



IN THE COURT OF THE CIVIL JUDGE
AT SIDDAPURA

Present: Sri.UMESHA M.P., B.A.L., LL.B.
CIVIL JUDGE & JMFC,
SIDDAPURA

DATED: ON THIS THE 19th DAY OF NOVEMBER – 2025

ORIGINAL SUIT No. 44 / 2025

PLAINTIFF : **UJFM SURESH GANAPATI NAIK,**
Aged about 49 years, Occ: Agriculturist,
R/o Heggeri, Kyadagi, Tq: Siddapur,
Dist: Uttara Kannada.
(BY PLEADER SRI.NYA)
-V/s-

DEFENDANTS :

1. **VENKATRAMANA TIMMA NAIK,**
Aged about 54 years, Occ: Agriculturist,
R/o Kirekodu, Kyadagi, Tq: Siddapur,
Dist: Uttara Kannada.
2. **Smt.MANJAMMA** W/o Narayanappa,
Aged about 60 years, Occ: Agriculturist,
R/o Kanase, Post: Saidhuru,
Tq: Sagara, Dist: Shivamogga,
3. **Smt.SUMITHRA NAGARAJ NAIK,**
Aged about 54 years, Occ: Agriculturist,
R/o Thumbemane, Post: Kyadagi,
Tq: Siddapur, Dist: Uttara Kannada,
4. **Smt.CHANDRAKALA MOHAN NAIK,**
Aged about 46 years, Occ: Agriculturist,
R/o Kadakeri, Tyarsi, Tq: Siddapur,
Dist: Uttara Kannada,
5. **TIMMAPPA MANJUNATH NAIK,**
Aged about 51 years, Occ: Agriculturist,
R/o Tarimadki, Kyadgi, Tq: Siddapur,
Dist: Uttara Kannada.
(BY PLEADER SRI.GSH/MNH, FOR DEFENDANTS)

PARTIES TO IA No. II

APPLICANT/PLAINTIFF : **UJFM SURESH GANAPATI NAIK,**
Aged about 49 years, Occ: Agriculturist,



R/o Heggeri, Kyadagi, Tq: Siddapur,
Dist: Uttara Kannada.
(BY PLEADER SRI.NYA)

-V/s-

OPONENTS/DEFENDANTS:

1. **VENKATRAMANA TIMMA NAIK**,
Aged about 54 years, Occ: Agriculturist,
R/o Kirekodu, Kyadagi, Tq: Siddapur,
Dist: Uttara Kannada.
2. **Smt.MANJAMMA** W/o Narayanappa,
Aged about 60 years, Occ: Agriculturist,
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5. **TIMMAPPA MANJUNATH NAIK**,
Aged about 51 years, Occ: Agriculturist,
R/o Tarimadki, Kyadgi, Tq: Siddapur,
Dist: Uttara Kannada.
(BY PLEADER SRI.GSH/MNH, FOR DEFENDANTS)

i.	Date of institution of suit	03.05.2025
ii.	Nature of suit	Suit for declaration and permanent injunction
iii.	Provision under which the application is filed	U/o 39 Rule 1 & 2 of CPC
iv.	Relief sought	Praying to an interim order of temporary injunction in favour of the plaintiff and against the defendant No.5 restraining the defendant No.5, his men claiming under him from alienating suit schedule property and creating any charge / encumbrance over the suit schedule property, in any manner, till disposal of the suit.



v.	The date on which the application is filed	03.05.2025
vi.	Number of the application	IA No.2
vii.	The date on which the defendants / opponents are / were filed their objections to IA No.2	18.07.2025
viii.	The date on which both the parties have addressed their arguments on IA No.2	18.11.2025
ix.	The date on which the orders were passed on the said application	19.11.2025

ORDERS ON I A NO. II

The Applicant / plaintiff has filed IA No.2 under order XXXIX Rule 1 and 2 of Civil Procedure Code praying to an interim order of temporary injunction in favour of the plaintiff and against the defendant No.5 restraining the defendant No.5, his men claiming under him from alienating suit schedule property and creating any charge / encumbrance over the suit schedule property, in any manner, till disposal of the suit in the ends of justice.

