

20/6/2013:

**ORDER ON I.A No:III**

This is an application filed by the plaintiffs Under sec. 151 of C.P.C and prays to direct the Khanapur police to give protection to the plaintiffs and also to protect the suit property.

2. The plaintiff No.1 has sworn to an affidavit and he has stated that he has filed the suit along with other plaintiffs for the relief of partition against the defendants. This Court has passed an order to maintain status-quo by both the parties on 5.6.2013. However, the defendant No.15 carrying construction in the suit property. In this regard, he approached to the jurisdictional police and the jurisdictional police directed to seek orders from the Court, hence this application is filed.

3. The defendant Nos.2,4 to 7 and 15 have filed their objections stating that they are not at all putting any construction in the suit property. The plaintiff has filed this false application in order to harass the defendants which is not maintainable under law and fact and hence prays to dismiss the application.

3. Heard.

4. My points for consideration are as under:

1. Whether the application is deserves to be allowed?

2. What order?

5. My answer to the above points as under:

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

Point No.2: As per final order, for the following:

**REASONS**

6. **POINT NO-1:-** The plaintiff has filed this suit alongwith other plaintiffs for the relief of partition in respect of the suit property. This Court has passed an order of status quo and directed both parties to maintain status quo in respect of the suit properties till filing of the objections to the I.A.No.I on 5.6.2013 and the case was posted on 24.6.2013. In the meanwhile, the present application is filed by the plaintiffs alongwith a few photos and claimed that the construction is being carried out by the defendant No.15. Even though the defendant No.15 has denied that she putting construction over the suit properties, but the photos produced by the plaintiffs clearly show that the construction is being carried out and therefore such construction is to be stop to avoid the multiplicity of proceedings. After considering all these facts and circumstances of the case, I came to the conclusion that it is just and fair to direct the jurisdictional police to give protection to the suit property to meet the ends of justice and therefore I answer Point No.1 in the affirmative.

7. **POINT NO.2:-** For the above discussed reasons, I proceed to pass the following:

**ORDER**

*The I.A-III filed Under section 151 of C.P.C., is hereby allowed.*

*The Khanapur police is directed to give protection to the suit property to see that no construction*

***shall be carried out by the defendant  
No.15 till further orders on I.A.No.1.***

Addl. Civil Judge & JMFC., Khanapur.