

KADG420001092025

**IN THE COURT OF THE CIVIL JUDGE AT HARAPANAHALLI.****Present : Shri.Manu Sharma S.P.,**

B.A.LAW.LL.M.

Civil Judge and JMFC, Harapanahalli

Dated this 15th day of December, 2025**OS No.298/2025****PLAINTIFF/s**

Smt.Drakshayanamma W/o Late Halappa,
Age. 60 Years, Occ. Household, R/o Bagali
Village, Harapanahalli Taluka, Vijayanagara
District.

(By Sri.M.S.B.Adv.)

-Vs.-

DEFENDANT/s

1. Sanna Lakappa S/o Late. Mallappa, Age.
45 Years, Occ. Agriculturist, R/o Bagali
village, Harapanahalli Taluka, Vijayanagara
District.

2. Sri.Mahesh S/o Mallappa, Age. 43 Years,
Occ. Agriculturist, R/o Bagali village,
Harapanahalli Taluka, Vijayanagara
District.

3. Sri.Dodda Dandyappa S/o Chowdappa,
Age. 35 Years, Occ. Agriculturist, R/o
Bagali village, Harapanahalli Taluka,
Vijayanagara District.

4. Sri. Sanna Dandyappa S/o Late
Chowdappa, Age. 35 Years, Occ.
Agriculturist, R/o Bagali village,
Harapanahalli Taluka, Vijayanagara
District.

(By Sri.C.H.P.Adv.)

PARTIES TO ON IA No.I

PLAINTIFF/APPLICANT/s

Smt.Drakshayanamma W/o Late Halappa, Age. 60 Years, Occ. Household, R/o Bagali Village, Harapanahalli Taluka, Vijayanagara District.

-Vs.-

DEFENDANT/s/OPPONENT/s

1. Sanna Lakappa S/o Late. Mallappa, Age. 45 Years, Occ. Agriculturist, R/o Bagali village, Harapanahalli Taluka, Vijayanagara District.

2. Sri.Mahesh S/o Mallappa, Age. 43 Years, Occ. Agriculturist, R/o Bagali village, Harapanahalli Taluka, Vijayanagara District.

3. Sri.Dodda Dandyappa S/o Chowdappa, Age. 35 Years, Occ. Agriculturist, R/o Bagali village, Harapanahalli Taluka, Vijayanagara District.

4. Sri. Sanna Dandyappa S/o Late Chowdappa, Age. 35 Years, Occ. Agriculturist, R/o Bagali village, Harapanahalli Taluka, Vijayanagara District.

ORDER ON I.A.NO.I

1. Plaintiff has filed application U/o 39 rule 1 and 2 R/w Sec. 151 of CPC to restrain defendants from interfering in her possession

and enjoyment over the suit schedule property till disposal of the suit.

2. Application is supported by affidavit of plaintiff.

It is stated in the plaint that originally suit schedule property belonged to her husband and his sisters by name Huchangevva and Dadaravva and after their death records of the suit schedule property came to be mutated in the name of plaintiff. Defendants are having no rights over the suit schedule property. But inspite of the same they are interfering in the possession and enjoyment of the Plaintiff over the suit schedule properties. Although plaintiff has given complaint about the same to police they have not initiated any action stating that dispute is of civil in nature. Hence the application.

3. Defendants have filed objection denying the case of the plaintiff and contending inter alia that suit schedule properties are ancestral and joint family properties of plaintiff and defendants. Originally suit schedule properties were standing in the name of Mayavva in whose name patta was granted by the government. Aforesaid Mayavva had 4 children namely, Gangamma, Basavva, Mailappa and Hanumavva and all of them are dead. As Mailappa was legal heir of Mayavva he got mutated his name in the records of suit

schedule properties after death of Mayavva by colluding with revenue authorities. After his death deceased Halappa, Uchangevva and Dadadaravva got mutated revenue records into their name on the basis of succession by submitting false family genealogy to the revenue authorities. After death of Halappa defendant No.1 got mutated his name in the records of the suit schedule properties by colluding with the revenue authorities. Plaintiff and defendants being the joint family members are having equal rights over the suit schedule properties. Defendants have also demanded partition with plaintiff but plaintiff is not ready for the same. Family members of defendants have already filed suit for partition as per OS No. 307/2025 before this court. Plaintiff by taking advantage of her name mentioned in the ROR is trying to alienate the suit schedule properties. No partition has been taken place in the family of plaintiff and defendants till this date. Based on said contentions defendants prayed for rejection of the application.

4. Based on application and counter, the following points arise for my consideration:-

- 1] Whether Plaintiff has made out prima facie case for grant of temporary injunction?

2] Whether balance of convenience lies in favour of Plaintiff in the present case?

3] Whether Plaintiff suffer irreparable loss and hardship if temporary injunction is not granted?

4] What Order?