2. According to the plaintiff, in the accompanying affidavit it is sworn that, he has filed this suit against the defendants for the relief of declaration and permanent injunction with respect to the suit properties. It is further stated that, the suit schedule property is the ancestral and joint family property of plaintiff. It is further stated that, the defendant No.1 had sold the suit property to the defendant No.5 vide registered Sale deed dated:17.07.2020. It is further stated that, the defendant No.1 to 4 have no manner of right, title or interest over the suit schedule property. It is further stated that, recently he came to know that, the defendant No.5 by taking advantage of revenue entries standing in his name is making hectic efforts to alienate suit properties in order to



defeat the right and share of the plaintiff in the suit schedule property. Hence, this suit is for declaration and permanent injunction with respect to the suit property. So it is just and necessary to restrain the defendant No.5 from alienating the Suit property in any manner till the rights of the parties to the suit is to be adjudicated. If the defendant No.5 is succeeding in his act, the plaintiff will put into great loss and injustice. Hence, he prayed to allow the application.

3. In response to the summons issued by this court, the defendant No.1 to 5 have appeared before this court through their respective counsels and the defendants have taken the contention that, the plaintiff had filed a suit against the defendants for the relief of declaration and mandatory injunction over the suit property vide OS No.34/2021 and the said suit has been dismissed on 09.04.2025 and again the plaintiff has filed the present suit against the defendants on same suit property and on the same relief and hence, the present suit is hit by the principles of Res-Judicata and hence, the present suit is not maintainable and is liable to be dismissed. It is further stated that, suit Sy.No.288/1, measuring 0-4-4 was belongs to one Thimma Kanna Naik who is the father of the defendants and after the death of the said Thimma Kanna Naik, the khatha of the same mutated into the names of his LRs vide MR No.H29. It is further contended that, the Lrs of the said Thimma Kanna Naik had executed a release deed in favour of the defendant No.1 with respect to the suit property and other properties and thereafter, MR No.H7 has been



certified. It is further contended that, the defendant No.1 had sold the suit property to the defendant No.5 vide registered Sale deed dated:17.07.2020. It is further stated that, on the basis of the registered Sale deed dated:17.07.2020, the khatha of the suit property has been mutated into the name of the defendant No.5. It is further stated that, the defendant No.5 is the absolute owner in possession of the suit property by virtue of registered Sale deed dated:17.07.2020. It is further contended that, the plaintiff and the other defendants have no manner of right, title and interest over the suit property. It is further contended that, the alleged cause of action is imaginary. Hence, the plaintiff has not made out any case much less prima-facie case and balance of convenience does not lie in his favour. No injury would be cause to the other side in case his prayer in the accompanying application is allowed. On the other hand he will be put to untold hardship in case his prayer in the accompanying application is not allowed. It is further contended that, he has made out prima-facie case and balance of convenience lies in his favour. On all these grounds, he prayed to dismiss the IA No. 2, in the ends of justice.

4. I have heard the arguments of plaintiff and defendants on IA No.2 and perused the the entire case records.

5. Upon hearing arguments and on perusal of materials placed on record the following points that would arises for my consideration.

1. ***Whether the plaintiff has established prima-facie case to allow the IA No.II?***
2. ***Whether the balance of convenience lies in favour of plaintiff to allow the IA No.II?***



3. Whether irreparable loss or hardship will be caused to the plaintiff if injunction is not granted?

4. What order?

6. My answer for the above points are as under because of my below-discussed reasons:

Point No.1- In the NEGATIVE

Point No.2 - In the NEGATIVE

Point No.3 - In the NEGATIVE

Point No.4 - As per order for the following:-

REASONS

POINT NO.1:

7. The plaintiff has filed the suit against the defendants seeking relief of declaration and permanent injunction with respect to the suit property.

