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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 12th DAY OF JANUARY, 2026

O.S.No.360/2025

Plaintiffs :

1. Smt. Savithramma
w/o Late B. K. Puttaswamy Gowda,
Aged about 60 years,
2. Hemanth Kumar P.,
s/o Late B. K. Puttaswamy Gowda,
Aged about 32 years,
Both are r/o 5th cross, right side,
Hosamane, Bhadravathi Taluk.

V/s

Defendant :

The Commissioner,
City Municipality council,
Bhadravathi.

I.A.No.I**Applicant** : Smt. Savithramma and Anr.,**(Rept. by Sri. T. C. G., Adv)****V/s****Opponent** : The Commissioner,
City Municipality council,
Bhadravathi.**(Rept. by Sri. T. G. S., Adv)**

Provision Under which the application Is filed	Order 39 Rule 1 and 2 of CPC
Relief sought for	Temporary injunction
Date of application	11.07.2025
Number of application	I.A.No.I
Date of objection	26.09.2025
Order date	12.01.2025

ORDERS ON I.A.No.I

The plaintiffs filed this IA under Order 39 Rule 1 and 2 read with Sec.151 of CPC by praying to restrain the defendant Government authority and its representative etc., from interfering or trespassing or dispossessing them from the

suit schedule property, in any manner, till pending disposal of the suit.

2. In her affidavit accompanying to the IA, the plaintiff No.1 Smt.Savithramma has stated that, the plaintiffs are in possession and enjoyment of the suit schedule property consisting of AC sheet house and same was originally granted in favour of her husband B. K. Puttaswamy Gowda on 04.07.2003, vide grant order No.2180/2003-04. That, ever since the grant, the plaintiffs and said B. K. Puttaswamy Gowda were remained in peaceful possession and enjoyment over the suit property as its owner. That, B. K. Puttaswamy Gowda was died on 03.07.2005 by leaving behind the plaintiffs and the plaintiffs have inherited the suit property and continued in its lawful possession. That, after the death of B. K. Puttaswamy Gowda, all the revenue records are mutated into the joint names of plaintiffs in the office of the defendant and said authority has also issued 'E' property extract bearing No.14-4-510-30.

2.1. It is alleged that, when the things stands as supra, the defendant authority, under the ill advice of the persons inimically deposed towards the plaintiff, has started to pinpricks to the plaintiffs and making hectic efforts to forcibly dispossess them from the suit property. The representatives of the defendant authority are trying to trespass into the suit property illegally and they also trying to create some documents with respect to Sy.No.82, in which, suit property was originally given to the irrigation department 50 years ago. That, since the irrigation department has not utilized the land in Sy.No.82, the plaintiffs and several other villagers have occupied the said property and accordingly, their occupation also regularized by the concerned authorities as per the provisions of law. In spite of having all knowledge about the lawful occupation of the plaintiffs, the defendant authority is interfering with their possession with the help of its representatives and rowdy elements.

2.2. That, on 07.07.2025 and 10.07.2025, the persons authorized by the defendant authority, has come to the suit

property and highhandedly tried to dispossess the plaintiffs, which was resisted by them by seeking the police help. The plaintiffs claims that, prima facie case and balance of convenience lies in their favour and if an order of temporary injunction is not granted, they will be put to great hardship and irreparable loss. Accordingly, the plaintiffs prays to allow the IA.

3. Per contra, the counsel for defendant filed written statement along with memo by praying to treat the same as objection to the present IA.

4. In its written statement, the defendant authority is contending that, the suit property was granted in favour of husband of plaintiff No.1 /B. K. Puttaswamy Gowda by the then Tahsildar, Bhadravathi, as per Sec.94(c) of Karnataka Land Revenue Act in the year 2003 and after more than 21 years of grant, the plaintiffs have obtained 'E' property extract from the office of defendant with a dishonest intention. That, the katha of the suit schedule property effected in the name of the plaintiffs by the defendant authority is only for the

purpose of collection of tax and hence, the plaintiffs cannot claim benefit of the same. That, the plaintiffs have not produced any relevant plan or licence issued by the concerned authority to construct structure in the suit schedule property and it appears that, said construction is unauthorized one. That, the suit property lies within jurisdiction of the defendant authority and the Tahsildar Bhadravathi had no locus standi to issued grant certificate in favour of husband of plaintiff No.1. Hence, the defendant claims that, the grant itself is invalid and the plaintiffs filed this false suit by suppressing true facts in order to wrongful gain. Accordingly, the defendant prays for dismissal of the IA.