5. Heard arguments and perused records of the case.

6. My findings on above points are as here under:-

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 following:-

REASONS

7. Point No.1:- Plaintiff has filed suit for declaration of title and injunction against defendants in respect of suit schedule properties. It is the case of the plaintiff that suit schedule properties originally belonged to her husband by name Halappa and his sisters by name Uchangevva and Dadadaravva. Percontra defendants have contended that originally suit schedule properties were granted to one Mayavva Lesi D/o Late Jaragappa who had children by name Gangamma, Basamma, Mailappa and Hanumavva. As per the contention of the

defendants plaintiff is member of branch of aforesaid Mailappa and defendants belonged to branch of aforesaid Gangamma, as such plaintiff and defendants are the members of joint family, and as the suit schedule properties are granted in the name of Lesi Mayavva both plaintiff and defendants are having share in the suit schedule properties and under such circumstances application seeking temporary injunction is not maintainable. Here plaintiff has produced RORs standing in the name of one Mailappa and they have also produced RORs to show that name of Halappa, Ucchangevva and Dadaravva came to be entered after deleting the name of aforesaid Mailappa. Plaintiff has also produced ROR standing in her name.

8. The documents produced by plaintiff prima facie indicates that plaintiff has acquired right over the suit schedule property through her husband after his death. RORs standing in the name of Mailappa who according to defendant is father of plaintiff's husband by name Halappa prima facie indicates that suit schedule properties were granted in the name of Mailappa who is father in law of plaintiff. As per the contention of the defendants suit schedule properties were granted in the name of Lesi Mayavva who is ancestor of both plaintiff

and defendants. But at this stage defendants have not produced any documents to prima facie show that suit schedule properties were granted in the name of Lesi Mayavva. Advocate for defendants by referring to Form No.D pertaining to suit schedule properties argued that name of Lesi Mayavva is found in the said document. But name of Mayavva is not at all found in form No.D pertaining to land bearing Sy. No.130/B on the other hand in the said document Kannada Alphabets "ಮಲ್ಲಾ" are visible and last alphabet is not clearly visible. Further in the form No.D pertaining to land bearing Sy. NO. 65B produced by the defendants except alphabet "ಮ" other letters are not visible. But in another document i.e., Mysore revision settlement register produced by the defendants pertaining to Sy. NO. 130 name of Madigara Mailappa is mentioned. Defendants at this stage argued that It is by mistake name of Mailappa is mentioned instead of Mayavva. But here except making oral submission no records are forthcoming on record at this stage to show that said entry is not proper. Defendants have also produced Mysore revision settlement pertaining to land bearing Sy. No. 128 which is not a subject matter of present suit. Hence at this stage said document is not useful. Defendants have also produced order of Assistant Commissioner, Hospet passed in ALN

No. 280-83-84 Dt. 02.01.1984. It is to be noted that in the said order it is mentioned that Halappa, Ucchangevva and Dadaradavva who are children of Mailappa are the legal heirs of original Pattadars. This would prima facie indicate that father in law of plaintiff by name Mailappa was original grantee of suit schedule properteis which is contrary to the contentions of defendants that original grantee is Lesi Mayavva. Apart from this defendants have produced old RORs and current RORs of the suit schedule properties and no where in the said RORs name of Lesi Mayavva is found and on the other hand said RORs are standing in the names of Husband of plaintiff and his sisters. Here it is to be noted that defendants have filed affidavits of total 12 persons who have stated in their affidavit that suit schedule properties are ancestral properties of plaintiff and defendants and said properties are in joint possession and enjoyment of both plaintiff and defendants. It is to be noted that in the absence of single piece of paper or document indicating the right of Mayavva over the suit schedule properties and in the absence of production of document supporting the contentions of the defendants, affidavits filed by persons residing in the surroundings of the locality can not be given any significance at this stage especially when plaintiff has produced

prima facie documents establishing her case. Moreover affidavits at this stage can not be relied upon as said affidavits are not tested in the cross examination. Therefore it is to be held that plaintiff has made out prima fechia case for grant of temporary injunction. Hence I answer **Point No.1 in the Affirmative.**

9. Point No.2 and 3:-As these two points are interconnected they are taken up together for common discussion in order to avoid repetition. As already discussed, Plaintiff has made out prima-facie grounds to grant of temporary injunction. Under such circumstances, if injunction is not granted the Plaintiff will also be put to more inconvenience than Defendants as there will be possibility of continuous interference by the Defendants. And if breach of obligation continues and if Plaintiff is dispossessed from the suit land she will have to face multiplicity of litigation to redress her grievance and under such circumstances it leads to not only inconvenience to the plaintiff but also she suffers loss and hardship. Therefore, it is to be held that balance of convenience in the present case lies in favour of Plaintiff and she has also made out case of loss and hardship. Hence, I answer point No.2 and 3 in the **Affirmative.**

10. Point No.2:- For the reasons stated above I am of the opinion that, application filed by Plaintiff is to be allowed. In the result, following:-

ORDER

Application filed by plaintiff under Order 39 rule 1 and 2 R/w Sec. 151 of CPC is hereby allowed.

Defendants are hereby restrained from interfering in the possession and enjoyment of the plaintiff over the suit schedule property till the disposal of the suit.

(Dictated to the Stenographer transcribed and typed by him, the transcript revised and corrected by me, and then pronounced in the open court on this **15th Day of December 2025.**)

(Manu Sharma S.P)
Civil Judge and JMFC.,
Harapanahalli.