8. The Applicant / plaintiff has filed IA No.2 under order XXXIX Rule 1 and 2 of Civil Procedure Code praying to restrain the defendant No.5 from alienating the Suit property in any manner, till disposal of the suit, in the ends of justice.

9. As per the provisions of Order 39 Rule 1 of CPC, where in any suit it is proved by affidavit or otherwise (a) that any property in dispute in a suit is in danger of being wasted, damaged or alienated by any party to the suit, or wrongfully sold in a execution of a decree, or (b) that the defendant threatens, or intends, to remove or dispose of his property with a view to defrauding his creditors, (c) that the defendant threatens to dispossess, the plaintiff or otherwise cause injury to the plaintiff in relation to any property in dispute in the suit, the Court may be order grant a temporary injunction to restrain such act, or make such other order for the purpose of staying and preventing the wasting,



damaging, alienation, sale, removal or disposition of the property or dispossession of the plaintiff, or otherwise causing injury to the plaintiff in relation to any property in dispute in the suit as the Court thinks fit, until the disposal of the suit or until further orders.

10. Admittedly, granting or refusing injunction is a discretionary in nature. It is well settled position of law that the following preposition are to be established in order to invoke the jurisdiction of the Court to get an order of injunction under the provisions of Order 39 Rule 1 and 2 of CPC. (1) the plaintiff has to establish the prima-facie case, (2) the balance of inconvenience is in favour of the plaintiff and (3) that the plaintiff will suffer irreparable loss and injury if injunction is refused.

11. Therefore the ingredients are to be established by the party who seeks injunction in his favour. The grant of injunction being a discretionary relief, the party should come with clean hands and place all the materials before the Court so that the Court will be satisfied about the prima-facie case in favour of the party seeking order. It is no part of Court's duty or function at this stage of litigation to try to resolve difficult questions of facts and law which require elaborate evaluation of the evidence to be recorded at the trial. Now keeping the above said provisions of law and also principles in mind, let us consider as to whether the plaintiff could able to establish prima-facie case for grant of temporary injunction.

12. It is specific case of the plaintiff that, he has filed this suit against the defendants for the relief of declaration and permanent injunction with



respect to the suit properties. It is further stated that, the suit schedule property is the ancestral and joint family property of plaintiff. It is further stated that, the defendant No.1 had sold the suit property to the defendant No.5 vide registered Sale deed dated:17.07.2020. It is further stated that, the defendant No.1 to 4 have no manner of right, tile or interest over the suit schedule property. It is further stated that, recently he came to know that, the defendant No.5 by taking advantage of revenue entries standing in his name is making hectic efforts to alienate suit properties in order to defeat the right and share of the plaintiff in the suit schedule property. Hence, this suit is for declaration and permanent injunction with respect to the suit property. So it is just and necessary to restrain the defendant No.5 from alienating the Suit property in any manner till the rights of the parties to the suit is to be adjudicated. If the defendant No.5 is succeeding in his act, the plaintiff will put into great loss and injustice. Hence, he prayed to allow the application.

13. In the supporting affidavit, the plaintiff sworn that, he has filed this suit against the defendants for the relief of declaration and permanent injunction with respect to the suit properties. It is further stated that, the suit schedule property is the ancestral and joint family property of plaintiff. It is further stated that, the defendant No.1 had sold the suit property to the defendant No.5 vide registered Sale deed dated: 17.07.2020. It is further stated that, the defendant No.1 to 4 have no



manner of right, title or interest over the suit schedule property. It is further stated that, recently he came to know that, the defendant No.5 by taking advantage of revenue entries standing in his name is making hectic efforts to alienate suit properties in order to defeat the right and share of the plaintiff in the suit schedule property. Hence, this suit is for declaration and permanent injunction with respect to the suit property. So it is just and necessary to restrain the defendant No.5 from alienating the Suit property in any manner till the rights of the parties to the suit is to be adjudicated. If the defendant No.5 is succeeding in his act, the plaintiff will put into great loss and injustice. Hence, he prayed to allow the application.

