

KAVN300007262013



**IN THE COURT OF THE CIVIL JUDGE & JMFC.,**

**AT: HAGARIBOMMANAHALLI**

DATED THIS THE 06<sup>th</sup> DAY OF JANUARY 2026

: **PRESENT:**

SRI. **SAYED MOHIUDDIN URF KHAWAJA PEERAN.**, BA. LLB.,(Spl.)  
CIVIL JUDGE & JMFC., HAGARIBOMMANAHALLI.

**O.S.No.143/2013**

**PLAINTIFF/s** : 1) **Bavi Vijayananda S/o Lingappa**  
Aged about: 55 years, Agriculturist,  
R/o: Morigeri Village, H.B.Halli Taluk,  
Vijayanagara District.

**Vs**

**DEFENDANT/s** : 1) **Anandadevanahalli Kotragouda**  
**S/o Basavanagouda,**  
Aged about: 54 years,  
2) **Anandadevanahalli Gurubasavanagouda**  
**S/o Basavanagouda**  
Aged about: 52 years,  
R/o Hampasagara Road,  
Huvinahadagali Taluk, Vijayanagara District.  
3) **Anandadevanahalli Virupakshagouda**  
**S/o Basavanagouda**  
Aged about: 49 years,  
4) **Anandadevanahalli Shekhargouda**  
**S/o Basavanagouda**  
Aged about: 45 years,  
5) **Anandadevanahalli Dodd Basavanagouda**  
**S/o Basavanagouda**  
Aged about: 41 years,

- 6) **Anandadevanahalli Shanmukhanagouda  
S/o Basavanagouda**  
Aged about: 37 years,
- 7) **Anandadevanahalli Bullanagouda  
S/o Basavanagouda**  
Aged about: 27 years,  
Defendant No.1, 3 to 7 are R/o Moregeri  
Village, H.B.Halli Taluk, Vijayanagara District.
- 8) **Goudara Basamma W/o Kotragouda**  
Aged about: 30 years,  
R/o: Hagarigajapura, Harapanahalli Taluk,  
Davanagere District.

**I.A.No.XV**

**APPLICANT/PLAINTIFF : Sri Bavi Vijayananda S/o Lingappa**

(Rep. by Sri.**S.M.S.**, Advocate)

**V/s**

**RESPONDENTS/DEFENDANTS : Sri.Anandadevanahalli  
Kotragouda S/o Basavanagouda  
and others.**

(Def.No.1 to 8 Rep. by Sri.**S.S.P.**, Advocate)  
(Def.No.9 and 10 Absent )

**ORDER ON I.A.No.II**

The plaintiff has filed the I.A.No.XV under Order 39 Rule 1 and 2 R/w Sec.151 of CPC, seeking the relief of temporary injunction to restrain the defendants for making construction of house in the suit schedule property plot situated at 6<sup>th</sup> ward,

Morigeri Village, measuring East-West: 60 cubits and North-South: 52 cubits within the following boundaries:

East: Houses of Langatada Bettappa and others,

West: Road

North: House of Halli Mallappa

South: Open site Anandadevanahalli Pathremma

### **OLD SCHEDULE**

The plot is situated at 6<sup>th</sup> ward, Morigeri Village, measuring East-West: 60 cubits and North-South: 52 cubits within the following boundaries:

East: Houses of Langatada Bettappa and others,

West: Road

North: Rickyard of Kobbajji Virupakshappa

**2.** In the accompanying affidavit to the said I.A., it is stated by the plaintiff that, he is the absolute owner and in possession and enjoyment of the suit schedule property. The suit schedule property is his ancestral property. Originally the suit schedule property is Gramanath. One Meti Channabasappa was in peaceful possession and enjoyment of the same till his death. After his death

his wife Smt.Basavva was succeeded to the same. In the year 1936 the grand father of the plaintiff Bavi Bettappa S/o Bavi Doddamallappa has purchased the said property from the said Meti Basamma W/o Meti Chennabasappa. The said Meti Basamma has sold the said property in order to discharge the Court decree amount in S.C.No.697/31. From the date of purchase the said Bavi Bettappa was in possession and enjoyment of the same. The said Bavi Bettappa had three sons by name Bavi Lingappa, Bavi Basappa and Bavi Danappa @ Dananana Gowda. After the death of Bavi Bettappa, on 30.05.1949 partition was effected between his three sons by name Bavi Lingappa, Bavi Basappa and Bavi Danappa @ Dananana Gowda. Under the said partition the suit schedule property was fallen to the share of Lingappa i.e., father of the plaintiff. The father of plaintiff is having two sons i.e., plaintiff and Babu Rajendra. After the death of their father he has acquired the suit schedule property under oral partition which was effected between himself and his brother Bavi Babu Rajendra. As per oral partition he has acquired the suit schedule property and he is in possession and enjoyment of the same without any let or hindrance from anybody. After the death of his father he has filed the

