



**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.340/2024

Dated This The 04th Day Of August, 2026

PLAINTIFFS:- Sri.T.R.Padmavathi,
D/o Late Rangappa,
Aged about 49 years,
Residing at No.237, 8th cross,
Ullalu main road, Bilikallu,
Vishwaneedam post,
Bangalore- 560091.

(By Sri.N.KN., Adv)

-Vs-

DEFENDANTS:- 1. Sri.Kemparaju.T.R.
S/o Late Ragappa
Aged about 56 years,
R/at Basavanagudi Palya Colony,
Narasandra Post,
Kudur Hobli,
Magadi Taluk,
Ramanagara District.

2. Smt. Chandramma
W/o Late T.R. Prakash,
Aged about 52 years,

3. Smt. Somya.P
D/o Late T.R. Prakash
Aged about 30 years,



4. Sri. Pradeepa
S/o late T.R. prakash,
Aged about 28 years,

The defendant No.2 to 4 are
R/at Karagere Village,
Mylarapattana post,
Kasaba Hobli,
Nagamangala Taluk,
Mandya District.

5. Sri. T.R. Suresh,
S/o Late Ragappa
Aged about 55 years,
R/at Basavanagudi Palya colony,
Narasandra Post,
Kudur Hobli,
Magadi Taluk,
Ramanagara District.

6. Smt Rathnamma T.R.
W/o Ashok
D/o Late Ragappa
Aged about 51 years,
R/at Bisalahalli Village,
Kudur Hobli,
Magadi Taluk,
Ramanagara District.

(By Sri.A.K.H., Adv for D1,5, 6
and Sri. B.R.P., Adv., for D2 to 4)



I.A.No.I APPLICATION U/O.39 R.1 & 2 R/W 151
CPC FILED BY THE PLAINTIFF

APPLICANTS:- Sri.T.R.Padmavathi.

-Vs-

OPPONENTS:- Sri.Kemparaju.T.R and others.

ORDERS ON I.A.No.I

This is an application filed by the plaintiff under Order XXXIX Rule 1 and 2 read with 151 of CPC seeking for interim temporary injunction order against defendant No. 1 to 6 restrained them, their agents, servants, henchmen, followers, supporters, family members, power of attorney holders and anybody claiming through them from alienate the suit schedule properties in any manner till disposal of the suit.

2. The said application is accompanied with an affidavit, wherein plaintiff has stated in her affidavit that she has filed this suit for the relief of partition and separate possession of suit schedule property. Further she has stated that the suit schedule properties are ancestral and joint family properties of herself and defendant no. 1 to 6 and they are cultivated to the suit



schedule properties. Further she has stated that, no partition is effected between herself and defendants in respect of suit schedule properties. Further she contained that, her father namely Rangappa acquired the property by the way of inherited and he was in possession and enjoyment over the suit properties along with his family members. After death of our father plaintiff and defendant No. 1 to 6 being the legal heirs of deceased Rangappa are continued possession and enjoyment of the suit schedule properties. After death of the said Rangappa, her mother also died on 26.02.2022. Thereafter, the plaintiff has approached the defendant and sought for her separate share. But the defendants were postponed the same by giving one and another reasons. The finally defendants have refused to effect the partition and put her in a separate possession of suit schedule property. Thereafter, though Panchayath were convened by the villagers and requested and demanded to the defendants to effect a partition, the defendants have refused to give or share. After death of her mother, the defendant No. 1 to 6 are collided together and making attempt to create the



revenue records of suit property in their favour and on basis of created Revenue documents they are trying to alienate suit property to third person in order to deprived the right of plaintiff. Therefore, without left option the plaintiff has filed this present suit for the relief of partition and separate possession.

3. Further, she stated that she also files this application for interim temporary injunction against defendants. their men, servants or anybody claiming to them from alienate the suit schedule properties till disposal of the suit. Prema-facie case and balance of convenience lies in her favour and if injunction is not granted she will put into great loss and hardship. Which cannot be compensated in terms of money.

4. Upon being service of suit summons, the defendants have appeared through their respective counsels and filed written statement. Further, they have filed memo for adopting the contents of their respective written statements as objection to IA No. 1. The defendant No.1, 2 to 4 have admitted the case of plaintiff by filing written statement and also prays to



decree the suit in favour of plaintiff and also sought for their respective shares.

5. The defendant No. 1, 5 and 6 have denied the all averments pleaded in the plaint as false and incorrect. In addition to denial of the pleadings of the plaintiff, the defendants No. 1, 5 and 6 have admitted that the suit properties are ancestral and joint family properties are plaintiff and defendant and also admitted that they are in joint possession and enjoyment of the suit property by cultivating the same. Further they have contained that, during the lifetime of Late Rangappa, the marriage of plaintiff and defendant No.6 were performed. At that time, the said Rangappa, who is a father of plaintiff and his children have pledged the Item No.1's plaintiff for Rs. 4,000/- and Document No. 827/1991 and delivered the possession to them. And also pledged the property and at the same time the father of the plaintiff and his children namely Kemperaju, Prakash and Suresh have pledged the registered deed for Rs.8,000/- and document number 303/1992-93 dated 06.06.1992 and performed the marriage of plaintiff and defendant No. 6. Thereafter,



the father of the plaintiff and his children namely Kemparaju, Prakash, Suresh got released the documents by paying interest to one Mr. T.D. Guruchanappa dated 08.02.1997.

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

7. 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?

