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**IN THE COURT OF PRL. CIVIL JUDGE & JMFC,
AT BHADRAVATHI.**

Present: **Sri. RAVI KUMARA. V. BA.L.,L.L.B.,**
Prl. Civil Judge & JMFC.,
Bhadravathi.

DATED THIS THE 18th DAY OF DECEMBER, 2025.

O.S.No.126/2025

Plaintiff : Lakshmana S/o Late Rangappa,
Aged about 46 years,
R/o Mathighatta village,
Shettyhalli post,
Bhadravathi Taluk.

V/s

Defendants Yelumalai S/o Late Chinnappa,
Aged about 44 years,
R/o Mathighatta village,
Shettihalli post,
Bhadravathi Taluk.

I.A.No.I**Applicant** : Smt. Lakshmana**(Rept. by Sri. G. M. S., Adv)****V/s****Opponents** : Yelumalai**(Rept. by Sri. H. M. N., Adv)**

Provision Under which the application Is filed	Order 39 Rule 1 and 2 of CPC
Relief sought for	Temporary injunction
Date of application	01.02.2025
Number of application	I.A.No.I
Date of objection	17.04.2025
Order date	29.11.2025

ORDERS ON I.A.NO.I

The plaintiff filed this IA under Order 39 Rule 1 and 2 read with Sec.151 of CPC by praying to restrain the defendants, his men, agent, servants etc., from trespassing or changing the nature of the suit property

and thereby interfering with his lawful possession and enjoyment thereof, till pending disposal of the suit.

2. In his affidavit accompanying to the IA, the plaintiff has stated that, originally the suit schedule property was having Sy.No.56/2 and land measuring 1.20 acres in the said survey number was granted in favour of his father of Rangappa under grant certificate dated 31.07.1978. Accordingly, the revenue records of the suit schedule property mutated into the name of Rangappa under MR No.13/1978-79. That, on 23.02.1995, Rangappa sold 0.20 guntas of land out of entire extent of 1.20 acres granted in his name in favour of the brother of defendant namely, Muniyappa, and remained in possession of 1.00 acres of suit land. In the meanwhile, survey number of the suit property changed as Sy.No.84/1. That, Rangappa died by living behind the plaintiff and other children, who have inherited the suit property after the death of Rangappa. That, the plaintiff along with his brother and sisters is in exclusive possession of the

suit property. Plaintiff alleged that, the defendant having no manner of right whatsoever, has come near the suit property along with his brother Muniyappa on 02.10.2024 and on 26.01.2025, tried to excavate the suit property with JCB and thereby interfered with possession of the plaintiff in the suit property. The plaintiff approached the nearest police station against the said act of the defendant and his brother Muniyappa. But of no avail. Hence, he claims to have approached this court by filing this suit against defendant and a separate suit against his brother Muniyappa in O.S No.89/2025.

3. In response to the notice and suit summons, the defendant appeared through his counsel and filed his written statement along with a memo by praying to treat the written statement contention as his objection to this IA.

4. In his written statement, the defendant denied plaintiff allegations and contending that, the plaintiff has no document to show his possession in suit property and he filed

this false suit to knock off 20 guntas of land sold to his brother Muniyappa. He contending that, the defendant and his brother Muniyappa inherited their property through their father and are producing brick in the said property and has stored soil for that purpose and is also cultivating the remaining property granted under Bagarhukum. He stated that, the plaintiff is unaware about exact location and identity of his property and filed this false suit. Accordingly, he prays to dismiss the present IA and suit.

5. In view of the rival contentions of both the parties, the following points are arises for my consideration;

- 1. Whether plaintiff establishes that, there exists a prima-facie case in his favour?**
- 2. Whether plaintiff establishes that, the balance of convenience also exists in his favour?**
- 3. Whether the plaintiff will be put to irreparable loss and injury if temporary injunction order is not granted?**
- 4. What order?**

6. I have heard both the sides on the I.A.

7. Carefully perused the entire materials available before this court.

8. My answers to the above points are as follows:

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

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

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

Point No.4 : **As per final order,**

for the following;

REASONS

9. **Points No.1 to 3:-** These points are inter connected to each other and are based on common set of facts. Hence, they are taken together for my common consideration in order to avoid the repetition of facts and for the purpose of brevity.

10. Three ingredients that are to be considered while granting or rejecting the application for temporary injunction order are that:

(1) Prima facie case

(2) Balance of convenience

(3) The party who will be put to irreparable loss and injury in the event of non granting of temporary injunction.

11. The Prima facie case means, a case of plaintiff is such that, it needs adjudication on merits and that there is a triable issue. Plaintiff's case should not be such it is liable to be rejected summarily. However, prima facie case does not mean cent percent case. Suffice to satisfy the case about the existence of the triable issue.