application before concerned Panchayath to change the mutation of the suit schedule property in to his name. The defendants are the neighboring owners of the suit schedule property. They have falsely claiming the right over the suit schedule property. The PDO Gramapanchayath, Morigeri has passed an illegal order without perusing the records and rejected the application of the plaintiff. Against the Order of Gramapanchayath he has preferred an appeal before the Executive Officer, Taluka Panchayath, H.B.Halli, in appeal No.1/2013-14. The said appeal was dismissed by the Taluka Panchayath. The suit schedule property is in actual possession and enjoyment of the plaintiff. The defendant has no manner of right, title and interest over the suit schedule property. The defendant highhandedly and illegally trespassed over the suit schedule property. During the pendency of the suit the defendant is trying to dig the foundation and trying to construct the building in the suit schedule property. He has objected to the defendants. but defendants have not stopped their illegal act. He has approached the Panchayath authorities. The panchayath authorities have not taken any action against the defendant No.6. Defendant No.6 is being the practicing advocate and Ex-member of the

Gramapanchayath, he is politically influenced person, he is in hurry to complete the work. He has made out prima-facie case, balance of convenience lies in his favour. I.A.U/o.39 Rule 1 and 2 of CPC filed by the plaintiff for temporary injunction was dismissed by this Hon'ble Court with the observation that, ownership and interference will be decided only after full fledged trial. Now the trial has been commenced he has placed material documents before the Court. Hence he prays to allow the application.

**3.** To the said application the defendant No.6 has filed objections and defendant No.1 to 5, 7 and 8 adopted the same. In the objection, the defendant has denied the case of the plaintiff and further contended that, defendant is the absolute owner and in possession of the suit schedule property. The plaintiff has filed the false suit and false application with the intention to drag on the proceedings.

**4.** Earlier the plaintiff has filed application for temporary injunction to restrain the defendants for putting up any construction over the suit schedule property. After contest the said application was rejected by this Court. Again the plaintiff has filed

the similar application before the Court and said application is clearly hit by principal of resjudicata. The plaintiff has filed I.A.No.2 and 3 for same relief. I.A.No. 2 dismissed on 03.06.2016 and I.A.No.3 dismissed on 07.12.2017, again the plaintiff has filed the present application for same relief, therefore the said application is not maintainable. The plaintiff has not challenged the orders of I.A.No.2 and 3 before the Hon'ble Appellate Courts. The said orders have attain finality. The plaintiff has made false allegations against defendant No.6. The plaintiff has no prima-facie case. Hence he prays to dismiss the application.

5. Heard the arguments and perused the records.

6. The following points arise for my consideration:

**1.Whether the plaintiff has made out *prima-facie* case?**

**2.Whether the balance of convenience lies in favour of the plaintiff?**

**3.Whether the plaintiff will be put to irreparable loss and injury, if the order of Temporary Injunction is not granted?**

**4.What order?**

7. My answers to the above points are as under:

Point No.1 : In the **NEGATIVE**

Point No.2 : In the **NEGATIVE**

Point No.3 : In the **NEGATIVE**

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

### **REASONS**

**8. Point No.1 to 3**:- As the facts involved in point Nos.1 to 3 are interlinked together, hence they are taken up together for common consideration.

**9.** The present suit is filed by the plaintiff against the defendants for the relief of declaration of title and Permanent Injunction with respect of suit schedule property. According to the plaintiff, he is the absolute owner and in possession and enjoyment of the same. The suit schedule property is his ancestral property. Originally the said property is Gramanath. Sri.Meti Channabasappa was in peaceful possession and enjoyment of the said property. After his death his wife Smt.Basavva was succeeded to the suit schedule property. In the year 1936 the plaintiff's grand father Bavi Bettappa S/o Bavi Doddamallappa purchased the said property under registered sale deed. From the date of purchase the said Bavi Bettappa was in possession and enjoyment of the same. After the death of Bavi Bettappa partition was effected on

