

ORDER ON I.A.NO.V

This is an application filed by the applicant/plaintiff U/sec.151 of CPC seeking help of the police in the implementation of TI order.

2. This application is supported by the affidavit of the plaintiff. In the affidavit he states that, he has filed suit for permanent injunction against the defendant and his followers. The defendant and his followers are obstructing the plaintiff's peaceful possession and enjoyment over the suit landed property bearing RS No.41/7 measuring 2 acres 31 guntas in which the sugar cane crops are grown by plaintiff. The defendant along with his men high handedly has cut down sugar cane crops in the half portion of the suit landed property and that in another half portion, sugar cane crops are ready for harvest. The Hon'ble court was pleased to issue temporary injunction against the defendant and that even though there is order of temporary injunction, the defendant has high handedly cut down the sugar cane in the half portion of suit property and has

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supplied to the sugar factory. The defendant is causing obstruction and disturbance to the plaintiff's peaceful possession over the said suit property. Hence, the plaintiff prayed to allow the application.

3. On the other hand, the defendant has filed memo praying to treat the contents of his written statement as objections to IA No.5. In the objections, the said defendant denied the entire averments of the plaintiff and contended that, there has been no any transaction between the plaintiff and defendant. The plaintiff by taking advantage of innocency of brother of defendant and by colluding with revenue officials has illegally got created sale deed with respect to suit property in favour of plaintiff. The sisters of defendant have filed suit bearing OS No.362/2023 before the Sr. Civil Judge, Banahatti seeking relief of partition against the present defendant and his brother by name Anand. The said suit is still pending and also that the daughter of the plaintiff has falsely filed case U/sec.138 of NI Act against Anand Mirji for the amount of

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Rs.38,00,000/- and the said case is also still pending. The plaintiff in order to harass the defendant and his family has been filing false suits and private complaints against the defendant. When the plaintiff is not in possession of the suit property, there is no question of growing sugar cane crops in the suit property. The defendant, his brother and his four sisters are in joint possession of the suit property and have grown sugar cane crops by investing huge amount. On these grounds, the defendant prayed to dismiss IA No.V.

4. Heard both the counsel.

5. Upon hearing arguments and on perusal of materials placed on record, the following points that arise for consideration are:

1. Whether the plaintiff has made out sufficient grounds for allowing the application?
2. What order?

6. The findings of this court to the above points are as under:

Point No.1 : Partly In the Affirmative

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

REASONS

7. Point No.1: Undisputedly, the plaintiff has filed suit for permanent injunction with respect to the suit property.

8. In this case ex-parte temporary injunction was granted against the defendant on 21.11.2025. It is the allegation of the plaintiff that inspite of TI order the defendant and his followers are not allowing the plaintiff to harvest the sugarcane crops and supply to the sugar factory and that the defendant has cut down the sugar cane crops in the half portion of the suit property and has supplied the said crops to the sugar factory. The defendant and his followers are now obstructing the plaintiff to cut the sugar cane crops of the remaining portion of the suit property. On the other hand the defendant

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has contended that the plaintiff has got illegally created the sale deed with respect to the suit property.

9. As already discussed during discussion of IA No.1 that the plaintiff has adduced his sale deed and that the question as to whether the said sale deed is sham and bogus is a question of trial. At this stage, the plaintiff has adduced document which is the RTC extract of the suit property to show his possession over the suit property. On the other hand, the defendant has not placed any documents to show that the defendant and his family are in possession of the suit property. The bills adduced by the defendant are not sufficient to hold that the defendant and his family have grown the sugar cane crops and are in the possession of the suit property. In addition, this court has also disposed off IA No.1 on merits after hearing both the parties. Therefore, looking to the prima facie case of the plaintiff, there is no any impediment for this court to pass the order on the present application. On perusal of the materials available on record, this

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court is of the opinion that it is just and necessary to grant police help for the implementation of the order of temporary injunction. If the present application is not allowed, then the temporary order of this court would be merely a paper order. The plaintiff has sought direction to CPI, Banahatti for the police protection but this court of the opinion that, it is sufficient if the direction is issued to the PSI, Banahatti to give the protection. With these observations, this court answered point No.1 **Partly in the Affirmative.**

10. Point No.2: For the foregoing reasons assigned in point No. 1, this court proceeds to pass the following:

: ORDER:

IA No.V filed by the applicant/ plaintiff U/sec.151 of CPC is hereby allowed in part.

The PSI of Banahatti police station is hereby directed to assist the plaintiff in implementation of order of temporary injunction by

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giving protection to the plaintiff to send the remaining sugar cane crops with respect to the suit property to the sugar factory without damaging any crops of the defendant if any.

For compliance U/sec.89 of CPC.

Call on 17.06.2026.

**Civil Judge & JMFC,
Banahatti**