12. The balance of convenience means a comparative hardship or inconvenience that is likely to be caused from withholding the order of temporary injunction or by granting it. In other words, if it is the plaintiff who will be put to

greater inconvenience if temporary injunction is not granted, then the balance of convenience lies in his favour. If the greater inconvenience is caused to the defendants on granting such injunction, then the balance of convenience lies in favour of the defendants.

13. Here, the plaintiff claims that, 1.20 acres of land in New Sy.No.84/1 and old Sy.No.56/2 of Mathighatta village was granted in favour of his father Rangappa under a grant certificate dated 31.07.1978. He claims that, his father has sold 0.20 guntas of land out of entire extent granted to him in favour of brother of defendant, Muniyappa, and remained in possession of remaining 1.00 acres of suit land. The plaintiff claims that, himself and other children of Rangappa are in exclusive possession of the suit schedule property and defendant is interfering with their possession thereof. Thus, he claims to have filed this suit.

14. Haivng regards to the nature of the relief sought in this IA., and in this suit, it is necessary for the plaintiff to show his possession in the suit property as on the date of suit. In this regard, the plaintiff at this stage, has produced the RTC pertains to the year 2024-25 along with grant certificate. The contents of the said RTC would show the name of deceased father of the plaintiff Rangappa as possessor of suit property measuring 1.00 acre. The name of the plaintiff or other children of Rangappa are not yet mutated in the revenue records. The reasons behind the same is not stated by the plaintiff. It is true that, the contents of the RTC are having presumptory value and said contents will be accepted as correct and true unless contrary is proved. At this stage of the suit, there is nothing contrary material brought in by the defendant to disbelieve the contents of the RTC.

15. However, the defendant herein is seriously disputing very identity of the suit schedule property. He is contending that, the plaintiff himself is unaware about the

exact location and his share in the suit property and wrongfully laying his hand over the property in cultivation of him and his brother Muniyappa.

16. It is undisputed that the suit filed by the plaintiff against the Muniyappa in O.S No.89/2025 is also pending before this court. The plaintiff produced a copy of register sale deed dated 23.02.1995 in the said suit. Te said document, at this stage would indicate that, father of plaintiff has sold 0.20 guntas of land out of 1.20 acres granted in his favour of Muniyappa. However, the boundaries mentioned to the suit property by the plaintiff does not reveal the existence of the said 0.20 guntas of land immediately next towards the remaining 1.00 acres of land. The schedule of the plaint also does not show the existance of any property belongs to this defendant. More interestingly, the document produced by Muniyappa in O.S No.89/2025 would indicate that, the property measuring 1.08 acres in Sy.No.56 and block No.29 has been granted in his favour with specific boundaries as

mentioned in the grant certificate. But the grant certificate dated 31.07.1978 issued in favour father of the plaintiff does not reflect the boundaries of 1.20 acres of land granted to him. The said fact gain significance in view of serious dispute raised by the defendant regarding the very identity and location of the suit property.

17. It is also interesting to note that, in O.S No.89/2025, the brother of defendant Muniyappa has produced a document namely, statement of this plaintiff and his family members given before the police in NC No.382/2025, wherein the plaintiff has categorically admitted that, 1.00 acre of land standing in the name of his father Rangappa is in possession of this defendant and his brother Muniyappa since many years. The contents of the said statement would clearly raise doubt on the credibility of the contents of the RTC standing in the name of father of the plaintiff. The same is nothing but contrary to the plaintiff allegations and alleged possession of the plaintiff in the suit

property. It is evident that, there is a serious dispute regarding identity and location of the suit property and there is no clear material produced by the plaintiff at this stage of the suit to show the exact location and identity of the suit property. This court cannot hold mini trial for ascertaining the exact location and identity of the suit property unless and until a full pledged trial takes place.

18. Under the above circumstances, this court is of the view that, the dispute raised by the defendant in respect of very identity and location of the suit property coupled with statement given by the plaintiff himself before the police would raise doubt on the alleged possession of him in the suit property. Therefore, there is no prima facie case made out by the plaintiff to believe his alleged possession in the suit property. Hence, balance of convenience does not lies with the plaintiff and question of he being put to hardship or irreparable injury in the event of non granting of temporary injunction order does not arise. This is not a fit case to grant

relief of temporary injunction as sought for. Accordingly, I answer point No.1 to 3 are answered in the **Negative**.

19. Point No.4:- Resultantly, I proceed to pass the following;

ORDER

IA.I filed by the plaintiff under Order 39 Rule 1 and 2 read with Sec.151 of CPC is dismissed.

No order as to cost.

(Dictated to the Stenographer, translated, computerized by him, corrected and then pronounced by me in open court this **18th day of December, 2025**)

(Ravi Kumara V.)
Prl. Civil Judge & JMFC.,
Bhadravathi.

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