30.05.1949 between his children. Under the said partition, the suit schedule property was fallen to the share of father of the plaintiff Bavi Ningappa. After the death of father of the plaintiff, the suit schedule property fallen to the share of plaintiff under oral partition which was effected between plaintiff and his brother Babu Rajendra. But till today records of the suit schedule property has been not mutated in the name of plaintiff. The plaintiff has approached the concerned Gramapanchayath to effect the mutation of the suit schedule property into his name. The Gramapanchayath by its resolution dated 26.12.2012 rejected his application. Against the said order he has preferred an appeal before the Executive Officer, Taluka Panchayath in Appeal No.1/2013-14. The said appeal was also dismissed by the Taluka Panchayath. The plaintiff is in possession and enjoyment of the suit schedule property. The defendants have no manner of right, title and interest over the same, but they are illegally trying to interfere with his peaceful possession and enjoyment over the suit schedule property. Hence he has filed the present suit and prays decree the same.

**10.** The contention of the defendant No.6 is that, the suit schedule property is his ancestral property. The ancestor of the defendant No.6 had purchased the said property under registered sale deed dated 28.10.1884 for Rs.31/- from Anandadevanahalli Gurubasappa and his brother Bullappa. From the date of purchase the said Gurubasappa and Bullappa wherein possession and enjoyment of the said property. The said Gurubasappa had no issues, his elder brother Bullappa has succeeded to the suit schedule property. The said Bullappa is his ancestor. After the death of said Bullappa his son Basavanagowda has succeeded to the said property. After the death of said Basavanagouda, Dodda Basavanagowda i.e., father of defendant No.6 has succeeded to the said property, and after his death his mother succeeded to the said property. Mother of the defendant No.6 expired on 30.08.2012. After the death of his mother defendant No.1 to 8 have succeeded to the suit schedule property. The suit schedule property was stood in the name of mother of the defendant No.1 to 8 Anandadevanahalli Pathri Basamma. The concerned Gramapanchayath has given a Door No.272. The defendants have paying taxes to the said property regularly. The defendant No.1

with the consent of other defendants has executed the registered gift deed dated 05.07.2013 with respect of suit schedule property. As per the gift deed mutation of the suit schedule property has been effected in the name of defendant No.6. Plaintiff has no manner of right, title and interest over the suit schedule property. With an intention to grab the suit schedule property the plaintiff has filed the false suit.

**11.** I have perused the records. In the present case on hand when the case was posted for cross examination of PW2 the plaintiff has filed the present application, seeking the relief of temporary injunction to restrain the defendants from making any construction over the suit schedule property. The plaintiff has filed the present suit against the defendants for the relief of declaration of title and Permanent Injunction with respect of suit schedule property. According to the plaintiff the suit schedule property was fallen to the share of his father under the partition dated 30.05.1945 which was effected between his father and brothers of his father. At this stage the plaintiff has not produced any material document before the Court to show that on 30.05.1945 partition was effected and suit schedule property was fallen to the

share of his father Lingappa. According to the plaintiff as per oral partition which was effected between the plaintiff and his brother the suit schedule property has been fallen to his share and he is in possession and enjoyment of the suit schedule property. In order to prove the said fact also the plaintiff has not produced any documents before the Court. The plaintiff in the plaint has not stated anything that on what date the said oral partition was effected. At this stage the plaintiff has not produced any material document before the Court to show that he is in possession and enjoyment of the suit schedule property. Plaintiff has produced the registered sale deed dated 06.01.1936 and its translated copy. the plaintiff has produced application dated 28.11.2012 filed before the Gramapanchayath, to effect the mutation, statement and mahazar. Plaintiff has produced endorsement dated 26.12.2012 issued by the Gramapanchayath, Morigeri. As per the said document the Gramapanchayath, Morigeri has rejected the application filed by the plaintiff to effect the mutation with respect of suit schedule property. The plaintiff has produced the received copy of the application submitted on 18.12.2012 to the Executive Officer, Taluka Panchayath, H.B.Halli. The plaintiff has also

produced endorsement dated 20.06.2013 issued by the Executive Officer, Taluka Panchayath, H.B.Halli. As per the said documents it appears that, the plaintiff has challenge the orders of Gramapanchayath before Taluka Panchayath and the Taluka Panchayath has rejected his appeal. The plaintiff has produced the photographs and CD. The plaintiff has produced application dated 13.08.2025 given to the PDO Gramapanchayath, Morigeri requesting the concerned authorities not to issue the construction license to the defendant No.6 with respect of Door No.272. As stated above the plaintiff has filed the present suit against the defendant for the relief of declaration of title and Permanent Injunction with respect of suit schedule property. First of all the plaintiff has to show that he is the absolute owner and in possession of the suit schedule property. As stated above in the present case on hand the plaintiff has not produced any material documents before the Court, to show that he is in possession and enjoyment over the suit schedule property. As per the document produced by the plaintiff prima-facie it appears that, the plaintiff has made an efforts to got mutated his name in the records of the

suit schedule property, but the Gramapanchayath and Taluka Panchayath have rejected his prayer.

