



**IN THE COURT OF THE II ADDL.CIVIL JUDGE & JMFC,
AT MAGADI
PRESENT**

Smt.Ranjitha G.B B.B.A, LL.B. (Hons)

**II Addl.Civil Judge & JMFC,
Magadi**

Dated this 11th day of March, 2026

OS No.208/2025

PLAINTIFF : Sri.J Kemparaju
S/o Late.Junjaiah,
Aged about 60 years,
R/at Gejjagaraguppe Village,
Madbal Hobli, Magadi Taluk,
Bangalore South District.

-V/s-

DEFENDANTS : 1. Sri.Mahadevaiah
S/o Late.Siddappa,
Aged about 50 years,

2. Sri.Kumara
S/o Late.Siddappa,
Aged about 55 years,
Both are R/at
Gejjagaraguppe Village,
Madbal Hobli, Magadi Taluk,
Bangalore South District.

IA No.I

**APPLICANT/
PLAINTIFF** : Sri.J Kemparaju



-V/s-

**OPPONENTS/
DEFENDANTS**

: Sri.Mahadevaiah & Another

i	<i>Provision under which the application is filed</i>	<i>Order XXXIX Rule 1 and 2 read with Sec.151 of CPC</i>
ii	<i>Relief sought for</i>	<i>Temporary Injunction</i>
iii	<i>The date on which the application is filed</i>	<i>30.06.2025</i>
iv	<i>Number of the application</i>	<i>IA No.I</i>
v	<i>The date on which the objections are filed by different opponents</i>	<i>11.12.2025</i>
vi	<i>The date on which the orders were passed on the said application</i>	<i>11.03.2026</i>

**II Addl.Civil Judge & JMFC,
Magadi**

**ORDER ON IA No.I FILED BY THE PLAINTIFF UNDER ORDER
XXXIX RULE 1 AND 2 READ WITH SEC.151 OF CPC**

This Application filed at the time of filing the suit. The Plaintiff has filed this application under Order XXXIX Rule 1 and 2 read with Sec.151 of CPC, seeking for the relief of temporary injunction by restraining the Defendants from



interfering with the possession of the Plaintiff over the suit schedule property.

2. The Plaintiff has filed the present suit as against the Defendants seeking for the relief of Permanent Injunction. In support of IA No.I, the Plaintiff has filed an affidavit and stated that, the land bearing Sy.No.88, measuring to an extent of 30 guntas, out 5 acres 38 guntas, including 19 guntas of kharab, situated at Gejjagaraguppe Village is the inam land of Jodi Gejjagaraguppe village, which is hereinafter referred as the suit schedule property. The father of the Plaintiff by name Sri.S Junjaiah, S/o Subbaiah was cultivating the suit schedule property as inamdar. Thereafter, the father of the Plaintiff had filed an application before Special Deputy Commissioner for Abolition of Inams, Bengaluru in Case No.74/1959-60, seeking for occupancy right in respect of the suit schedule property. After conducting the due enquiry, the father of the Plaintiff was registered as occupant. As such, the father of the Plaintiff became an absolute owner of the suit schedule property.

3. On 26.06.1981, the father of the Plaintiff died leaving behind the Plaintiff as his legal heir. The Plaintiff continued to be in possession of the suit schedule property



as an absolute owner. The revenue records pertaining to the suit schedule property is in the name of the father of the Plaintiff.

4. The Defendants are utter strangers and having no manner of right, title, interest or possession over the suit schedule property. When such being the situation, on 19.06.2025, the Defendants made an attempt to interfere with the possession of the Plaintiff over the suit schedule property. In this regard, the Plaintiff has lodged a complaint before the jurisdictional police. In-turn, the jurisdictional police gave endorsement stating to seek remedy by way of filing the suit before the jurisdictional Civil Court. The Plaintiff is unable to resist the illegal act of the Defendants. With no other alternatives, the Plaintiff has approached this Court seeking for temporary injunction by restraining the Defendants from interfering with the possession of the Plaintiff over the suit schedule property. If this application is not allowed, the Plaintiff will be put to great hardship and on the other hand, no hardship will be caused to the Defendants, as they can always contest the matter on merits. Hence, prayed to allow the application.



