintainable for the relief of partition.

12. It is further contended that, after purchasing the Item No.3 of the suit schedule property under registered sale deed dated: 03/10/2019, the defendant No.7 developed the same, planted about 400 arc-nut trees which are present



aged about 3 years, by digging bore-well pump set for irrigation by investing about more than 10 lakhs and all the revenue records mutated in the name of 7th defendant and said property is not in physical possession and enjoyment of plaintiff or other defendants, hence unless seeking the relief of possession with respect to Item No.3 of the suit property by paying proper court fee under correct provision the suit is not maintainable for the relief of partition. For all these grounds, the defendants have prayed to reject the above application.

13. Heard the arguments of plaintiff and defendants side.

14. 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/applicant has made out a prima-facie case?
- 2) Whether the balance of convenience lies in favour of the plaintiff/applicant?



- 3) Whether the plaintiff/applicant will be put to irreparable loss and injury, if the temporary injunction is not granted as prayed in the I.A.?
- 4) What order?

15. My answer to the above points are as under :

Point No.1 : In the Affirmative,

Point No.2 : In the Affirmative,

Point No.3 : In the Affirmative,

Point No.4 : As per the Order,

for the following:

REASONS

16. **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. In the instant I.A., the plaintiffs sought for the relief of temporary injunction to restrain the defendants from alienating the suit schedule properties in any manner to any body till disposal of the suit. It is the urge of the plaintiff that, the plaintiff and defendant No.1 to 6 are the members of the Hindu Undivided Joint Family and suit schedule



properties are their joint family properties, they are in joint possession of the same without effecting partition. The defendant No.7 is the stranger to the family of the plaintiff and defendant No.1 to 6. When such being the case, the defendants are trying to alienate the suit schedule properties to the third parties in order to deprive legitimate share of the plaintiff over the suit schedule properties.

17. In order to substantiate the case of the plaintiff, at this stage the plaintiff has produced the notarized genealogical tree, RTC Extracts and xerox copy of the registered Sale Deed dated: 03.10.2019.

18. On the other hand, the defendants have admitted the relationship with the plaintiffs and denied the rest of the plaint averments and interalia contended that, during the life time of the father of the plaintiff and defendant No.1 to 6 there was a Panchayathi Partition effected among the male children of Late. Rangaiah dated: 10.07.1998. The said



Panchayathi Partition was acted upon and moreover the plaintiff is residing at her husband house, she fully aware of the above said Panchayathi Partition. Therefore, the plaintiff is not entitled for any relief as sought in the plaint.

19. In order to support the case of the defendants, at this stage, the defendants have not produced any iota of documents.

20. 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. In order to show the prima-facie case, the plaintiffs have produced the RTC Extracts for the year 2022 to 2023 in respect of item No.1 of the suit schedule property. On perusal of the same, at this stage it appears that, the khata of the item No.1 of the suit schedule property stands in the name of defendant No.4 & 5 herein. The



plaintiff has produced the RTC extracts for the year 2022-23.

On perusal of the same, at this stage it appears that, the khata of the item No.2 of the suit schedule property is stands in the name of defendant No.4 to 6 herein. The plaintiff has produced the RTC Extract for the year 2022-23. On perusal of the same, it appears that, at this stage the khata of the item No.3 of the suit schedule property stands in the name of defendant No.7 herein and plaintiff has produced the RTC Extracts for year 2022-23. On perusal of the same, at this stage it appears that, the khata of the item No.4 of the suit schedule property is stands in the name of defendant No.1 herein.

21. Admittedly, it is a suit for partition and separate possession against the defendants in respect of suit schedule property. At this stage the rights of the parties cannot be adjudicated, it needs full fledged trial. In order to avoid multiplicity of proceedings and also to keep suit schedule



properties intact till disposal of the suit. Hence, it is just and necessary to pass an order of temporary injunction restraining the defendants from alienating the suit schedule property to any body in any manner till disposal of this suit. Looking into the pleadings and documents adduced by both the parties, at this stage it appears that, the plaintiff has made out the prima-facie case and balance of convenience is also lies in favour of the plaintiff. If this I.A., is not allowed, the plaintiff will be put to great hardship and injury. On the other hand, if this I.A., is allowed, there is no harm caused to the other side. For considering all these reasons the Point No.1 to 3 in the Affirmative.

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

ORDER

I.A.No.I filed by the plaintiffs/applicants under Order XXXIX Rule 1 and 2 r/w. Sec.151 of CPC is hereby allowed.



Consequently, the defendants are hereby temporarily restrained from alienating the suit schedule properties to anybody in any manner till disposal of this suit.

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 **23rd day of August, 2025.**)

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