14. The plaintiff has placed the certified copy of death certificate of one Kanna Thimma Naik, certified copy of death certificate of one Thimma Kanna Naik, certified copy of orders passed by the AC, Sirsi, in RA No.12/2021 dated:10.01.2022 with respect to the suit property, copy of Form No.7 with respect to the suit property, certified copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the year 2016-2017, which is standing in the name of one Thimma S/o Kanna, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the period from 1982-83 to 1989-90, which is standing in the name of one Thimma S/o Kanna, copy of RTC extract with respect to



Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the period from 1989-90 to 1996-97, which is standing in the name of one Thimma S/o Kanna.

15. It is specific case of the defendant No.5 that, the plaintiff has filed this false suit by suppressing true and material facts of this case and obtained exparte temporary injunction against him which is causing a great inconvenience to him. It is further contended that the present suit filed by the plaintiff is not tenable, misconceived and is not maintainable on law or on facts and circumstance of the case and the same is liable to be dismissed with costs. It is further contended that, the plaintiff had filed a suit against the defendants for the relief of declaration and mandatory injunction over the suit property vide OS No.34/2021 and the said suit has been dismissed on 09.04.2025 and again the plaintiff has filed the present suit against the defendants on same suit property and on the same relief and hence, the present suit is hit by the principles of Res-Judicata and hence, the present suit is not maintainable and is liable to be dismissed. It is further stated that, suit Sy.No.288/1, measuring 0-4-4 was belongs to one Thimma Kanna Naik who is the father of the defendants and after the death of the said Thimma Kanna Naik, the khatha of the same mutated into the names of his LRs vide MR No.H29. It is further contended that, the Lrs of the said Thimma Kanna Naik had executed a release deed in favour of the defendant No.1 with respect to the suit property and other properties and



thereafter, MR No.H7 has been certified. It is further contended that, the defendant No.1 had sold the suit property to the defendant No.5 vide registered Sale deed dated:17.07.2020. It is further stated that, on the basis of the registered Sale deed dated:17.07.2020, the khatha of the suit property has been mutated into the name of the defendant No.5. It is further stated that, the defendant No.5 is the absolute owner in possession of the suit property by virtue of registered Sale deed dated:17.07.2020. It is further contended that, the plaintiff and the other defendants have no manner of right, title and interest over the suit property. It is further contended that, the alleged cause of action is imaginary. Hence, the plaintiff has not made out any case much less prima-facie case and balance of convenience does not lie in his favour. No injury would be cause to the other side in case his prayer in the accompanying application is allowed. On the other hand he will be put to untold hardship in case his prayer in the accompanying application is not allowed. It is further contended that, he has made out prima-facie case and balance of convenience lies in his favour. On all these grounds, he prayed to dismiss the IA No. 2, in the ends of justice.

16. The defendants have placed the copy of judgment in OS No.34/2021 with respect to the suit property, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the year 2024-2025, which is standing in the name of the defendant No.5, copy of RTC extract with respect to



Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the period from 1982-83 to 1989-90, which is standing in the name of one Thimma S/o Kanna, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the period from 1989-90 to 1996-97, which is standing in the name of one Thimma S/o Kanna. copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the period from 1994-95 to 1992001-2002, which is standing in the name of one Thimma S/o Kanna, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the year 2002-2003, which is standing in the name of one Thimma S/o Kanna, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the year 2003-2004, which is standing in the name of one Thimma S/o Kanna, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the year 2004-2005, which is standing in the name of one Thimma S/o Kanna, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the year 2005-2006, which is standing in the name of one Thimma S/o Kanna, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the year 2006-2007, which is standing in the name of one Thimma