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 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. **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. As already said, the plaintiffs claims to be in possession of the suit property as on the date of filing this suit. According to the plaintiffs, suit property was originally granted in favour of husband of plaintiff No.1 and father of plaintiff No.2 namely B. K. Puttaswamy Gowda dated 04.07.2003 vide order bearing 2180/2003-04 and by virtue of such order, revenue records of the suit property mutated into the name of B. K. Puttaswamy Gowda by the defendant authority. They also claim that, original grantee was died on

03.07.2005 and thereafter, the plaintiffs have inherited the suit property. The plaintiffs also claim that, the defendant authority itself has effected katha and mutation of the suit property in the name of the plaintiffs after the death of original grantee. Thus, they claim that, they are in lawful possession over the suit property as on this day.

14. In support of their claim, the plaintiffs have also produced copy of the grant certificate, 'E' property extract issued by the defendant authority, endorsement issued by the defendant while effecting katha of the suit property in the names of the plaintiffs, copy of permission letter given by AEE (EI), Bhadravathi, City Sub Division, MESCOM by permitting the plaintiffs to get electricity connection to the suit property. The electricity bill paid receipts, tax paid receipts and self tax assessment extract.

15. The contents of aforesaid documents are clearly inconsonance with the plaint allegations and they prima facie

disclose that, the defendant authority itself has recognized the possession of the plaintiffs in the suit property and issued 'E' property extract into their name. The said documents would also establish that, the suit property was originally granted into the name of B. K. Puttaswamy Gowda by then Tahsildar, Bhadravathi on 04.07.2003 and after the death of said B. K. Puttaswamy Gowda, the plaintiffs have inherited the suit property, continued their possession thereof, which is also recognized by the defendant authority by effecting the revenue records into their names. The documents produced by the plaintiffs would clearly supports their plea at this stage of the suit and prima facie establish their lawfull possession in the suit property.

16. Per contra, the defendant authority also absolutely not disputing the possession of the plaintiffs. The defendant has categorically admitted the said possession and grant of suit property by the Tahsildar in favour of B. K. Puttaswamy Gowda. The defendant also admitted effecting the names of

the plaintiffs in all the revenue records maintained in its office in the name of the plaintiffs. Hence, it is prima facie establish the lawful possession of the plaintiff in suit property.

17. At the same time, the defendant authority contending that, the Tahsildar, Bhadravathi had no locus standi to grant the suit property in favour of B. K. Puttaswamy Gowda as the said property located within its limits. But at this stage of the suit, court cannot go in detail to ascertain the authority of the Tahsildar to make grant of suit property in favour of B. K. Puttaswamy Gowda. The said contention is absolutely a triable issue, which will not come in the way of the plaintiffs to establish prima facie case and balance of convenience in their favour. The manner in which the defendant authority contesting this suit is itself suffice to show that, the authority is interesting to deny the right of the plaintiffs in the suit property and to interfere with their possession thereof on the guise of questioning the locus standi of Tahsildar to grant the said land. Thus, it is prima

facie establish that, the balance of convenience lies in favour of the plaintiffs and if temporary injunction is not granted, the defendant authority will definitely dispossess them, which will definitely cause irreparable loss and injury to the plaintiffs.

17.1 Hence, this is fit case to grant temporary injunction order as sought for. Accordingly, I answer point No.1 to 3 are answered in the **Affirmative**.

18. 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 allowed.

The defendant authority, its men, workers, servants or anybody authorized by it, are temporarily restrained from trespassing into the suit schedule property or interfering

**with the peaceful possession of the
plaintiffs thereof, in any manner till
pending disposal of the suit.**

No order as to cost.

(Dictated to the Stenographer, translated, computerized by him,
corrected and then pronounced by me in open court this **12th day of January,
2026**)

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

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