

KASM310043262026



IN THE COURT OF THE II ADDITIONAL CIVIL JUDGE AND
J.M.F.C. AT BHADRAVATHI

PRESENT:- Smt. Chethana. B.A., L.L.B.,
II Addl.Civil Judge & JMFC.
Bhadravathi.

Dated this the 20th day of August, 2026

O.S.No.271/2026

Plaintiff : Darshan K.,
S/o. Krishnoji Rao,
Aged about 29 years,
R/at: Hanumanthapura,
Arahatolalu Post,
Bhadravathi Taluk,
Shivamogga District.

(By Sri. S.K.S.S. Advocate)

V/s

Defendant : Spoorthi H. N.,
D/o. Nagaraj,
Aged about 25 years,
R/at: Hemmige Colony Village,
Aanagodu Hobli, Hunasuru Taluk,
Mysore – 571105.
and also at
34, "Shambhavi Nilaya",
1st Cross, Near Kanti Sweets,
Kirloskar Layout, Bengaluru – 560090.

(By Sri. G.H.M., Advocate)

I.A.No.I

Applicant/s : Darshan K.,
Vs.

Opponent/s : Spoorthi H.N.,

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| i | Provision under which the application is filed | Order XXXIX Rules 1 and 2 read with Section 151 of CPC |
| ii | Relief sought for | Permanent Injunction |
| iii | The date on which the application is filed | 20.06.2026 |
| iv | Number of the application | I |
| v | The date on which the objections are filed by different opponents | 28.07.2026 |
| vi | The date on which the orders were passed on the said application | 20.08.2026 |

**ORDER ON APPLICATION FILED UNDER ORDER XXXIX
RULES 1 AND 2 READ WITH SECTION 151 OF CPC**

This Interim application is filed by the plaintiff under Order XXXIX Rules 1 and 2 read with Section 151 of C.P.C., seeking to restrain the defendant from interfering with personal peaceful life of the plaintiff in any manner, till the disposal of the suit.

2. In the affidavit annexed to I.A.No.I, the plaintiff has stated that, the defendant became known to him through Snap Chat in December, 2024. In the said Snap chat, they exchanged their details with regard to their education and profession. Thereby, it has been revealed that, he was a Doctor with B.A.M.S., Degree and the defendant told that, she has Degree in Sonography and she is working as an internship at Sparsha Hospital, Bengaluru. Thereby, he came to know that, both of them were working in Sparsh Hospital, Bengaluru. Thereafter, the defendant requested him to meet her. On her request, he wanted to meet the defendant. Accordingly, they met each other personally after 20 days of coming to know each other through Snap Chat near Peoples Tree Hospital in Bengaluru. Thereafter, the defendant called him to have a cup of tea and day by day they became the good friends and started to meet each other regularly.

(b). They became good friends and the defendant started to ask for a drop to her house where she was living with her sister by name Sinchana and a friend of her sister by name Soniya. After friendship, he used to pick her in his vehicle on defendant's request. Day by day while going in the vehicle together, the defendant started to show physical leniency and started to become physically very close

to him. The defendant used to call him to her room when her sister and her sister's friend were not in room and that resulted in physical relationship between them. The defendant was living in A.B.G., Layout near Sapthagiri College, Hesaraghatta Road Bengaluru. Whereas, the plaintiff was living in Rajiv Gandhi Nagar, Nandini Layout, Bengaluru.

(c). Whenever the defendant's sister and her friend were not in the room, the defendant used to call him and they had physical relationship in such situations. The defendant completed her internship and she went back to her native place. She intimated that, she got appointment at Jayadeva Hospital, Bengaluru. Accordingly, she joined to service and started to call the plaintiff over phone. Even in absence of her sister and her friend at room, they continued relationship up to January, 2026. All of a sudden, the defendant started to suspect him throwing aspersions against him, alleging that, he had relationship with some other girls and also the defendant made enquiries with colleagues in this regard, which lowered his status in the society.