**12.** As per the records the plaintiff has filed I.A.No.2 U/o.39 Rule 1 and 2 of CPC seeking the relief of temporary injunction to restrain the defendant from interfering with his peaceful possession and enjoyment over the suit schedule property till disposal of the suit. After contest the said I.A. was dismissed on 03.06.2016. In Para No.18 of the above said order on I.A.No.II this Court has come to the conclusion that the present plaintiff has neither been able to prove that the suit schedule property originally belonged to his ancestors nor has he been able to prove his possession of the same. And further observed that the plaintiff has miserably failed to prove that the suit schedule property originally belonged to his ancestors and he is in possession of the same.

**Para No.18 of the order on I.A.No.2 is as under:**

*18. "However, in the instant suit as observed earlier, the applicant has neither been able to prove the suit schedule property originally belonged to his ancestors nor has he been able to prove his possession of the same. Under such circumstances, it cannot be said that the applicant has made out a prima-facie case. The*

*question of balance of convenience lies in and irreparable loss also does not arise as the applicant has miserably failed to prove at this juncture that the suit schedule property originally belonged to his ancestors and that he is in possession of the same. Taking note of the same, I have answered Point No.1 to 3 in the Negative.”*

**12.1** The plaintiff has again filed I.A.No.3 U/o.39 Rule 1 and 2 of CPC seeking the relief of temporary injunction to restrain the defendant from digging the foundation and putting the construction of basement over the suit schedule property. As per the records it discloses that after contest the said I.A.No.3 was also dismissed by this Court on 07.12.2017. The plaintiff has not challenged the above said orders of I.A.No.2 and 3 before the Hon'ble Appellate Court. The above said orders are remained unchallenged. As stated above I.A.No.3 filed by the plaintiff to restrain the defendants from digging the foundation and putting construction of basement over the suit schedule property was dismissed on 07.12.2017. The plaintiff has again filed the present similar application seeking the relief of temporary injunction, to restrain the defendant from putting construction of house in the suit schedule property. As stated above the plaintiff has not challenged the orders of I.A.No.2 and 3 passed by this Court and

filed the present I.A.No.15 for the same relief as prayed in I.A.No.3. Therefore the said application is clearly hit by the principles of resjudicata. On this ground also the present application is not maintainable. In the reported decision **2025 SCC Online SC1218 sulthan said ibrahim V/s prakasn and others in Para No.53, 54, 55, 56 and 57** of the said decision the Hon'ble Supreme Court of India held as hereunder;

*“53. The High Court, in its impugned order, held the application of the appellant under Order I Rule 10 to be barred by res judicata and thus not maintainable on that ground. We find no infirmity in the said observation mad by the High Court. This Court in Bhanu Kumar Jain v. Archana Kumar reported in (2005) 1 SCC 787 observed that the principles of respondent judicata apply not only to two different proceedings but also to different stages of the same proceeding as well. The relevant observations are reproduced hereinbelow:*

*“18. It is now well settled that principles of res judicata apply in different stages of the same proceedings. (See Satyadhyan Ghosal v. Deorajin Debi [AIR 1960 SC 941 : (1960) 3 SCR 590] and Prahlad Singh v. Col. Sukhdev Singh [(1987) 1 SCC 727] .)*

*19. In Y.B. Patil [(1976) 4 SCC 66] it was held: (SCC p. 68, para 4)*

*“4. ... It is well settled that principles of res judicata can be invoked not only in separate subsequent proceedings, they also get attracted in subsequent stage of the same*

proceedings. Once an order made in the course of a proceeding becomes final, it would be binding at the subsequent stage of that proceeding.”

xxx xxx xxx

21. Yet again in *Hope Plantations Ltd.* [(1999) 5 SCC 590] this Court laid down the law in the following terms: (SCC p. 604, para 17)

“17. ... One important consideration of public policy is that the decisions pronounced by courts of competent jurisdiction should be final, unless they are modified or reversed by appellate authorities; and the other principle is that no one should be made to face the same kind of litigation twice over, because such a process would be contrary to considerations of fair play and justice.”

