



**IN THE COURT OF THE PRL.CIVIL JUDGE & J.M.F.C. AT
MAGADI**

***Present: Smt. Nagarathnamma, B.A.L., LL.B.,
Prl.Civil Judge & JMFC, Magadi.***

O.S. No.41 of 2026

Dated this the 23rd day of July, 2026

PLAINTIFFS:- Sri.Hanumantharaju,
S/o late Hanumaiah,
Aged about 45 years,
Residing at Bhantarakuppe Village,
Soluru Hobli, Magadi Taluk,
Bengaluru South District.

(By Sri.M.S.S., Adv)

-Vs-

DEFENDANTS:- 1. Smt.Sharadamma,
W/o Late Narasimha Murthy,
Aged about 70 years,

2. Sri.Hanumantharaju,
S/o Late Chikkahanumaiah,
Aged about 48 years,

3. Sri.Krishnappa,
S/o Late Chikkahanumaiah,
Aged about 46 years,

All are residing at
Bhantarakuppe Village,
Soluru Hobli, Magadi Taluk,
Bengaluru South District.

(Placed Exparte)



**I.A.No.I APPLICATION U/O.39 R.1 & 2 CPC FILED
BY THE PLAINTIFF**

APPLICANTS:- Sri.Hanumantharaju,
S/o late Hanumaiah,
Aged about 45 years,
Residing at Bhantarakuppe Village,
Soluru Hobli, Magadi Taluk,
Bengaluru South District.

-Vs-

OPPONENTS:- 1. Smt.Sharadamma,
W/o Late Narasimha Murthy,
Aged about 70 years,

2. Sri.Hanumantharaju,
S/o Late Chikkahanumaiah,
Aged about 48 years,

3. Sri.Krishnappa,
S/o Late Chikkahanumaiah,
Aged about 46 years,

All are residing at
Bhantarakuppe Village,
Soluru Hobli, Magadi Taluk,
Bengaluru South District.

ORDERS ON I.A.No.I

This is an application filed by the plaintiff under order 39 Rule 1 & 2 R/w section 151 of C.P.C against the defendants restraining defendants, their servants, power of attorney holder, family members, henchmen or



anybody claiming through them from interfering with the peaceful possession & enjoyment of the suit schedule property till disposal of the suit.

2. The said application is accompanied with affidavit, wherein it is held that, the plaintiff has filed this suit for the relief of declaration to declare that, he is the absolute of the suit schedule property by virtue of sale deed dated 14.06.1971 and consequential relief of permanent injunction to restrain the defendants their men, servants, agents, power attorney holder or anybody claiming through them from interference over the plaintiff's possession and enjoyment of the suit schedule property. Further it is stated that, the father of the namely Hanumaiah was purchased the suit schedule property under registered sale deed dated 14.06.1971 property measuring 1 acre 31 guntas. Since ever then he was in possession and enjoyment of the suit schedule property. Therefore, the father of the plaintiff was died about 21 years back leaving behind plaintiff as his legal heir. After death of father of the plaintiff, the plaintiff has inherited and succeeded the estate of his father and he is in possession and



enjoyment of the suit schedule property as an absolute owner. Further it is stated that, as per the said sale deed, the revenue official are accepted the mutation and made khatha in the name of father of the plaintiff to an extent of 1 acre 31 guntas. After digital proceedings, in the RTC extract measurements of the suit schedule property has been made out as 1 acre 2 guntas instead on 1 acre 31 guntas. In this regarding plaintiff moved an application before the revenue official and they have direct to approach the Assistant Commissioner and remained back to the Tahashildar to take necessary action after due enquiry. But, the Tahashildar did not considered the documents and possession of the plaintiff straight way he rejected application of plaintiff and directed him to approach civil court. Still plaintiff is in possession and enjoyment over the suit schedule property to an extent 1 acre 31 guntas. Further stated that, the defendants have no manner of right, title, interest and much less possession over the suit schedule property. They are illegally and unlawfully making hectic attempt to interfere with the peaceful possession and enjoyment of the plaintiff's property. The defendants have a large



number supporters and political influential persons. But, the plaintiff is poor persons and he is not in position to resist illegally and high handed act of the defendants without aid of this court. Further it is stated that, the plaintiff has filed complaint before jurisdictional. But, they did not take any action against defendants. Therefore, without left option the plaintiff has filed this suit for the relief of declaration and injunction and also files this application for interim temporary injunction order to restrain the defendants from interfere with peaceful possession and enjoyment over the suit schedule property. Further it is stated that, prima-faice and balance of convenience lies in favour of plaintiff and if application is in allowed, he would put in to great loss and hardship. With these he prays to allow the application.