(d). The defendant started to suspect him, started through allegations, insulting in front of colleagues and started to quarrel with

him. Both sat together to resolve the issue wherein the defendant decided to end the relationship with him and accordingly from March, 2026, they stopped their relationship and ended the live in relationship. In this regard, on 02.03.2026, the defendant sent a message from her mobile to his mobile, stating that, ("1.30 ಅಪ್ಪರಲ್ಲಿ ಬರ್ತಿನಿ ಪಿಕ್ ಮಾಡು" 1.30 astral barthini Pick madu) (ಅಲೋದ ಎಲ್ಲಾ ಇದ್ದರೆ ಬರಬೇಡ Alodella idre barbeda) (ಏನಕ್ಕೆ ಅಲೋಣ ಮುಗಿಯಿತೆಲ್ಲಾ ನಿನ್ನೇನೆ Eruk alana Mugith ala nenne ne). The defendant further stated that, she was in search of job at Abroad, she will leave India to marry a boy of her choice and also asked him to marry a girl of his choice and wished for a better future to him.

(e). His father is aged about 72 years and mother is aged about 60 years and she is Heart Patient. He has two sisters who are married. As such all the family members requested him to get marry. Therefore, he agreed to marry a girl of the choice of the family members and he also gave consent for the same and a girl from Kerehalli of Rippenpet by name Meena D/o. Ramesh is proposed to him and they both accepted each other. As such, he got engaged with Meena for marriage on 03.05.2026 at the house of the bride at Kerehalli and it was decided by the elders of the family to perform the marriage in the month of November, 2026.

(f). In the beginning of the friendship, he had shown the photo of his sister by name Priyanka. The defendant used to get B.T.S. Buses at E.S.I. Stop. She had seen the photo of his sister Priyanka, identified the house of Priyanka as her house is near E.S.I. Stop. By that time, there was no physical contact with the defendant and they had ended the said relationship and mutually decided to live separately due to personal differences and the same is evidenced by the messages. After the termination of the live in relationship, he is leading an independent life and as he decided to enter into a lawful marriage with another girl of his choice with whom he engaged on 03.05.2026.

(g). They never married each other and no marriage was ever solemnized between them under the personal law, customary law or by registration. The defendant has no legal right to interfere with his personal life, marriage, movement or association. On 23.05.2026, the defendant called him over phone, raised her voice, saying that, he had engaged with a girl for his marriage and she would go and talk to his sister. At that time, the plaintiff got shocked and surprised by the words of the defendant for the reason she only ended the living in relationship with him. By feeling that the defendant may cause some trouble to his sister, accompanied by another sister and ailing

mother, he rushed to his sister's house wherein the defendant was shouting using filthy language by which his mother got suffered by panic attack. As such, he asked the defendant not to shout. At that juncture, the defendant slapped him, by ignoring the same, he took his mother to the hospital for treatment. On the next day, the defendant put pressure on him to come to their home as her uncle and aunty has come down to her home and they want discuss with regard to her marriage with him.

(h). As such, he along with his sisters and mother had been to the defendant's home. At that time, the defendant and her family members forced him by putting pressure on him that, he should marry the defendant otherwise they book atrocity case against him and against entire family members making them to sit at Jail. The marriage is his personal choice. It is the liberty and the right given under constitution and the act of the defendant and her family members forcing him to marry the defendant is the violation of law and the act of the defendant is without any authority and law. The defendant has voluntarily broken up the living in relationship. They never married together and they never lived as husband and wife. When the defendant came to know that, the plaintiff got engaged with Meena for the purpose of marriage, started to harass him which

is an illegal act. On 23.05.2026, the said incident had taken place. At that time, they threatened him and his family members. The defendant's family also insisted to come to Hemmige Village of Hunsur Taluk to discuss further, otherwise to face the consequences.

(i). His family is a decent family, having respect and honor. When they reached Hunasuru, they were taken to a strangers house where 40 to 50 people were there outside the house. At that time, himself and his family members got shocked and nervoused by such a mob. On the entering of the said house, the doors were guarded by some people seeing that, himself and his family will not escaped from that place and making video recording of the happenings inside the house.

