

KATK810000542026



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

Dated this the 6th Day of February 2026

PRESENT: NARASIMHAMURTHY.A
B.A.,LL.B.,
Prl. Civil Judge & JMFC., Sira.

O.S. No.21/2026

PLAINTIFF: Sri. Ramanna
 S/o Late Kuri Hanumanthanayaka,
 Aged about 65 years, Permanent
 R/at Balenahalli village, Halenahalli
 Post, Kallambella Hobli, Sira Taluk,
 Tumakuru District, present residing at
 Yaladabagi village, Kallambella Hobli,
 Sira Taluk, Tumakuru District.

(By Sri. Y.R.B., Advocate)

/Vs/

DEFENDANTS: 1. Rajanna S/o Late B.M. Kariyanna,
 Aged about 48 years,
 R/at Halenahalli village, Balenahalli
 post, Kallambella Hobli, Sira Taluk,
 Tumakuru District. And others.

(By Sri. K.U, Advocate for D.1 to 3)

:I.A.No.I**APPLICANT : Ramanna****V/s****OPPONENTS : Rajanna and Others****: ORDER ON I.A.No.I:**

The plaintiff has filed an application under Order XXXIX Rule 1 and 2 of CPC., praying to restrain defendants or any body claiming through or under them from interfering with the construction of farm house in the suit schedule property till disposal of the suit.

2. In the accompanying affidavit of the interim application, plaintiff has averred that the plaintiff is the absolute owner in possession and enjoyment of the suit schedule property situated at Halenahalli village, Kallambella Hobli, Sira Taluk. The plaintiff has acquired the suit schedule property under registered partition deed dated 17.07.2020. On the basis of registered partition deed the khata and pahani of the suit schedule property transferred into the name of plaintiff and revenue authorities have accepted the mutation in favour of plaintiff. The plaintiff is in possession and enjoyment of the suit schedule property by paying tax towards the concerned authority in respect of suit schedule property.

2a. The plaintiff further submitted that defendants are strangers to the suit schedule property, inspite of it, defendants taking undue advantage of mildness of plaintiff are making attempt to interfere into the plaintiff's peaceful possession and enjoyment of the suit schedule property by causing obstruction to build a farm house in the suit schedule property. Hence, prayed to allow the application.

3. Per contra, defendants have appeared and filed detailed objection to the application, wherein it is contended that the defendants are the owners of the land bearing Sy.No.168/9 situated at Halenahalli village, Kallambella Hobli, Sira Taluk. The defendants are the adjacent owners to the suit schedule property. The plaintiff is trying to construct a farm house more than his extent without leaving any set back, road etc. Since the plaintiff has not filed any approved estimated blue print, sketch in respect of farm house, is forcefully misleading the defendants and trying to construct a farm house by encroaching Southern side of defendants land. The plaintiff has not come to the court with clean hands. The plaintiff has suppressed the reals facts for wrongful gain and wasting the court precious time and public money and defendants money. Hence, prayed to reject the application.

4. Heard and perused the materials placed before me.

5. The points that arise for my consideration are as follows;

1. Whether the applicant/plaintiff has made out a prima-facie case for the grant of TI as prayed?
2. Whether the balance of convenience lies in favour of Plaintiff?
3. Whether irreparable loss would be caused to the applicant/plaintiff, if the instant interlocutory application is not allowed?
4. What Order?

6. My findings to the above points are as follows;

POINTS No.1-3: In the Negative

**POINT No.4 : As per final order
for the following;**

REASONS

7. **POINTS No.1 TO 3:** These points are taken together for common discussions and to avoid the repetition of facts.

It is made clear that, at this stage only whatever observation made below and opinion expressed are only for the purpose of disposal of this I.A. These observations shall not carry any weigh in the final disposal of this case.

8. The counsel for plaintiff argued that he is the absolute owner and in possession and enjoyment of the suit schedule property. The revenue records of the suit schedule property are standing in the name of plaintiff. The plaintiff by collection of men and materials trying to construct a farm house in the suit schedule property in order to develop the agricultural activities in the suit schedule property. The defendants without having right over the suit schedule property illegally attempting to interfere with the plaintiff's peaceful possession and enjoyment of the suit schedule property.

9. The counsel for the defendants argued that the defendants are the adjacent owners to the suit schedule property. The plaintiff is trying to construct a farm house morethan his extent without leaving any set back. The plaintiff has not obtained any license from the concerned authority to construct the farm house in the suit schedule property. The plaintiff has suppressed the real facts and hehas not come to the court with clean hands.

10. Having heard from both the counsels and perused available materials on record, there is no dispute that plaintiff is the absolute owner and in possession and

enjoyment of the suit schedule property. In this regard all the revenue records of the suit schedule property are also standing in the name of plaintiff. At the same time defendants are the adjacent owners to the suit schedule property. In this regard defendants have also furnished the revenue records in respect of suit schedule Sy.No.168/9 of Halenahalli village, Kallambella Hobli, Sira Taluk. There is a dispute that plaintiff has constructed farm house in the suit schedule property more than his extent without leaving any set back. Now the plaintiff has produced partition deed and revenue records in respect of suit schedule property, but the plaintiff has not produced any license issued by the concerned authority in order to construct the farm house in the suit schedule property. In the absence of said document the plaintiff is trying to construct a farm house in the suit schedule property. The allegation made by the defendants that plaintiff has established the farm house morethan his extent. If that is done so, the defendants will be put to irreparable loss and injuries. The plaintiff has utterly failed to produce building license or permission letter issued by the concerned authority in order to construct the farm house in the suit schedule property. It shows that plaintiff has not come to the court with clean hands. Accordingly, the plaintiff

has not made out prima-facie case which is suffice to grant the discretionary relief of temporary injunction.

11. In so far, as the hardship is concerned, from the facts and circumstances of the case on hand, it appears that defendants will be put to greater hardship, if the T.I. is granted. Hence, looking into any angle the comparative hardship is more on defendants rather than the plaintiff. Likewise the balance of convenience also lies in favour of defendants.

12. From the above discussion, it is quite obvious that the plaintiff has failed to make out prima-facie case for the grant of T.I. as prayed and also failed to prove other two statutory ingredients. Accordingly, this court answered the **Point No.1 to 3 in the Negative.**

13. **POINT No.4:** Since the plaintiff has failed to make out the prima-facie case and failed to prove hardship and balance of convenience, plaintiff is not entitled to discretionary and equitable relief of T.I. as prayed. Hence, for the aforesaid reasons, I proceed to pass following:

ORDER

I.A No.I filed by the plaintiff under Order XXXIX Rule 1 and 2 of CPC., is hereby rejected.

No order as to cost.

(On my dictation transcribed and typed by the stenographer printout taken by her, then corrected and pronounced by me in the open court on 6th Day of February 2026)

Sd/-

(NARASIMHAMURTHY .A)

**Prl. Civil Judge and J.M.F.C.,
Sira.**