



**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: 13th Day of March 2026

ORIGINAL SUIT NO.272/2025

Plaintiff :- Sri. Mruthyunjaya N.,
(By **Sri. N.R.S.** Advocate)

--V/s--

Defendants :- Smt. Gangamma & Ors.,
(By **Sri. S.K.** Advocate)

PARTIES TO I.A.NO.1

Applicant : Sri. Mruthyunjaya N.,

Vs.

Opponents : Smt. Gangamma & 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 CPC for the relief of temporary injunction restraining the defendants or their agents, workers, henchmen, officials or anybody acting on their behalf 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, he 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 is the absolute owner of the suit schedule property and originally the property land bearing old Sy.No.60/2 measuring to an extent of 0.27 guntas Situated at Muppenahalli Village, Solur Hobli, Magadi Taluk, Ramanagara District is the absolute self-acquired property of the father of the plaintiff by name Nanjundaiah S/o. Nanjegowda and he acquired the same under the registered sale deed dated 8-5-1978, since from the date of purchase the



father of plaintiff by name Nanjundaiah has become the absolute owner in possession and enjoyment over the above said land along with the plaintiff and as per the registered sale deed the concerned revenue officials have conducted the Phodi and Durasthu of the said landed property and given new survey numbers i.e., suit schedule property and mutated the name of the father of the plaintiff by name Nanjundaiah as per MR.No.14/2001-02, but the said mutation transaction is not reflected in the RTC. But, the father of the plaintiff by name Nanjundaiah being illiterate and ignorant person having no legal knowledge, hence he could not able to notice the said mistake. Later, the father of the plaintiff by name Nanjundaiah was died by leaving behind the plaintiff as his legal heir, accordingly the plaintiff inherited and succeeded the estate of the Nanjundaiah and the plaintiff become the absolute owner in possession and enjoyment over the suit schedule property, but the plaintiff 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 favour of plaintiff as per inheritance.

3. The plaintiff further stated that, the plaintiff 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 02.04.2025 when the plaintiff is in suit schedule property, at that time the defendants came near the suit schedule 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 entire land of the suit schedule survey number property in their favour and again they will come near the suit schedule property along with huge supporters and oust the plaintiff from his possession over the suit schedule



property and denied the title of the plaintiff over the suit schedule property.

4. It is further stated 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 his father by name Nanjundaiah as per sale deed or in his name as per inheritance, the father of the first defendant and the grandfather of other defendants by name Gangaiah got entered his name in respect of the entire land of the suit schedule survey number property measuring to an extent of 3 acres 21 guntas. Though the father of the first defendant and the grandfather of other defendants by name Gangaiah got entered his name in respect of the entire land of the suit schedule survey number



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 09.07.2025 the plaintiff got convened the Panchaythi in the village and requested and demanded the defendants to come and give statement before the concerned revenue officials to get mutata his name in the revenue records of the suit schedule property. For which the defendants are vehemently refused the same and in the Panchaythi they openly declared that once again they will come and interfere with the plaintiff 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 he 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 that to approach the jurisdictional civil Court for proper remedy as the matter is in civil in nature, hence without alternative the plaintiff got filed this suit for permanent injunction and declaration. Hence, this application.

6. After service of suit summons, the defendants have appeared through their counsel and filed detailed written statement 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 resisted the suit of the plaintiff and denied the plaint averments and interalia contended that, the property bearing Sy.No.60/1 measuring to an extent of 2 acres situated at Muppenahalli Village, Solur Hobli, Magadi Taluk, is originally belongs to one Huchamma who is the mother of the defendant No.1 and grandmother of defendant No.2 to 4 she acquired the property through the registered gift deed dated 10-02-1977 executed by her mother Gangamma, on the basis of registered gift deed dated 10-2-1977 the katha of the Sy.No.60/1, measuring to an extent of 2 acres situated at Muppenahalli Village, Solur Hobli, Magadi Taluk, on the basis of gift deed the said Huchamma is in possession and enjoyment over the property as an absolute owner, after that the property bearing Sy.No.60/1 phoded as Sy.No.60/2.



7. The defendant No.1 to 4 further contended that, when the property comes to Huchhamma on the basis of registered gift deed dated 10-02-1977 she was in possession and enjoyment over the property bearing Sy.No.60/2 measuring to an extent of 2 acres property along with her family members as an absolute owner, during the life time of said Huchamma she has sold the property bearing Sy.No.60/2 measuring to extent of 0.27 guntas in favour of father of plaintiff through the registered sale deed dated 08-05-1978, on the basis of registered sale deed the father of the plaintiff did not get katha in his name, but the father of plaintiff is in possession and enjoyment over the property bearing Sy.No.60/2 measuring to an extent of 0.27 guntas only, the said Huchhamma sold the remaining property bearing Sy.No.60/2 to the different sale deeds to the different persons the said Huchhamma is not having the property in Sy.No.60/2. It is further contended that, during the life time of said father of plaintiff by name Nanjundaiah was in



possession and enjoyment over the property bearing Sy.No.60/2 measuring to extent of 0.27 guntas property only, now the said Nanjundaiah is no more after the death of said Nanjundaiah his family members are in possession and enjoyment over the property bearing Sy.No.60/2.