(Emphasis supplied)

“54. Thus, as the dictum of the law as extracted aforesaid indicates, the only manner in which a decision arrived at by a court of competent jurisdiction can be interfered with is by modification or reversal by the appellate authorities. In the present case, the order for impleadment of the appellant as a legal heir was made by the Trial Court after due inquiry under Order XXII, as also observed by the Trial Court in its order rejecting the application under Order I Rule 10. Evidently, neither any objection was raised by the appellant before the Trial Court nor any revision was preferred subsequently against the said order. Thus, it could be said that the issue as regards the impleadment of the appellant as a legal heir of the original defendant had attained finality between the parties and thus the subsequent application under Order I Rule 10 seeking to get his name deleted from the array of parties could be said to be barred by *res judicata*. Undoubtedly, the expression “at any stage

*of the proceedings” used in Order I Rule 10 allows the court to exercise its power at any stage, however the same cannot be construed to mean that the defendant can keep reagitating the same objection at different stages of the same proceeding, when the issue has been determined conclusively at a previous stage. Allowing the same would run contrary to the considerations of fair play and justice and would amount to keeping the parties in a state of limbo as regards the adjudication of the disputes.”*

*“55. This Court in the case of Satyadhyan Ghosal v. Deorajin Debi reported in [1960] 3 SCR 590, has noted that the principle of res judicata is essential in giving a finality to judicial decisions. The relevant observations are reproduced hereinbelow:*

*“The principle of res judicata is based on the need of giving a finality to judicial decisions. What it says is that once a res is judicata, it shall not be adjudged again. Primarily it applies as between past litigation and future litigation. When a matter — whether on a question of fact or a question of law — has been decided between two parties in one suit or proceeding and the decision is final, either because no appeal was taken to a higher court or because the appeal was dismissed, or no appeal lies, neither party will be allowed in a future suit or proceeding between the same parties to canvass the matter again. This principle of res judicata is embodied in relation to suits in Section 11 of the Code of Civil Procedure; but even where Section 11 does not apply, the principle of res judicata has been applied by courts for the purpose of achieving finality in litigation. The result of this is that the original court as well as any higher court must in any future litigation proceed on the basis that the previous decision was correct. The principle of res judicata applies also as between two stages in the same litigation to this extent that a court, whether the trial court or a higher court having at an earlier stage decided a matter in one way will not allow the parties to re-*

agitate the matter again at a subsequent stage of the same proceedings. ...”

*(Emphasis supplied)*

“56. This Court in *S. Ramachandra Rao v. S. Nagabhushana Rao* reported in 2022 SCC OnLine SC 1460 observed that although a decision may be erroneous, yet it would bind the parties to the same litigation and concerning the same issue, if it is rendered by a court of competent jurisdiction. The observations read thus:

“31. For what has been noticed and discussed in the preceding paragraphs, it remains hardly a matter of doubt that the doctrine of *res judicata* is fundamental to every well regulated system of jurisprudence, for being founded on the consideration of public policy that a judicial decision must be accepted as correct and that no person should be vexed twice with the same kind of litigation. This doctrine of *res judicata* is attracted not only in separate subsequent proceedings but also at the subsequent stage of the same proceedings. Moreover, a binding decision cannot lightly be ignored and even an erroneous decision remains binding on the parties to the same litigation and concerning the same issue, if rendered by a Court of competent jurisdiction. Such a binding decision cannot be ignored even on the principle of *per incuriam* because that principle applies to the precedents and not to the doctrine of *respondent judicata*.”

“57. A five-Judge Bench of the Calcutta High Court in *Tarini Charan Bhattacharya v. Kedar Nath Haldar* reported in 1928 SCC OnLine Cal 172 considered the question as regards whether an erroneous decision on a point of law would operate as *res judicata* between the parties or not. The court *inter alia* observed that it is not always open to the party to raise a point of law. It further held that Section 11 of the CPC makes the decision of the

court conclusive between the parties notwithstanding the reasoning employed by the court in arriving at the said decision. The relevant observations are as under:

“(1) The question whether a decision is correct or erroneous has no bearing upon the question Whether it operates or does not operate as res judicata. The doctrine is that in certain circumstances the Court shall not try a suit or issue but shall deal with the matter on the footing that it is a matter no longer open to contest by reason of a previous decision. In these circumstances it must necessarily be wrong for a Court to try the suit or issue, come to its own conclusion thereon, consider whether the previous decision is right and give effect to it or not according as it conceives the previous decision to be right or wrong. To say, as a result of such disorderly procedure, that the previous decision was wrong and that it was wrong on a point of law/or on a pure point of law, and that therefore it may be disregarded, is an indefensible form of reasoning. For this purpose, it is not true that a point of law is always open to a party.