3. On the other hand, upon being service of notice and suit summons, the defendants have not come forward before the court, hence he placed exparte.



4. I have heard the arguments on plaintiff side and perused materials placed on record.

5. Now the following points would arise for my consideration;

POINTS

1. Whether the plaintiff has established the prima-facie case ?
2. Whether the balance of convenience lies more in favour of the plaintiff ?
3. Whether the irreparable loss hardship will be caused to plaintiff if the injunction is not granted?
4. What order?

6. My answer to the above points are as follows ;

Point No.1: In the **Affirmative.**

Point No.2: In the **Affirmative.**

Point No.3: In the **Affirmative.**

Point No.4: **As per final order for the following;**

**REASONS**

7. Point No.1 to 3:- Since these points are inter-linked with each other, hence they have taken up together for common discussion in order to avoid repetition of facts & circumstances.

8. The plaintiff has filed this present for the relief of declaration and injunction and to declare the ownership of the plaintiff and to restrain the defendants, their men, servants, agents, power of attorney holder or anybody claiming through them from causing interference over the peaceful possession and enjoyment of the suit schedule property and also files this application Under Order 39 Rule 1 and 2 read with 151 of CPC seeking for temporary injunction against defendants until disposal of the suit.

9. In support of it the counsel for plaintiff has argued that, the plaintiff is the owner and in possession of suit schedule property, having been purchased by his father under registered sale deed dated 16.05.1971, during the life time of father of the plaintiff and he was in possession and enjoyment of the



suit schedule property. After death of father of the plaintiff, plaintiff succeed and inherited estate of his father and is in possession and enjoyment of the same. Further it is argued that, the father of the plaintiff has purchased property measuring to an extent of 1 acre 31 guntas and same was accepted by revenue official and khatha also had been entered in the name of the father of the plaintiff. After existence of digital proceedings, the measurement of the property was wrongly mentioned as 1 acre 2 guntas instead mentioning 1 acre 31 guntas. In this regarding the plaintiff had filed application before the revenue officials to get rectify the measurements. But, his efforts went in win. The revenue officials has failed to rectify the measurements of suit schedule property revenue as per sale deed dated 16.05.1971. Further the revenue officials have directed the plaintiff to approach the civil court. When such being the case the defendants being the stranger, without having any manner of right, interest and title over the suit schedule property, they are causing interference over peaceful possession and enjoyment of the suit schedule property. The plaintiff being a poor and helpless person, he could not in position to resist



the act of the defendants. Though the plaintiff has filed complaint before jurisdictional police, the police did not taken any action against the plaintiff. Therefore, the plaintiff has filed this suit against the defendants without left action. Further he argued that, the prima-facie and balance of convenience lies in favour of plaintiff. If injunction is not granted as sought by the plaintiff, he may put in to great loss and hardship which cannot be compensated in terms of money. With these he prays to allow the application.

10. In support of his arguments, has produced sale deed dated 14.06.1971. On perusal of the same it appears that, one Mr.Hanumaiah, who is the father of the plaintiff purchased the suit schedule property measurement 1 acre 31 guntas from Venkatanarasamma D/o Venkatappa for sale consideration amount of Rs.1000/-. Further he produced Form No.15 encumbrance certificate. On perusal of the same it reveals that, the Venkatanarasamma transferred the property measuring 1 acre 31 guntas to Hanumaiah who is the father of plaintiff in Sy.No.38/2 for sale consideration



amount of Rs.1000/-. Further he produced mutation registrar and on perusal of the same, it appears that, Hanumaiah has acquired property measuring 1 acre 31 guntas from Venkatanarasamma D/o Venkatappa under M.R.No.1128/1971-72. Further he produced certified copy RTC of Sy.No.38/2. On perusal of the same it reveals the names of Venkatanarasaiah S/o Narasaiah and Venkataiah S/o Narasimhaiah and Nagamma W/o Narasimhaiah. Further it reveals the name of Hanumaiah S/o Eraiah as he is owner and occupier of property measuring 1 acre 31 guntas. On perusal of the copy of the RTC Sy.No.38/1 pertaining of years 2025-26. It appears the name of Hanumaiah S/o Eraiah as he is owner and occupier of 1 acre 2 guntas. Further he produced sketch. Further he produced letter which issued by the surveyor to plaintiff's father. Further he produced copy of order which passed by the Assistant Commissioner of Ramanagara Division in case RA/1205/2024. On perusal of the same, it appears that, Assistant Commissioner has remand back the matter to the Tahashildar of Magadi to considered the documents and possession of plaintiff and passed necessary order on it. Further he produced



copy of order of Tahashildar, wherein the Tahashildar of Magadi have rejected the application and directed them to get relief in civil court.

