



**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: 2nd Day of February 2026
ORIGINAL SUIT NO.534/2025

Plaintiff :- Smt. Kalavathi K. N.,
D/o. Narasimhaiah,
W/o. Lokesh,
Aged about 33 years,
R/at: Vaddarahalli Village,
Galaga Post,
Kasaba Hobli, Gubbi Taluk,
Tumkur District.

(By Sri. Rangaswamaiah Advocate)

--V/s--

Defendants :- 1. Sri. Narasimhaiah,
S/o. Tigalaiah,
Aged about 55 years,
2. Sri. Girish,
S/o. Narasimhaiah,
Aged about 31 years,

Both are R/at:
Kalluru Village,
Bachenahatti Post,
Kasaba Hobli, Magadi Taluk,
Ramanagara District.

(By Sri. K.G. Advocate)



PARTIES TO I.A.NO.1

Applicant : Smt. Kalavathi K. N.,

Vs.

Opponents : Sri. Narasimhaiah & Ors.,

ORDER ON I.A.NO.1

The applicant/plaintiff has filed this interlocutory application under Order XXXIX Rule 1 and 2 of CPC for the relief of temporary injunction restraining the defendants from alienating the suit schedule properties to third party 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 other reliefs over the suit schedule properties.

3. It is further stated that, the plaintiff and defendants are the members of the Hindu Undivided Joint Family, the suit schedule properties are the joint family properties of



plaintiff and defendants and they are in joint possession of the same. The khata of the suit schedule properties were stands in the name of defendant No.1 and there is chance for alienation by the defendant No.1 in respect of suit schedule properties. Hence, this application.

4. In pursuance of the suit summons, the defendants have appeared through their counsel and filed the 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 written statement they have totally denied the plaintiff's case and interalia contended that, in the year 2020 there was an oral partition effected between the plaintiff and defendants in the presence of Panchayathdars. In the said oral partition to an extent of 2 acres in land bearing Sy.No.18 was allotted to the share of the plaintiff and likewise the



remaining properties of the plaintiff and defendants' family were allotted to the share of defendants.

5. It is further contended that, the property was allotted to the share of plaintiff by virtue of an oral partition i.e., to an extent of 18 guntas in land bearing Sy.No.18, the same was sold by the plaintiff in favour of Smt. Susheela W/o. Narasegowda by virtue of the registered Sale Deed dated: 02.07.2020. Hence, the plaintiff is not entitled for any share in the suit schedule properties. For all these grounds, the defendants have prayed to reject the above application.

6. Heard the arguments of both side. Both the counsels have filed their respective written arguments.

7. 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 plaintiffs/applicants?
- 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?

8. 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

9. **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 case of the plaintiff that, the suit schedule properties are the joint family properties of plaintiff and defendants, they are in joint possession of the same without effecting partition. The defendants have refused to effect



partition of plaintiff's share in respect of suit schedule properties and the defendants are trying to alienate the suit schedule properties to the third persons.

10. In order to substantiate the case of the plaintiff, the plaintiff has produced the notarized copy of the Genealogical Tree and RTC Extracts.

11. On the other hand, the defendants have contended that, there is no joint family status between the plaintiff and defendants, in the year 2020 there was an oral partition among the plaintiff and defendants. In the said oral partition, to an extent of 2 acres in land bearing Sy.No.18 was allotted to the share of plaintiff herein and other properties were allotted to the share of defendants and thereafter the plaintiff has sold the property, which was allotted to her share in favour of Smt. Susheela by virtue of the registered Sale Deed dated: 02.07.2020. Hence, the plaintiff is not entitled for any share in the suit schedule properties.



12. In order to falsify the case of the plaintiff, the defendants have produced the RTC Extracts, Mutation Register Extract, Online copy of the registered Sale Deed dated: 02.07.2020.

13. 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 Extract for the year 2024-25. The khata of the suit schedule properties stands in the name of defendant No.1. On the other hand, the defendants have contended that, there was already oral partition effected between the plaintiff and defendants in respect of their family properties in the said partition to an extent of 2 acres in land bearing Sy.No.18 was allotted to the share of the plaintiff. Thereafter, the plaintiff has sold the



same in favour of Smt. Susheela. In order to substantiate the said contention, the defendants have produced the online copy of the Registered Sale Deed dated: 02.07.2020. On perusal of the same, at this stage it appears that, the plaintiff and defendants herein and also Smt. Hemavathi, who is the wife of defendant No.1 have jointly sold the land bearing Sy.No.18 to an extent of 2 acres of Singadasanahalli Village, Kasaba Hobli, Magadi Taluk in favour of Smt. Susheela. It is to be noted that, on perusal of the same at this stage it appears that, there is no whisper in the aforesaid registered Sale Deed with regard to the aforesaid property was fallen to the share of plaintiff herein.

14. Admittedly, it is a suit for partition and separate possession of her 1/3rd share against the defendants in respect of suit schedule properties. 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 properties to the third parties in any manner till disposal of this suit. Looking into the pleadings and documents adduced by the plaintiff, 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, I answer the Point No.1 to 3 in the Affirmative.

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.I filed by the plaintiff/applicant under Order XXXIX Rule 1 and 2 of CPC is hereby allowed.

Consequently, the defendants are hereby temporarily restrained from alienating the suit schedule properties 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 **2nd day of February, 2026.**)

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