S/o Kanna, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the year 2007-2008, which is standing in the name of one Thimma S/o Kanna, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the year 2008-2009, which is standing in the name of one Thimma S/o Kanna, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the year 2009-2010, which is standing in the name of one Thimma S/o Kanna, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the year 2010-2011, which is standing in the name of one Thimma S/o Kanna, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the year 2011-2012, which is standing in the name of one Thimma S/o Kanna, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the year 2013-2014, which is standing in the name of one Thimma S/o Kanna, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the year 2014-2015, which is standing in the name of one Thimma S/o Kanna, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the year 2016-2017, which is standing in the name of one Thimma



S/o Kanna, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the year 2017-2018, which is standing in the name of one Thimma S/o Kanna, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the year 2018-2019, which is standing in the joint names of Smt.Gange W/o Thimma Naik and Venkatraman S/o Thimma Naik, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the year 2019-2020, which is standing in the name of one Venkatraman S/o Thimma Naik, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the year 2020-2021, which is standing in the name of the defendant No.5, copy of RTC extract with respect to Sy.No.288/1, measuring 0.04.04.00, situated at Kyadagi Village, Siddapur Tq, for the year 2021-2022, which is standing in the name of the defendant No.5, copy of ME No.1397 dated:14.03.2002 with respect to the suit property, copy of release deed dated:17.01.2019 which was executed by the said Smt.Gange W/o Thimma Naik in favour of the defendant No.1 with respect to the suit property, copy of MR No.H29/ 2017-2018 with respect to the suit property, copy of Sale deed dated:17.07.2020 which was executed by the defendant No.1 in favour of the defendant No.5 with respect to the suit property, copy of Hissa-sheet with respect to the suit



property, copy of MR No.H7/ 2018-2019 with respect to the suit property, copy of MR No.T67/2020-2021 with respect to the suit property, copy of MR No.H8/ 2018-2019 with respect to the suit property.

17. In this connection it is relevant to extract the provisions of Sec.52 of Transfer of property Act, 1882 – Transfer of property pending suit relating thereto:-

“During the pendency in any Court having authority within the limits of India excluding the State of Jammu and Kashmir or established beyond such limits by the Central Government of any suit or proceedings which is not collusive and in which any right to immovable property is directly and specifically in question, the property cannot be transferred or otherwise dealt with by any party to the suit or proceeding so as to affect the rights of any other party thereto under any decree or order which may be made therein, except under the authority of the Court and on such terms as it may impose”.

Explanation: For the purpose of this section, the pendency of a suit or proceeding shall be deemed to commence from the date of the presentation of the plaint or the institution of the proceeding in a Court of competent jurisdiction, and to continue until the suit or proceeding has been disposed of by a final decree or order and complete satisfaction or discharge of such decree or order has been obtained, or has become



unobtainable by reason of the prescribed for the execution thereof by any law for the time being in force.

18. *In this connection it is relevant to extract the provisions of Sec.41 of Specific Relief Act, 1963 – Injunction when refused:-*

“An injunction cannot be granted:-

- (a) to restrain any person from prosecuting a judicial proceeding pending at the institution of the suit in which the injunction is sought, unless such restraint is necessary to prevent a multiplicity of proceedings;
- (b) to restrain any person from instituting or prosecuting any proceeding in a Court not sub-ordinate to that from which the injunction is sought;
- (c) to restrain any person from applying to any legislative body;
- (d) to restrain any person from instituting or prosecuting any proceeding in a criminal matter;
- (e) to prevent the breach of a contract the performance of which would not be specifically enforced;
- (f) to prevent, on the ground of nuisance, an act of which it is not reasonably clear that it will be a nuisance;
- (g) to prevent a continuing breach in which the plaintiff has acquiesced;
- (h) when equally efficacious relief can certainly be obtained by any other usual mode of proceeding except in case of breach of trust;



(ha) if it would impede or delay the progress or completion of any infrastructure project or interfere with the continued provision of relevant facility related thereto or services being the subject matter of such project.

