

**IN THE COURT OF THE CIVIL JUDGE AND
J.M.F.C., SIRUGUPPA**

Present: Ashok R H
Civil Judge & J.M.F.C.,
Siruguppa.

Dated this the 9th day of July, 2025

O.S.No.94/2023

Plaintiff: K.Veeresh

Vs

Defendants: Chatla Basappa since dead by his LRs
Smt.Ayyamma and others

PARTIES TO I.A.No.VI

Petitioner/Ori.Plaintiff:

K.Veeresh

Vs

Respondents/Ori.Defendants:

Chatla Basappa since dead by his LRs
Smt.Ayyamma and others

ORDERS ON IA.No.VI

The plaintiff has filed the present application under Section 151 of CPC seeking issuance of necessary directions to the jurisdiction of Hatcholli police to provide police protection, in order to maintain the injunction order on IA No.III.

2. In the accompanying affidavit, the plaintiff has stated that he has filed a suit seeking the relief of

Specific Performance of contract and consequential relief to declare that the gift-deed dated 02.01.2018 is null and void and the plaintiff had filed IA No.II seeking an order of temporary injunction restraining the defendant No.2 from alienating the suit property and IA No.III to restrain the defendant No.2 from interfering with the possession and enjoyment over the suit schedule property. Plaintiff is in possession and enjoyment of the suit property from the date of possession, on the basis of registered agreement of sale executed by the deceased defendant No.1. It is alleged that the defendants have interfered with his possession over the suit property and that he had lodged complaint before the Hatcholli police station. An Order of temporary injunction against the defendants restraining them from interfering with the plaintiff's possession over the suit property is in force. Hence, this application is filed. On these grounds it is prayed to allow the application.

3. The defendants have not filed objections to IA No.VI.

4. Perused the file. Heard both sides.

5. The points that would arise for consideration of this court are.

1. Whether the application filed by the plaintiff deserves to be allowed?

2. What Order?

6. The answers to the aforesaid points are as here-under:

Point No. 1 : In the affirmative

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

REASONS

7. Point No. 1: The plaintiff has filed this suit seeking the relief of Specific performance of contract based on the registered agreement of sale dated 23.05.2016 executed by the defendants and for consequential relief of declaration that the gift deed 02.01.2018 executed by defendant No.1 in favour of defendant No.2 and mutation orders are null and void and not binding on the plaintiff. The plaintiff had filed IA No.III U/O 39 Rule 1 & 2 R/W Sec 151 of CPC seeking an order of temporary injunction to restrain the defendant No.2 from interfering with the plaintiff's possession and enjoyment over the suit property. This court on 07.09.2023, by way of considered order, has allowed IA No.III and the defendant No.2 has been temporarily restrained by way of temporary injunction from disturbing the possession of the plaintiff over the

suit property till final disposal of the suit. All these aspects are on record. Now that the plaintiff has filed this IA seeking police protection. The plaintiff has stated on oath that the defendants are interfering with the plaintiff's peaceful possession and enjoyment over the suit property.

8. In **Smt.Karisiddamma and others Vs. Smt.Sanna Kenchamma, ILR 2010 Kar 1197**, it is held that Court can undoubtedly direct the police aid as a prevent measure and the power though not expressly conferred, is a power incidental or ancillary to the exercise of the power of granting injunction. In **Papanna Vs. Nagachari, ILR 1996 Kar 1271**, it has been held that when the Court has prima facie considered the matter and granted temporary injunction after hearing the defendant, the Court has to enforce the same and the contention of the opposite party that he is not in possession, cannot be accepted. It was observed that, if the Court has no power to implement its own orders, then there is no purpose in the Courts passing orders in the matters coming before them and that the remedy under Order 39 Rule 2(a) of CPC is not exhaustive and Court can pass appropriate orders to see that its orders are enforced and in the circumstances, in necessary cases, even the police can be

directed to enforce the orders of the Court. Looking into the settled position of law, it appears that when the plaintiff seeks police protection to implement the order of temporary injunction, it is fit to extend the same.

9. Therefore, it is a settled law that the court can pass appropriate orders to see that its orders are enforced. Now when the plaintiff has specifically alleged that the defendant No.2 is not obeying the order of the court, though the plaintiff has recourse U/O 39 Rule 2(a) of CPC, it is necessary to ensure that the orders are enforced with police protection. The defendant No.2 has not made out any grounds to disbelieve the case of the plaintiff as regards IA No.VI is considered. With these observations and reasons, this court is of the considered opinion that the present application filed by the plaintiff deserves to be allowed. Hence, this court has answered point No.1 in the affirmative.

10. Point No.2: In view of the answer to Point No.1, this court proceeds to pass the following:

ORDER

IA No. VI filed under Section 151 of CPC by
the plaintiff is hereby allowed as under:

The SHO, Hatcholli police Station, is directed to assist the plaintiff in implementing the order of temporary injunction granted by this court as per IA No.III.

(Dictated to the stenographer, transcribed and typed by him corrected and then pronounced by me in the Open Court on this 9th day of July-2025).

(Ashok R H)
Civil Judge and JMFC,
Siruguppa.

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

ORDER

IA No. VI filed under Section 151 of CPC
by the plaintiff is hereby allowed as under:

The SHO, Hatcholli police Station, is directed to assist the plaintiff in implementing the order of temporary injunction granted by this court as per IA No.III.

Plaintiff's evidence by 22.08.2025

. Civil Judge and JMFC,
Siruguppa.