5. The Defendants have filed memo stating to adopt the written statement as objection to IA No.1. Only the relevant portions of the said written statement is hereby reproduced for the sake of discussion. The Defendants have denied the plaint averments and contended that, the Defendants have admitted that, the land bearing Sy.No.88, measuring to an extent of 5 acres 38 guntas situated at Gejjagaraguppa village is an inam land. The Defendants have contended that, the Plaintiff has not produced any documents to show that, he is the sole owner of the suit schedule property. Out of 5 acre 38 guntas, 2 acres 10 guntas belonged to the father of the Defendants by name Sri.Siddaiah, S/o Rajappa and the same was acquired by him as per the order passed by the Special Deputy Commissioner in inam abolition Case No.126/120/1959-60. Out of 5 acres 38 guntas, 3 acres 10 guntas belongs to the grandfather of the Plaintiff by name Late.Marikempaiah.

6. After the demise of grandfather of the Defendants, the khata pertaining to the said property was transferred in the name of mother of the Defendants by name Late.Chikkeramma W/o Siddaiah. The Plaintiff has not challenged the order passed by the Special Deputy Commissioner. The Defendant No.1 had filed a suit as



against the Plaintiff & others seeking for the relief of Declaration & Permanent Injunction in OS No.177/2025 before the Hon'ble Sr.Civil Judge & JMFC, Magadi and the said suit is pending for adjudication. Therefore, the present suit is not maintainable. The only intention of the Plaintiff is to harass the Defendants and to kill the precious time of the Court. If this application is allowed, the Defendants will be put to great hardship and the same cannot be compensated in terms of money. Hence, prayed to reject the application.

7. Heard both sides. Perused the material on record.

8. This Court arises the following points for determination:

1. Whether the Plaintiff has made out prima-facie case?
2. Whether the balance of convenience lies in favor of the Plaintiff?
3. Whether irreparable loss and injury would be caused to the Plaintiff, if an order of temporary injunction is not granted?
4. What order?

9. The findings 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 the final order,
for the following:

REASONS

10. **POINT No.1:** The Plaintiff have filed this application under Order XXXIX Rule 1 and 2 read with Sec.151 of CPC, seeking for the relief of temporary injunction by restraining the Defendants from interfering with the possession of the Plaintiffs over the suit schedule property.

11. The case of the Plaintiff is that, the father of the Plaintiff was cultivating the suit schedule property as inamdar. After conducting the due enquiry based on the application filed by the father of the Plaintiff, he was registered as occupant. As such, the father of the Plaintiff became an absolute owner of the suit schedule property. After his demise, the Plaintiff continued to be in possession of the suit schedule property as an absolute owner. The revenue records pertaining to the suit schedule property is in the name of the father of the Plaintiff. The Defendants are having no manner of right, title, interest or possession over



the suit schedule property. The Defendants made an attempt to interfere with the possession of the Plaintiff over the suit schedule property. The Plaintiff is unable to resist the illegal act of the Defendants.

12. In order to prove the case of the Plaintiff, he has produced the documents such as RTC extract, petition and order passed by the Special Deputy Commissioner in Case No.74/1959-60, mutation registers, order dated 08.01.2024 passed by the Assistant Commissioner in Case No.RA/84/2016-17, order dated 10.01.2025 passed in Case No.RRT(D) 946/2023-24, crop certificate, patta book, death certificates, tax paid receipt, acknowledgment & endorsement dated 19.06.2025 issued by Magadi police.

13. On the other hand, the Defendants have contended that, the Plaintiff has not produced any documents to show that, he is the sole owner of the suit schedule property. Out of 5 acre 38 guntas, 2 acres 10 guntas belonged to the father of the Defendants and the same was acquired by him as per the order passed by the Special Deputy Commissioner in inam abolition Case No.126/120/1959-60. Out of 5 acres 38 guntas, 3 acres 10 guntas belongs to the grandfather of the Plaintiff. After the



demise of grandfather of the Defendants, the khata pertaining to the said property was transferred in the name of mother of the Defendants. The Plaintiff was never in possession of the suit schedule property.