(j). The mob assembled inside the house forced him and his family members to give in writing that, he will marry the defendant to exchange the garlands there and then itself. Otherwise they would take them to police station to perform the marriage. The defendant and her family members threatened them to accept it or else, they will not be allowed to go out of the home and also they were threatened that, they would immediately lodge a police complaint invoking the provisions of Atrocity Act against him and his family

members. Against his wish and will, the defendant and her family members and gathered people forcibly made him to exchange the garlands with the defendant. At that time, the defendant and her family members and gathered people unlawfully interfered with the rights and liberties of the defendant, which is an unlawful Act and all these taken place on 28.05.2026. Already his engagement with Meena has taken place and it has taken place only after the defendant ended living in relationship with him. The defendant only wished through message to marry a good girl.

(k). The defendant somehow got the phone number of said Meena. By making use of the phone number of Meena called her and blemished him and added sour to the said engagement. The defendant exceeded her limits and interfered unlawfully with liberty and right of the plaintiff. Because of the threat posed by the defendant and her family members, in order to save his life, he came to Hanumanthapura Village of Bhadravathi Taluk, Shivamogga District. On 17.06.2026, at about 01-18 a.m., the defendant called over the mobile phone and threatened him that, he has to give consent to marry her and he has to marry her. Otherwise the defendant come with DSS people and get him slapped by them in the public place.

(I). Further, she had threatened that, she would gather the people in front of his house at Hanumanthapura Village and make him to marry in Police Station. On 17.06.2026, the defendant called him at about 09-56 p.m., and told him that, he should marry her within 2 days, otherwise she would come to the doors of his house. Whether your family members agree for the marriage or not, he should marry her and also used filthy language. After marriage, he lives with her or not, she would decide and by hearing all these, he disconnected her call. He never married the defendant in any manner. He recorded the phone conversation between himself and with the defendant. The defendant is belonging to schedule caste. She is threatening him that, she will file case against him under the provision of the SC/ST Act. All the members of the family will be brought on road and criminal cases will be filed against them. Only with a view to forcibly marry him as he was a doctor, the defendant using all these illegal acts. Hence, there is apprehension that, the defendant in order to achieve her illegal design may involve in illegal activities. In such event, he cannot resist the illegal acts of the defendant without order of this court. He has made out *prima-facie* case, balance of convenience is in his favour and there is hardship. If the application is not allowed, himself and his family members would

put to hardship and inconvenience. On all these grounds, it is prayed to allow the application.

3. The defendant has filed objection by stating that, the plaintiff loved her for about 2 years and promised that, he would marry her. Thereafter, they lived together for one year. Now he is intending to marry one Meena by deceive the defendant. Said Meena had fined the plaintiff of Rs.5,50,000/- by saying that, she would not marry the plaintiff. At present, the plaintiff is in Parappana Agrahara jail. On 18.07.2026, the plaintiff called the defendant to the jail and agreed that, he would marry her. Therefore, this application is liable to be dismissed. Since the plaintiff is in jail based on the case registered by the defendant, there is no question of filing this application. The plaintiff himself has admitted the relationship with the defendant and about phone conversation and manner of cheating her. He has proceed to cheat both the girls. Since the plaintiff had agreed to marry the defendant if the application is allowed, none of the parties would get justice. Therefore, the plaintiff is not entitled to the relief sought. On all these grounds, it is prayed to dismiss the application.

4. Heard argument of counsel appearing for both the parties and perused application, objections and documents on record.

5. The following points arise for the consideration of this Court:

:POINTS:

1. Whether the plaintiff has made out *prima-facie* case against the defendant in respect of suit schedule property in order to grant temporary injunction as prayed for?
2. Whether the plaintiff further proves that, balance of convenience lies in his favour?
3. Whether irreparable loss or injury would be caused to the plaintiff if this application is not allowed?
4. What order?

