

**IN THE COURT OF PRL. CIVIL JUDGE AND JMFC, ANEKAL.**

**19<sup>th</sup> day of September 2024**

**PRESENT:** Sri. Shankarareddy.D.V., L.L.B., PGD in IR & PM.,  
Prl. Civil Judge and JMFC, Anekal.

**OS.No. 635/2022**

**Plaintiffs** : Shantamma & another

**V/s.**

**Defendants** : Sridhar & Another

**IA No.II**

**Applicant/Defendant No.1** : Sridhar

**V/s.**

**Opponents/Plaintiff No.1** : Shantamma

\*\_\*\_\*

**ORDERS ON IA No.II**

The defendant No.1 has filed the present application U/s. 151 of CPC praying to direct the SHO of Anekal PS to provide requisite police aid for implementing the orders passed in MA No.2/2023 on the file of Hon'ble II Addl. Senior Civil Judge & JMFC, Anekal.

**2.** In the affidavit annexed to the present application, defendant No.1 stated that plaintiff has filed the present suit for permanent injunction in-respect of suit schedule property. The defendants filed written statement along with IA U/o XXXIX Rule

1 & 2 seeking an interim order restraining the plaintiff's herein from putting up further construction in the written statement schedule property. The said application came to be dismissed by this court. Thereafter, the defendants herein challenged order of this court before the Hon'ble II Addl. Senior Civil Judge & JMFC, Anekal in MA No.2/2023, wherein the Hon'ble II Addl. Senior Civil Judge & JMFC, Anekal passed an interim order restraining the plaintiffs herein putting up any further construction in the written statement schedule property till further orders vide order dated 23-03-2023. Such being the case, the plaintiffs herein trying to put up further construction in the written statement schedule property. Therefore, the SHO of Anekal PS to be directed to implement the aforesaid order.

**3.** On the other hand, in the objection plaintiffs not denied with regard to aforesaid interim order passed by the Hon'ble II Addl. Senior Civil Judge & JMFC, Anekal, but denied the other averments of present application contending that they have not carrying any construction in the written statement schedule property and the defendants filed the present application to harass them and same is liable to be dismissed. Accordingly, plaintiffs prayed to dismiss the present application.

4. Having heard both-side and on perusal of material available on record, the following points arise for consideration;

1. Whether the defendants have made out valid ground to allow the present application?
2. What order?

5. On appreciation material available on record, the above points are answered as under;

- POINT No.1** :- In the Affirmative,  
**POINT No.2** :- As per final order,  
for the following ;

**REASONS**

6. **Point No.1**:- Indisputably, the plaintiffs have filed the present suit for permanent injunction in respect of suit schedule property. The defendants have filed the written statement by opposing the plaintiffs suit along with IA U/o.XXXIX Rule 1 & 2 praying to grant an interim order of temporary injunction restraining the plaintiffs from putting up any construction in the written statement schedule property and same came to be dismissed by this court and said dismissal order challenged by the defendants before the Honble II Addl. Senior Civil Judge & JMFC, Anekal in MA No.2/2023, wherein on 23-03-2023 the Hon'ble Appellate court passed an interim order restraining the plaintiffs and their men from putting up any construction in the

written statement schedule property. Such being the case, said order passed by the Hon'ble II Addl. Senior Civil Judge & JMFC, Anekal is in force till today and it is not the case of the plaintiffs said order is vacated or modified. In this situation, if the plaintiffs put up any construction in the written statement schedule property, same amounts to violation of said order of Hon'ble Appellate Court. Now, the defendants contends that by violating of said order, the plaintiffs are trying to put up construction in the written statement schedule property. Such being the case, it is necessary to direct the the SHO of concerned PS to implement the said order. Otherwise, the said order become worthless. It is settled principle of law that implementation of court orders is amounts to real justice. Thus, it is necessary to allow the present application. Accordingly, this court of the view that the defendants have made out the valid grounds to allow the present application. In the result, point No.1 answered in the Affirmative.

**7. Point No.2:** For the reasons assigned in point No.2, this court proceeds to pass the following:-

**ORDER**

IA No.II filed by the defendants under section 151 of CPC is hereby allowed.

Accordingly, the SHO of Anekal PS is hereby directed take necessary steps to implement the order dated 23-03-2023 passed in MA No.2/2023 on the file of Hon'ble II Addl Senior Civil Judge Anekal.

Issue intimation to the SHO of Anekal PS along with copy of order passed in MA No.2/2023 on the file of Hon'ble II Addl Senior Civil Judge Anekal.

*(Directly dictated to steno, corrected, signed and pronounced by me in Open Court on this the 19<sup>th</sup> day of September 2024.)*

**(Sri. Shankarareddy D.V)**  
**Prl. Civil Judge & JMFC., Anekal**