



IN THE COURT OF II ADDL. CIVIL JUDGE & JMFC, KADUR.

Present: Sri. Ram Prashanth M.N, B.A.L,LL.B.,
II Addl. Civil Judge & JMFC, Kadur.

Dated: This the 22nd day of June 2023

OS.NO.411/2022

Parameshwarappa & Another	Plaintiffs
Vs	
Chandrappa & others	Defendants
I.A.No.4	
Anjanappa	Applicant
Vs	
Chandrappa & Others	Defendants

ORDERS ON I.A.NO.4

I.A. No.4 is filed by the plaintiff under Sec.151 of CPC, to direct the stating house officer Ajjampura Police station to accord police aid to the plaintiff for implementing the interim injunction orders by restraining the defendants, pending disposal of the suit.

2. The plaintiff has filed the suit for declaration and injunction restraining the defendants from interfering. The plaintiff has also filed IA No.2 U/o 39 rule 1 and 2 of CPC. The defendants have filed objections to IA No.4.

3. This court by looking into the prima-facie documents has passed an ex-parte interim orders restraining the defendants. The documents as of now clearly establish that the defendants intentionally are trying to block the road by digging trench and erecting barbed wires across the road.



4. Though submission was made on behalf of the defendants on 09.12.2022 that the trench is closed and barbed wires are removed, but till today the same is not done. Also the commissioner report corroborates the contention of the plaintiffs.

5. The police protection is very much necessary to the plaintiffs to close the trench and removing the barbed wires. As already stated there is a crime registered in FIR No.19/2022 against the defendants No.1 to 5. Even after several direction by this court, the defendants have not obliged and hence, it is necessary to direct the jurisdiction police to provide security for the plaintiffs in removing the barbed wires and closing the trench.

6. In **Smt.Karisiddamma and others Vs. Smt.Sanna Kenchamma ILR 2010 KAR 1197**, injunction having been, granted, an application was filed seeking police protection to enjoy the suit schedule property. A direction having been issued to the jurisdictional police to give necessary police protection, a challenge was raised before this Court, to the order giving direction to the police. It was held that the aggrieved party cannot be precluded from seeking police assistance in enforcing the temporary injunction, just because he can exercise the remedy provided under Order 39 Rule 2A of CPC. It was 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.

7. In **Papanna Vs. Nagachari, ILR 1996 Kar 1271**, it has been held by the Hon'ble High Court 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 has 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.

8. As this court has passed considered order on IA No.1 and in order to protect the possession of the plaintiffs the aid of the police need to be given in implementing the considered orders passed on IA No.1. If the police aid is not given then it will be impossible for the plaintiffs to reach their property. Hence, with these observations, I proceed to pass the following:-

ORDERS

IA No.4 filed under Sec. 151 of CPC is allowed.

Consequently the SHO of Ajjampura Police station is hereby directed to give proper police aid and protection in implementing the orders on IA No.2 restraining the defendants from blocking the 'B' schedule road.

Office is directed forthwith to issue intimation to the Ajjampura Police station.

(Dictated to the Stenographer, typed by her to computer, revised, corrected and then pronounced in the open Court, this the 22nd day of June 2023)

Sd/-

(Ram Prashanth M.N.)

II Addl. Civil Judge & JMFC, Kadur.