14. To prove the contentions of the Defendants, they have produced the documents such as genealogical tree, order dated 20.09.1967 passed by the Special Deputy Commissioner in Case No.126 & 120/1959-60, order sheet, plaint & interlocutory application in OS No.177/2025, RTC extracts, copy of objection filed in RA(LKP) No.84/2016-17, order sheet in CR No.161/2025 & CC No.5860/2025, FIR, complaint dated 08.07.2025, charge sheet, Sale Deeds dated 09.01.2012, 24.02.2011 & 24.02.2011.

15. On perusal of genealogical tree, it reveals that, the Defendants are the children of Sri.Siddappa and Smt.Chikkeramma. As per order dated 17.05.1965 passed by the Special Deputy Commissioner in Case No.74/1959-60, the suit schedule property was granted in favour of the father of the Plaintiff. As per death certificate, the father of the Plaintiff died on 26.06.1981. As per MR No.T39/2024-25, the RTC extract for the year 2024-25 reflects that, the suit schedule property is standing in the name of the father of the



Plaintiff. Further, crop certificate and patta book also demonstrates that, the suit schedule property is standing in the name of the father of the Plaintiff.

16. The learned Counsel for the Defendants has argued that, the property bearing Sy.No.88, measuring to an extent of 5 acres 19 guntas belongs to the Defendants. To establish the said stand, the Defendants have produced the RTC extracts from the year 1975 to 1997 and 2003 to 2025 and on perusal of the same, it is noticed that, the said property is jointly standing in the name of parents of the Defendants and others. Further, the Defendants have contended that, the Defendant No.1 had filed a suit as against the Plaintiff and others in respect of the suit schedule property in OS No.177/2025 before Hon'ble Sr.Civil Judge & JMFC, Magadi. At this juncture, it is important to refer to documents pertaining to the said suit and on perusal of the same, it is noticed that, the Defendant No.1 had filed a suit as against the Plaintiff and others seeking for the relief of Declaration & Permanent Injunction in respect of property bearing Sy.No.88, measuring to an extent of 5 acres 19 guntas. It is pertinent to note that, the present suit is filed seeking for the relief of Permanent Injunction in respect of property bearing Sy.No.88, measuring to an extent of 30



guntas and the aforesaid suit is filed in respect of 5 acres 19 guntas. Moreover, the relief and subject matter in both the suits are entirely different. Therefore, the documents pertaining to the aforesaid suit is not applicable to the present case on hand.

17. The learned Counsel for Defendants has argued that, the Defendants are in possession of the suit schedule property and the Plaintiff is not in possession of the suit schedule property. To substantiate the said stand, the Defendants have not produced any documents. On the other hand, as discussed above, the aforesaid documents prima-facie establishes that, the Plaintiff is in possession of the suit schedule property. Therefore, by considering the above reasons, this Court is of the opinion that, the Plaintiff has prima-facie established his possession over the suit schedule property. Hence, this Court proceeds to answer Point No.1 in the “**Affirmative**”.

18. **POINT No.2 & 3:** In respect of balance of convenience and irreparable loss is concerned, if the Defendants try to interfere with the suit schedule property, it will cause hardship and injustice to the Plaintiff and same cannot be compensated in terms of money. If the Defendants



continued to interfere with the peaceful possession of the Plaintiff in respect of suit schedule property, the right of the Plaintiff to enjoy the suit schedule property will be curtailed. By considering all these circumstances, the balance of convenience is in favor of the Plaintiff and if this act of the Defendants are continued, then it will cause irreparable loss to the Plaintiff. Hence, this Court proceeds to answer Point No.2 and 3 in the ***“Affirmative”***.

19. **POINT No.4:** In view of the aforesaid reasons, this Court proceeds to pass the following :

ORDER

IA No.I filed by the Plaintiff under Order XXXIX Rule 1 and 2 read with Sec.151 of CPC, restraining the Defendants, their agents, servants, supporters and henchmen or anybody acting on their behalf from interfering with the possession of the Plaintiff over the suit schedule property is hereby allowed till the disposal of the suit.

No order as to cost.

(Dictated to the stenographer directly on computer, corrected, signed and then pronounced by me in Open Court on this 11th day of March, 2026)

(Smt.Ranjitha G.B)
II Addl.Civil Judge & JMFC,
Magadi