8. The defendant No.1 to 4 further contended that, the land bearing Sy.No.134 measuring to an extent of 3 acres 21 guntas situated at Muppenahalli Village, Solur Hobli, Magadi Taluk is originally belongs to one Gangaiah who is the husband of Huchhamma he was acquired the property in case No.ADLR-123/73-74, the said property is self-acquired property of said Gangaiah, the katha of the said property also changed in the name of Gangaiah, when the property acquired by the Gangaiah he was in possession and enjoyment over the property along with his family members, the said Gangaiah died on 28-09-1995, the defendants are the legal representatives of deceased Gangaiah, the



defendants are in possession and enjoyment over the property bearing Sy.No.134 till today the katha of the property is stands in the name of Gangaiah. It is further contended that, the property bearing Sy.No.60/2 is not changed as Sy.No.134 the property bearing Sy.No.60/2 is different and Sy.No.134 is different the plaintiff stated in plaint schedule boundaries is comes to Sy.No.60/2 not belongs to Sy.No.134 the plaintiff has created documents and filed this false suit before this court. For all these grounds, the defendants have prayed to reject the above application.

9. Heard the arguments of both sides.

10. 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?

11. 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

12. **POINT NO.1 TO 3:** These points are inter related with each other. Hence, these points are taken up together for common discussion in order to avoid repetition of facts and findings. It is the urge of the plaintiff that, the plaintiff is the absolute owner of the suit schedule property, the father of the plaintiff has purchased the suit schedule property through the registered sale deed dated: 08.05.1978. The khata of the suit schedule property was mutated in the name of plaintiff's father as per M.R.No.14/2001-02, but the same is not



reflected in the RTC extract. The father of plaintiff was died, after demise of father of plaintiff, the plaintiff is in possession of the suit schedule property by exercising all sorts of ownership, but he has not transferred revenue documents in his name. When such being the case, the defendants tried to interfere with the possession of the plaintiff. Thereafter, it is noticed that, the defendants have got obtained the revenue records of suit schedule property and denied the title of the plaintiff.

13. In order to substantiate the case of the plaintiff, at this stage the plaintiff has produced the copy of the registered sale deed dated: 08.05.1978, encumbrance certificate, RTC Extracts, Endorsement issued by the Thasildar, Genealogical Tree, Order copy of the RRT.No.291/2024-25 and Tipani Books.

14. On the other hand, the defendant No.1 to 4 have contended that, the property bearing Sy.No.60/1 measuring



to an extent of 2 acres situated at Muppenahalli Village, Solur Hobli, Magadi Taluk, is originally belongs to one Huchamma who is the mother of the defendant No.1 and grandmother of defendant No.2 to 4 she acquired the property through the registered gift deed dated 10-02-1977 executed by her mother Gangamma, on the basis of registered gift deed dated 10-2-1977 the katha of the Sy.No.60/1, measuring to an extent of 2 acres situated at Muppenahalli Village, Solur Hobli, Magadi Taluk, on the basis of gift deed the said Huchamma is in possession and enjoyment over the property as an absolute owner, after that the property bearing Sy.No.60/1 phoded as Sy.No.60/2. The land bearing Sy.No.134, measuring 3 acres 20 guntas of Muppenahalli Village was belongs to one Gangaiah, who is the husband of Huchamma.

15. It is further contended that, the property bearing Sy.No.60/2 has not changed as Sy.No.134, the boundaries in respect of Sy.No.60/2 and 134 are different.



16. To substantiate the contents of the defendant No.1 & 2, at this stage they have produced the Encumbrance Certificate dated: 03.10.2025 and 30.01.2024, certified copy of the registered Gift Deed dated: 10.02.1977, certified copy of the registered sale deed dated: 08.05.1978, RTC Extracts and Death Certificate of Gangaiah.

17. 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 pleadings and documents produced by both the parties. The plaintiff in order to show the prima-facie case, at this stage he has produced the xerox copy of the registered sale deed dated: 08.05.1978. On perusal of the same, at this stage it appears that, to an extent of 27 guntas in land bearing Sy.No.60/2 of Muppenahalli Village, Solur Hobli, Magadi Taluk from



Huchamma and another. On the other hand, the defendants have contended that, they are the absolute owners of the Sy.No.60/1 and phoded and assigned as new Sy.No.60/2. The Sy.No.60/2 has not phoded and assigned as new Sy.No.134. The property in Sy.No.60/2 and Sy.No.134 are not one and the same, both are distinct properties. It is to be noted that, at this stage the plaintiff has not produced any iota of document to show that, the Sy.No.60/2 phoded and assigned as new Sy.No.134. In the absence of the same, at this stage it cannot hold that, the properties shown in the Sy.No.60/2 and Sy.No.134 are one and the same. At this stage the rights of the parties cannot be adjudicated, it needs full fledged trial.

18. Looking into the pleadings and documents adduced by both the parties and other materials placed on record, at this stage the plaintiff has not made out the prima-facie case. The plaintiff has not made out a prima-facie case for grant of



injunction and under these 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.

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

ORDER

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

The order of exparte interim order dated: 19.04.2025 passed by this Court on I.A.No.1 in the above matter is hereby vacated.

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 **13th day of March, 2026.**)

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