(2) In India, at all events, a party who takes a plea of res judicata has to show that the matter directly and substantially in issue has been directly and substantially in issue in the former suit and also that it has been heard and finally decided. This phrase “matter directly and substantially in issue” has to be given a sensible and businesslike meaning, particularly in view of Expl. 4 to sec. 11 of the Code of Civil Procedure which contains the expression “grounds of defence or attack.” Sec. 11 of the Code says nothing about causes of action, a phrase which always requires careful handling. Nor does the section say anything

about point or points of law, or pure points of law. As a rule parties do not join issue upon academic or abstract questions but upon matters of importance to themselves. The section requires that the doctrine be restricted to matters in issue and of these to matters which are directly as well as substantially in issue.

(3) Questions of law are of all kinds and cannot be dealt with as though they were all the same. Questions of procedure, questions affecting jurisdiction, questions of limitation, may all be questions of law. In such questions the rights, of parties are not the only matter for consideration. The Court and the public have an interest. When a plea of res judicata is raised with reference to such matters, it is at least a question whether special considerations do not apply.

(4) In any case in which it is found that the matter directly and substantially in issue has been directly and substantially in issue in the former suit and has been heard and finally decided by such Court, the principle of res judicata is not to be ignored merely on the ground that the reasoning, whether in law or otherwise, of the previous decision can be attacked on a particular point. On the other hand it is plain from the terms of sec. 11 of the Code that what is made conclusive between the parties is the decision of the Court and that the reasoning of the Court is not necessarily the same thing as its decision. The object of the doctrine of res judicata is not to fasten upon parties special principles of law as applicable to them inter se, but to ascertain their rights and the facts upon which these rights directly and substantially depend; and to prevent this

*ascertainment from becoming nugatory by precluding the parties from re-opening or recontesting that which has been finally decided.”*

*(Emphasis supplied)*

**12.2** The advocate for plaintiff has relied the decision of Hon'ble Supreme Court of India reported in AIR 1964 SC 993 between Arjun Singh V/s Mohindra Kumar and Others. The advocate for defendant has relied the decision of Hon'ble High Court of Karnataka in case of Vijayaramu V/s Purushothamma Reddy in Miscellaneous First Appeal No 6095 of 2024 C/w Miscellaneous First Appeal No.60554 of 2024 C/w Miscellaneous First Appeal No.62004/2024 dated 16.01.2025, decision of Hon'ble Supreme Court of India reported in AIR 2011 Supreme Court 1123 between Jagpal Singh and Others V/s state of Punjab and Others. I have gone through the above said decisions produced by both the sides. The facts and circumstances of the present case on hand and the facts and circumstances of the above said decisions are totally different, hence same are not applicable to the case on hand.

**12.3** On going through the entire material available on record, I am of the opinion that, at this stage the plaintiff has not

produced any document before the Court to show that he is in possession and enjoyment of the suit schedule property. The plaintiff is failed to made out prima-facie case for granting the temporary injunction order, if temporary injunction order is granted injustice will be caused to the defendant. On the basis of above reasons and discussions, I hold **Point No.1 to 3** in the **Negative.**

**13. Point No.4:-** For the aforesaid reasons and discussions made above, I proceed to pass the following:-

**ORDER**

I.A.No.XV filed by the plaintiff U/o.39

Rule 1 and 2 of CPC is hereby dismissed.

(Dictated to the Stenographer, transcribed and computerized by her, corrected by me, and then pronounced in the open court on this the **06<sup>th</sup> day of January 2026.**)

**(SAYED MOHIUDDIN URF KHAWAJA PEERAN)**  
CIVIL JUDGE & JMFC., HAGARIBOMMANAHALLI.

(Order is pronounced in the open Court  
vide separate order)

**ORDER**

I.A.No.XV filed by the plaintiff U/o.39  
Rule 1 and 2 of CPC is hereby dismissed.

**CIVIL JUDGE & J.M.F.C., H.B.HALLI.**