11. On other hand as already stated above the defendants have not come forward before the court. Having heard arguments on plaintiff's side and on perusal of the materials placed on record, it is specific case of the plaintiff, the plaintiff is owner in possession of suit schedule property and have been acquired by his father through registered sale deed dated 14.07.1971 and his father was in possession and enjoyment of the suit schedule property measuring 1 acre 31 guntas. After death of the father of plaintiff, the plaintiff succeed and inherited the suit schedule property and enjoying the same. After installation of digital procedure, the measurement of the suit schedule property was wrongly reflected in RTC as 1 acre 2 guntas instead 1 acre 31 guntas. In this regarding though plaintiff has filed application before the Assistant Commissioner, Ramanagara for rectification of measurements, Assistant Commissioner remand back the matter to the Tahashilda. But, the



Tahashildar have ordered and directed plaintiff to approach the civil court. In mean while the defendants being strangers are making hectic attempt to interfere over the suit schedule property therefore, without left option, the plaintiff filed this suit. On support of it he relied upon the sale deed and encumbrance certificate and order of Assistant Commissioner and Tahashildar of Magadi and revenue documents. On perusal of sale deed on the encumbrance certificate pertaining year of 1965 to 2004. It is mentioned that, Hanumaiah has acquired the property measuring 1 acre 31 guntas in Re.Sy.No.38/2 from Mrs.Venkatanarasamma through sale deed.

12. Further on perusal of the sale deed it appears that, the father of plaintiff has purchased property to an extend 1 acre 31 guntas in Sy.No.38/2. Further on perusal of the RTC it appears that, the Hanumaiah was in possession and enjoyment of property measuring 1 acre 31 guntas. But, on perusal of recent RTC of Sy.No.38/1 pertaining to the years 2025-26 it appears that, Hanumaiah S/o Eraiah is in occupier of the property measuring 1 acre 2 guntas.



Further it relevant note that, it is no doubt to true that, the plaintiff has not produced documents to show that, presently plaintiff is in possession and enjoyment of property measuring 1 acre 31 guntas. But, he has clearly stated in his affidavit that, he is in possession and enjoyment of property measuring 1 acre 31 guntas. Further order passed by the Assistant Commissioner and Tahashildar of Magadi. It prima-facie appears that, there is some dispute regarding the measurement of suit schedule property. Further it relevant to note that, the clearly stated in his affidavit that, the defendants being the strangers to the suit schedule property are making hectic effort to interfere over the peaceful possession and enjoyment over the suit schedule property. For this contrary there is no materials placed on record by the defendants as already stated above, defendants have not came forward to challenge the case of the plaintiff. If at all the defendants are not interfere over peaceful possession and enjoyment of the suit schedule property they should have come before the court and oppose the application filed by the plaintiff. But, defendants have failed to do so. However, considering the avernments pleaded in the affidavit and



materials placed on records it appears the prima facie and balance convenience in his favour of plaintiff. If injunction is not granted he may put in to great loss and hardship which cannot be compensated in terms of money. Considering such facts, this court answered the **Point No.1 to 3 are in the Affirmative.**

13. Point No.4:- For the reasons stated while discussing points No.1 to 3, I proceed to pass the following ;

ORDER

The IA No.I filed Under Order 39 Rule 1 and 2 R/w 151 of C.P.C, by the plaintiff is hereby Allowed.

The defendant, their agents, power of attorney holder, family members, henchmen, servants or anybody claiming under them is hereby restrained from causing interference over the suit schedule property of plaintiff, in any manner till disposal of this suit.

No order as to costs.

(Dictated to Stenographer directly on computer, corrected by me and then pronounced it in open court on this **23rd day of July, 2026**)

**(Smt. Nagarathanmma)
Prl. Civil & J.M.F.C.
Magadi.**