8. 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

9. 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.

10. The plaintiff has filed this suit for the relief of partition and separate possession of her 1/6th share in the so scheduled property and also filed this application under Order XXXIX Rule 1 and 2 and sought for interim temporary injunction order against Defendants, their men, servants, agents, power of attorney holders or anybody claiming them from alienating suit scheduled property. In support of it, the counsel for the plaintiff has vehemently argued that, the plaintiff and defendant No. 1 to 6 are members of joint family and suit schedule properties are ancestor and joint family properties of plaintiff and defendants



and they are jointly cultivating the same. After death of the plaintiff's father and mother, the plaintiff has approached the defendants and sought for a separate share. But the defendants in collusion with the revenue authorities they are trying to make revenue records in their favour and also trying to alienate these suit schedule properties. In this regarding though plaintiff has can-vanned the panchayat, no fruitful result is get by plaintiff. Therefore, without left option, the plaintiff has filed this suit and also filed application to interim order of injunction against defendants. Further, he argued that since plaintiff is having right over the suit schedule property. If at all application is rejected her right will deprived over the suit schedule property. Further he argued that prima-facie case and balance of convenience is in favour of plaintiff. If application is not allowed the defendants will going to sell the property to third persons the right of the plaintiff may be deprived. Hence, he prays to allow the application.

11. In support of his arguments, he has produced documents. Such as affidavit of Genealogy and copy of RTC of Survey No. 22/2 pertaining year of



2023-24. On perusal of the same, it appears the name of Siddagangamma wife of Rangappa as she is owner and occupier of property measuring 1 acre 10 quintas. Copy of RTC of Survey No.40 on perusal of the same the name of Siddagangamma wife of Rangappa is finds place as she is owner and occupier of the property measuring 1 acre 30 guntas. Further he produced M.R No.H23 on perusal of the same it appears that the property measuring 1 acre 10 guntas has been transferred into name of Siddagangamma wife of late Rangappa. Further on perusal of MR No. H49 it appears that the property measuring 1 acre 30 guntas has been transferred from the name of Rangappa S/o Chalavaiah in the name of Siddagangamma wife of late Rangappa. Further she produced death certificate of Rangappa. On perusal of the same, it appears that he died on 21.07.2008. On other hand, counsel for the defendant No. 2 to 4 argued that he has no objection to grant interim order and counsel for defendant No. 1, 5, 6 has argued that the defendants have admitted the case of plaintiff that the suit schedule properties are ancestor and joint family properties of plaintiff and



defendants and also submit that the plaintiff and defendants are in joint possession and enjoyment of the suit schedule properties. Further he argued that the defendants have never tried to alienate the suit schedule property. But the plaintiff is falsely saying that the defendants are trying to alienate the suit schedule properties. With this, he prays to reject the application.

12. In support of his arguments, he has produced the copy of RTC of Survey No. 22/2 and perusal of the same appears the name of Siddhagamma wife of Lake Rangappa as she is owner and occupier of the property measuring 1 acre 10 guntas. For the reproduced document RTC Survey No. 40, on perusal of the same it appears that the name of Siddhagamma wife of Rangappa as owner and occupier of property measuring 1 acre 30 guntas.

13. Having heard arguments on both sides and perusal of the documents placed on record it is not in dispute that the suit properties are ancestor and joint



family properties of plaintiff and defendants and that the parties continue to be in joint possession and enjoyment thereof. Only dispute relates only to extent of their respective shares, which has to be adjudicated during the trial. The apprehension expressed by the plaintiff is that defendants are trying to alienate the suit schedule properties by getting Revenue documents in their favour. It is well settled law that entries in the Revenue records are mentioned for physical purpose and do not by themselves come for any title.

14. When admittedly the properties are joint family properties and no partition has taken place, no co-sharer can claim exclusive ownership over any specific portion of the joint property. Though co-owner may deal with his undivided interest, he cannot represent himself as a absolute owner of entire joint family property or convey any specified portion thereof before partition. If such transactions are Permitted during the pendency of the suit, unnecessarily third party rights may be created, leading to multiplicity proceedings and complications in the final decree



proceedings. Here in this case, the plaintiff has not placed any materials to show that the defendants are trying to or attempt to sale the suit property. But apprehension in the mind of the plaintiff is that the defendants are trying to alienate the suit property. When such is the case, the plaintiff established prima-facie case. The balance of convenience also lies in preserving the suit properties in their existing condition until the rights of the properties are finally determined. Refusal of interim protection may result in creation of third party interest, causing irreparable injury which cannot be adequately compensated to plaintiff subsequently. Accordingly, the plaintiff established prima-facie case and balance of convenience. Hence this Court answered **Point No. 1 to 3 in the affirmative.**

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



ORDER

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

Consequently, defendants, their agents, servants, power of attorney holders, relatives or anybody claiming through them are hereby Temporarily restrained from alienating, encumbering or creating any third party interest in respect of suit scheduled properties until disposal of the suit.

No order as to costs.

(Dictated to Stenographer directly on computer, corrected by me and then pronounced it in open court on this **04TH day of AUGUST, 2026**)

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



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

Consequently defendants, their agents, servants, power of attorney holders, relatives or anybody claiming through them are hereby Temporarily restrained from alienating, encumbering or creating any third party interest in respect of so scheduled properties. So scheduled properties until disposal of the suit.

No order as to costs.

Matter is posted for compliance of Section 89 of CPC.

Call on 28.08.2019.