

**ORDERS ON IA NO.VI FILED BY THE PETITIONERS
UNDER SECTION 151 OF CPC**

This is an application filed by the petitioners under section 151 of CPC, praying this court to provide police protection to the court commissioner to execute the commissioner work to effect the partition of the decreed properties.

2. In the affidavit accompanying with IA No.VI, mother of the petitioners Smt. Pallavi stated that, she has filed this petition for Final Decree Proceedings, when court commissioner visited the suit schedule properties, the respondent has obstructed the court commissioner to survey the property. Hence, it is prays to provide police protection to the court commissioner to effect partition of the decreed properties by allowing the application.

3. On the other hand, the respondent party in person has filed objection to the said application and prays for dismissal of application.

4. Heard the learned counsel for the petitioners and respondent party in person and perused the IA and objection.

5. The points that do arise for my consideration as follows:

1. Whether the petitioners have made out sufficient grounds to provide police aid to the court commissioner?
2. What order?

6. My answer to the above points are as follows:

Point No.1: In the Affirmative.

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

REASONS

7. Point No.1: The present final decree proceedings are initiated by the petitioners to divide the properties as per the judgment and decree passed by this court in O.S. No. 19/2012 dated 13.04.2018. This court vide its order dated 01.07.2025 directed the court commissioner to divide the item No.3 of the petition schedule property bearing Sy.No. 193/P2. But, the court commissioner has returned the warrant without execution with a requisition stating that the respondent has obstructed him to survey the property

and furnished requisition and order passed by the Hon'ble High Court of Karnataka and the court commissioner stated that there are chances of galata. Hence, he sought suggestion from this court.

8. Now the petitioners have sought for police protection to the court commissioner to conduct the commissioner work. In the objection the respondent nowhere stated that he has not obstructed the court commissioner and the objection filed by the respondent itself shows that he has obstructed the commissioner to effect to divide the suit schedule properties.

9. Upon perusal of the requisition submitted by the Court Commissioner and the objections filed by the respondent, it is evident that the respondent intends to obstruct the Commissioner from effecting the partition. Therefore, it has become necessary to provide police protection to the Court Commissioner to carry out the partition in accordance with the judgment and decree passed by this Court. Thus the petitioners have made out sufficient grounds to the extent to provide police aid to the court commissioner to effect partition as per the judgment and decree. Accordingly, this court answers **point No.1 in the Affirmative.**

10. Point No.2: In view of the above observation,
I procee to pass the following:

ORDER

I.A. No.VI filed by the petitioners
U/s 151 of is hereby allowed.

The SHO of Gonibeedu police town
is hereby directed depute any police
personnel to provide police aid to the
court commissioner to effect partition
as per the judgment and decree
passed by this court in OS
No.19/2012 dated 13.04.2018.

Issue commissioner warrant to the
court commissioner to effect partition
of the item No.3 of the petition
schedule property as per amended
decree dated 12.09.2023.

Office to write a letter the SHO of
Gonibeedu police to depute police
personnel to provide police aid to the
court commissioner to effect partition
as per the judgment and decree

passed by this court in OS
No.19/2012 dated 13.04.2018.

Call on 08.01.2026.

**Senior Civil Judge & JMFC.,
Mudigere**