(i) when the conduct of the plaintiff or his agent has been such as to dis-entitle him to be the assistance of the Court;

(j) when the plaintiff has no personal interest in the matter.

19. Admittedly, the plaintiff has filed the suit against the defendants seeking relief of declaration and permanent injunction with respect to the suit property.

20. Admittedly, the plaintiff had filed a suit against the defendants for the relief of declaration and mandatory injunction over the suit property vide OS No.34/2021 and the said suit has been dismissed on 09.04.2025.

21. Admittedly, the defendant No.1 had sold the suit property to the defendant No.5 vide registered Sale deed dated:17.07.2020.

22. Admittedly, on the basis of the registered Sale deed dated: 17.07.2020, the khatha of the suit property has been mutated into the name of the defendant No.5.

23. Further, the title and possession of the defendant No.1 over the suit property is based on registered sale deed bearing No. SDP-1-00154-2020-21 which is registered on 17.07.2020. This document being the registered document raises the presumptive value. The plaintiff has not placed any



materials at this stage of litigation to establish the title or possession over the plaint schedule property.

24. Further, the RTC extract and MR extract with respect to the suit property which are produced by the defendant No.5 being the revenue record raise the presumptive value in respect of entries therein with respect to possession under the provisions of 133 of Karnataka Land Revenue Act. The name of defendant No.5 finds a place in column No. 9 and 12 of present RTC extract in respect of suit property. The defendant No.5 has been paying the revenue to the Government in relation to the property in question. The plaintiff has not placed any materials at this stage of litigation to establish the title or possession over the plaint schedule property. There are no reasons to disbelieve or to doubt the documents produced by the defendant No.5 at this stage of litigation. Therefore based on these documents, it can be safely held that, the defendant No.5 has got prima-facie case.

25. It is to be noted that, the right of parties in suit property is to be decided after conclusion of trial.

26. It is to be noted that, the right of parties in suit property to be decided after conclusion of trial. The acquisition and nature of the suit property is disputed by the defendant No.5. Therefore, based on the documents on record, it can be safely held that the plaintiff has not made



out prima-facie case and balance of convenience do not lies in his favour for grant of temporary injunction. Hence I answer point No.1 in the Negative.

POINTS NO.2 & 3:

27.These two points are taken up together for common discussion, for the sake of convenience, clarity and also to avoid repetition of facts. In considering the question of balance of convenience, the Court has to consider the comparative mischief or inconvenience of both the parties or otherwise it is necessary or proper to maintain the status quo until the disputes are finally decided. Further, in considering the question of irreparable loss and injury, the Court has to see that the plaintiff will sustain such injury which cannot possibly and adequately be remedied by way of damage and the damage would be inadequate in case of success of plaintiff.

28. Under these circumstance, the balance of convenience is do not lies in favour of the plaintiff and in favour of the defendant No.5. Therefore for the reasons discussed above, this Court is of the considered view that the balance of convenience do not lies in favour of the plaintiff and irreparable loss and injury would not be caused to plaintiff if a temporary injunction is refused. Hence I answer points No.2 & 3 in the Negative.



POINT No.4:

29. In view of my findings on Points No.1 to 4, I proceed to pass the following order:

ORDER

I.A.No.II filed by the plaintiff under order 39 rule 1 and 2 of CPC is hereby dismissed.

The exparte temporary injunction granted against the defendants on 03.05.2025 is hereby vacated.

The cost of these applications shall follow the result of the suit.

(Dictated to the Court hall typist directly on Computer, typed by her, order corrected and signed by me, then pronounced by me in the Open Court on this the 19th day of NOVEMBER – 2025)

(UMESHA M.P.)
Civil Judge,
Siddapur