6. After hearing the argument and on perusal of records, the findings of this Court to the above points are as follows:-

- Point No. 1: In the Affirmative
Point No.2: In the Negative
Point No.3: In the Negative
Point No.4: As per final order
for the following:

: R E A S O N S :

7. Point Nos.1 to 3:- All these three points are taken up together for consideration in order to avoid repetition of facts and discussion. The contents of affidavit annexed to the application filed by plaintiff and the objection of the defendant are already

narrated hereinabove. In support of the assertion of the plaintiff, he has produced xerox copy of BAMS certificate, print out of message conversations, photographs of his engagement with Meena, Aadhaar card, pen drive containing conversation of plaintiff and defendant till dated 19.06.2026; copy of FIR in Crime No.60/2026 of Chikkabanavara police station; copy of complaint given by the defendant to Chikkabanavara police station, Bengaluru and certified copy of order passed in W.P.No.23076/2026.

8. In support of the case of defendant, she has produced copies of conversation made by both the parties and copies of photographs.

9. In the present case, the plaintiff has filed this application seeking an order of temporary injunction restraining the defendant from interfering with his peaceful life in any manner. It is the assertion of the plaintiff that himself and the defendant were previously in live in relationship and that the said relationship has subsequently come to an end. But, though the relationship has come to an end, the defendant is interfering with his personal life and, therefore, it is necessary to restrain her

from causing such interference. On the other hand, the defendant has denied the assertions of the plaintiff and has contended that the plaintiff, after having developed a relationship with her, has cheated her and is now intending to marry another woman.

10. It is to be noted here that, while considering an application for temporary injunction, this Court is not required to finally adjudicate upon the rival allegations of the parties and the same have to be decided only after the trial. At this interlocutory stage, the Court is required to consider whether the plaintiff has made out a *prima-facie* case, whether the balance of convenience lies in his favour and whether refusal of temporary injunction would result in irreparable injury to him. In the case on hand, both parties are mainly relying upon the message conversations exchanged between them in support of their respective contentions. The plaintiff relies upon the said conversations to contend that the relationship between the parties had come to an end and that, thereafter, the defendant has been interfering with his personal life. On the other hand, the defendant relies upon the very same conversations to contend that, the plaintiff had developed a relationship with her and now deceived her by getting engaged with one Meena.

11. At this stage, it would not be appropriate for this Court to examine the said conversations in detail and record a conclusive finding as to the exact nature of the relationship between the parties and whether the same had actually come to an end. The contents of the messages have to be considered in their proper context and along with the other evidence that may be adduced by the parties. Further, the evidentiary value and effect of the said conversations are matters which can be properly appreciated only after the parties have adduced their evidence.

12. Therefore, merely on the basis of the message conversations relied upon by the parties, this Court is of the view that it would not be appropriate to grant an order of temporary injunction against the defendant as sought by the plaintiff. The said conversations may be considered along with the other evidence at the appropriate stage, but by considering the facts and circumstances of the present case, they do not constitute sufficient ground for granting the discretionary relief of temporary injunction. Therefore, by considering the entire case, this Court is of the view that, there is a issue which requires consideration by this Court. As such, it has been made out that, there is *prima-facie* case in this matter. Therefore, granting an injunction at this

stage, without conclusively determining the said disputed aspects, may cause greater prejudice to the defendant. As such, by looking into the entire case and also for the aforesaid discussion, if the defendant is restrained by granting the injunction sought by the plaintiff, there is the possibility that the defendant may be put to greater inconvenience and irreparable loss and injury than the plaintiff. Further, the relief of temporary injunction is discretionary and equitable in nature. Hence, this Court is of the opinion that the balance of convenience does not lie in favour of plaintiff. Granting such relief at this stage may result in greater inconvenience and irreparable loss to the defendant. Accordingly, the plaintiff has not made out sufficient grounds for granting the discretionary relief of temporary injunction. With these observations, point No.1 is answered in the **Affirmative** and point Nos.2 and 3 are answered in the **Negative**.

13. Point No.4: For the reasons stated while discussing Point Nos.1 to 3, this Court proceed to pass the following;

- : ORDER :-

The application i.e., I.A.No.I filed by plaintiff under order XXXIX Rules 1 and 2 of read with Section 151 of CPC is hereby dismissed.

No order as to costs.

(Dictated to Stenographer, transcribed and typed by him, corrected and then pronounced by me in open court on **20th day of August, 2026**).

(Smt.Chethana)

II Addl. Civil Judge & JMFC
Bhadravathi

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