



IN THE COURT OF PRL.CIVIL JUDGE & JMFC,
KUNIGAL

PRESENT: SMT. SUJATHA A.B.
B.A.L, LL.B.
PRI. Civil Judge & JMFC,
KUNIGAL

DATED: THIS THE 1st DAY OF JUNE, 2026

ORIGINAL SUIT NO.275/2025

BETWEEN:

Plaintiff-

Smt. Jayalakshamma
(By Sri.Y.R.H., Advocate)

AND:

Defendants-

Sri. Nagaraju and others
(By Sri. H.R.K., Advocate)

I.	Provision under which the application is filed	Under Order XXXIX Rule 1 and 2 of CPC
II.	Relief sought for	To grant an exparte ad-interim order of temporary



		injunction order against defendants
III.	The date on which the application is filed	01.04.2025
IV.	Number of the application	I
V.	The date on which the objections are filed by	05.07.2025
VI.	The date on which the order were passed on the said application	01.06.2026.

RANKS OF THE PARTIES IN IA No.I

Applicant/Plaintiff-

Smt. Jayalakshmamma

Vs.

Opponent/Defendants-

Sri. Nagaraju and others

ORDERS ON I.A.No.I

I.A.No.I is filed by the applicant/plaintiff under Order

XXXIX Rule 1 and 2 of CPC, to pass an ad-interim order of temporary injunction against defendants or their agents,



henchman, servants or anybody acting on their behalf from interfering with the peaceful possession and enjoyment of the suit schedule property, in any manner pending disposal of the suit.

2. In the annexed with the application, the plaintiff contended that suit schedule property originally belongs to Government. The plaintiff and her husband by name Ramaiah were in unauthorized possession for 15 years as Bagar Hukum Saguvalidar prior to grant and as such they had applied for grant of the land and he applied for regularization of the land before land grant committee and said land grant committee held an enquiry as per LND RUC (HUL)-167/168-1991-92 and Tahasildar holding the due enquiry granted the land and issued grant certificate in



favour of plaintiff and her husband. According to plaintiff her husband had acquired the absolute right, title, interest and possession over the suit schedule property. They are in actual possession of the same.

3. The plaintiff stated that her husband by name Ramaiah died on 03.10.2006 and after death of said Ramaiah, plaintiff and her children are succeeded the suit schedule property by law of succession by inheritance. The khatha and pahani over the suit schedule property stands in the name of plaintiff as per MR.H.40/2017-18 and plaintiff and her family members are in possession and enjoyment of the same by planted mango tree and also growing the seasonal crops in the same.



4. The plaintiff stated that defendants are the utter stranger to the suit schedule property and they knowing well that they have no manner of right, title, interest and possession to the extent of any portion of the property with an ulterior motive, came near the suit schedule property on 23.03.2025 at 9.00pm and thereby attempted to interfered with the plaintiff possession and enjoyment of the suit schedule property plaintiff with great difficulty with the help of the people in the neighborhood resisted the said high handed act of the defendants. But the defendants while withdrawing their high handed act caused threat of repetition of their high handed act with better force. Plaintiff approached the jurisdictional police to take legal action against the defendants same was yielded no fruits



and they have advise the plaintiff to approach the civil court. Hence plaintiff constrained to file the suit and prayed to allow the application.

5. In pursuance of the suit summons, defendants have appeared through their counsel by filing written statement and same was adopted by them as objections to the above application. The defendants contended that plaintiff is not in possession of the suit schedule property and claimed that Sy.No.56 is Government Land in the same block NO.14 to the extent of 1 acre 5 guntas allotted to Manchamma W/o. Nagaraju on 16.12.2006 and same was phoded as Sy.No.206 and in that property vested was conducted sketch was prepared which is in the possession of the defendants. The defendants



stated that there is no question with respect to Sy.No.56 and block No.15 Sy.No.206. According to defendants grant certificate in favour of Manchamma boundaries mentioned as East: remaining land of same survey number, West: remaining land of same survey number, north: property of Ningaiah block No.13 and south:remaining land of same survey number.

6. The defendants stated that in Sy.No.206 to the extent of 1 acre 5 guntas were shown in the name of Manchamma boundary stone were fixed on 16.12.2006 by the surveyor in Sy.No.56 re-Sy.No.206. But the plaintiff has filed the suit to grab the property of the defendants and denied the possession over the Sy.No.56 to the extent of 1 acre 25 guntas. Defendant contended that on 12.09.2001



grant certificate issued in respect of Sy.No.56 to the extent of 1 acre 5 guntas from the date of issuance of grant certificate the defendant No.2 is in possession and enjoyment of the suit property for grant more than 30 years an 16.02.2006 vested was conducted Akarband was prepared in respect of 1 acre 5 guntas and property granted to the defendants is different from the property claimed by the plaintiff. According to defendants sketch prepared on 05.06.2006 the property measuring 1 acre 4 guntas was shown in the name of defendant No.2 in Sy.No.206 (block No.2) came to shown in the said property i.e., block No.15 shown and her husband as per revenue sketch they are not in possession as per the grant and the possession shown in the name of plaintiff was vested in the name of defendant No.2 &



said sketch was prepared in front of police officials and Taluk surveyor.

7. The defendants contended that on 16.12.2006 when surveyor conducted measurement in Sy.No.56 block No.14 as per sketch and possession then Sy.No.206 boundaries were shown. Further defendants stated that property of the plaintiff and property of the defendants are no way connected same was mentioned in the sketch and claimed that plaintiff has filed false suit without any possession and title over the suit schedule property. Among these grounds they prayed to reject the application.

