

PARTICULARS

i	Provision under which the applications is filed	Under Section 151 of CPC
ii	Relief sought for	Permission of the Court take out the possession of materials
iii	The date on which the applications are filed	21.07.2025
iv	Number of application	I.A.No.III
v	The date on which the objections are filed by different opponents	18.08.2025
vi	The date on which the orders were passed on the said application.	02.05.2026

ORDERS ON I.A.No.III FILED BY DEFENDANT UNDER SECTION 151 OF CPC

This I.A. is filed by the defendant under Section 151 of CPC seeking permission of the court to take out and dismantle materials of Sri. Ram Stone Crushing Industries which is situated at Bhagya Nagar, Angol-Belagavi. The defendant has sought to take out the materials which are enclosed with the application contending that the said articles laid on the leased land are getting destroyed due to rain and mud.

2. In the accompanying affidavit, the defendant stated that the plaintiff has instituted this suit seeking the relief of mandatory injunction in the capacity of proprietor. It is further contended that certain machinery equipments and raw-materials and stone crushing materials laid down over the suit property. It is further contended that

as per the guidelines of the Government of Karnataka the existing quarry and stone crushing process is stopped. Further contending that due to non-progress of stone crushing work, the machinery equipments are to be taken out and has filed this application.

3. The learned counsel for plaintiff has filed objections to I.A. No. III contending that defendant has not allowed to pay the rent which is outstanding and amounts to the tune of Rs.5,00,000/-. The contentions of the plaintiff is that unless the arrears of rent due to be payable is not paid, the machines cannot be permitted to taken out from the property and sought for rejection of I.A.

4. Heard Sri. KBK counsel for defendant and Sri.SGK counsel for plaintiff.

5. The suit came to be instituted by the plaintiff seeking the relief of mandatory injunction in which the prayer sought by the plaintiff is that :

The defendant, his agents, servants, legal heirs or anybody acting on his behalf to take off their machines from the suit property.

The present application is filed by the defendant is in-consonance with prayer sought by the plaintiffs themselves. It is to be noted that machinery equipments are 2 -Hopper, Primary breaking M/C, secondary breaking M/C, Hopper, Fedder, Crushing M/C, Conveyor, Screening M/c, Extension Ponyayor. If the plaint averments are perused in its entirety along with relief sought, if

this application is allowed the very purpose for which this suit is instituted would be complied. This Court has also taken into consideration the objections raised by the plaintiff with regard to non –payment of amounts due to payable. Hence, before passing orders on I.A. No. III this Court deems it appropriate to call for memo of calculation from both the counsels in respect of the amount that is due to payable as arrears of rent.

For furnishing of memo of calculation by 08.06.2026.

Sd/- 02.05.2026
**IV Addl. Civil Judge & JMFC,
Belagavi.**