8. Heard arguments from plaintiff sides. Perused the materials available on record.



9. The points that would arise for my consideration

are:-

(1) Whether the plaintiff has made out a prima facie case to grant temporary injunction as sought?

(2) Is the balance of convenience lies in favour of plaintiff?

(3) Whether the plaintiff will be put to irreparable loss and injury in the event of refusal of temporary injunction sought?

(4) What order?

10. My findings on 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 orders

For the following:



REASONS

11. Point No.1:- Admittedly the plaintiff has filed this suit for the relief of permanent injunction. It is the case of the plaintiff that suit schedule property was granted by the plaintiff and her husband and they are in possession of the suit schedule property in favour of plaintiff, she is in possession of the same. But defendants are interfering with her possession. On the other hand defendants claimed that property allotted to them is different which is claimed by the plaintiff and thereby denied their interference.

12. In order to support her case the plaintiff has produced photocopy of grant certificate and same goes to show that in Sy.No.56/16 1 acre 25 gunas was granted in the name of plaintiff and her husband on 05.12.2004. The



plaintiff has also produced photocopy of sketch and in the same husband of the plaintiff name is appearing to the extent of 1 acre 25 guntas in Sy.No.56. The plaintiff has also produced RTC of Sy.No.56 and at page No.36 present plaintiff name is appearing to the extent of 1 acre 25 guntas and her name came to be mutated as per MRH. 40/2017-18 and she has also produced said MR and which discloses that after the death of husband of the plaintiff, her name came to be mutated based on inheritance. The plaintiff has also produced death certificate of her husband along with tax paid receipt which was paid by the husband of the plaintiff.

13. On the other hand, the defendants have produced certified copy of Akaraband along with sketch



and same is discloses that defendant No.2 name is appearing in respect of new Sy.No.206 re-Sy.No.56 to the extent of 1 acre 5 guntas and said documents prepared on 16.12.2006. Further the defendants have produced certified copy of Tippan of Sy.No.206 along with certified copy of akarband. Further defendants have produced RTC in Sy.No.206 and in the same defendant No.2 name is appearing in respect of 1 acre 4 guntas and her name came to be mutated as per MR.2/2006-07 and they have also produced said MR which goes to show that the defendant No.2 name is mentioned to the extent of 1 acre 4 guntas in Sy.No.206 and said MR also discloses that plaintiff and her husband names are appearing to the extent of 1 acre 12 guntas in Sy.No.56. Further the defendants have produced



notarized copy of MR No.38/2001-02 which discloses that the defendant No.2 name came to be mutated to the extent of 1 acre 5 guntas in Sy.No.56.

14. In addition to that defendants have produced notarized copy of sketch prepared by Taluk surveyor and in the same it was mentioned that 1 acre 4 guntas in new Sy.No.206 durasth was made in the name of defendant No.2 and block No.15 as per revenue records plaintiff name is appearing but she has not in possession of the same. It is noted that if as per the version of the defendants above said survey was conducted in the year 16.12.2006 then why they have not made attempt to mutate their name in respect of block No.15 that too for long 20 years. Further defendants have produced grant certificate which was



issued in the name of defendant No.2 and same goes to show that in Sy.No.56/14, 1 acre 5 guntas granted in the name of defendant No.2. Further on perusal of Taluka surveyor sketch and his report no way discloses that before conducting said durasth whether they have issued notice to the adjacent property holders as well as to the plaintiff is also totally silent. The plaintiff has also produced endorsement given by Tahasildar and in the same Tahasildar has intimated the plaintiff that the documents pertains to NCR/CR/5/09-10 are not available with them.

15. Further if the plaintiff is not in possession as per the grant certificate then why the defendants have not challenged the same till today and what attempt they did after conducting durasth in the year 2006 is also not made



out. Hence at this stage in the absence of the documents on behalf of the defendants with respect to their contentions it is apparently clear that plaintiff has clearly shown her possession with respect to suit property and same can be enough to conclude that plaintiff has shown prima facie case in her favor. Hence I answer point No.1 in the **Affirmative**.

16. Point No.2 and 3:- Since these points are involves common facts so in order to avoid the repetition of facts, I combined these two points together for my discussion.

Since in this case the documents produced by the plaintiff which are grant certificate, RTC extract and MR are supports her contentions with regard to possession of the



plaintiff. At this stage in the absence of any documents and possession of the defendants with regard to durasth their claim cannot be accepted for want of necessary documents and same can be established by them during the full fledged trial. Keeping in view of the above facts and circumstances, at this stage the plaintiff has succeeded to prove the ingredients which are necessary for granting temporary injunction under order 39 Rule 1 and 2 of CPC. Hence I answer Points No.2 and 3 are in the **Affirmative**.

17. Point No.4:- In view of the reasons assigned above, I proceed to pass the following;

ORDER

The I.A.No.1 filed by the plaintiff under Order XXXIX Rule 1 and 2 of C.P.C. is hereby allowed.



By way of granting temporary injunction in favour of the plaintiff against defendants or their agent, henchman, servant or anybody acting on their behalf are hereby temporarily restrained from interfering with the peaceful possession and enjoyment of the suit schedule property till disposal of the suit.

No orders as to costs.

(Dictated to the stenographer, transcribed and typed by her, corrected by me and then pronounced in the open Court, this the **1st day of June, 2026.**)

**Sd/-
(SUJATHA A.B.)
Pri. Civil Judge & JMFC,
KUNIGAL.**