



**IN THE COURT OF THE SENIOR CIVIL JUDGE AND  
JMFC AT N.R.PURA, ITINERATE AT KOPPA**

**Present:** Smt.B.S.Rayannawar, B.A., L.L.B,  
Senior Civil Judge & JMFC.,  
N.R.Pura, Itinerate at Koppa.

**Dated this the 22<sup>nd</sup> day of September, 2023**

**OS No.10/2021**

**BETWEEN:**

Sri.K.A.Satheesha and another

...Plaintiffs.

V/s.

**AND:**

Smt. Jayamma and others

...Defendants.

**IA.NO.VIII**

**BETWEEN:**

Sri.K.A.Satheesha and another

...Applicants/Plaintiffs.

V/s.

**AND:**

Smt. Jayamma and others

...Opponents/Defendants.

**ORDER ON IA NO.VIII**

Learned counsel for the Applicants/Plaintiffs filed I.A No.VIII under Section 151 of CPC to direct the Dy.S.P., Koppa to render assistance to enforce the T.I. Order and give protection to the plaintiff to approach his land.

2. Application supported with affidavit of plaintiff, stating that, the Hon'ble court has allowed his application and restrained the defendant not to obstruct the plaintiff from approaching his land, though the road passed in front of the house of the defendant. Though court ordered for police protection, but the police not rendering any protection to enforce the T.I. order. The defendants not allowing the plaintiff to use the road. Hence the plaintiff could not able to carry agricultural work in his land. Hence plaintiff prays to allow the application and direct the Dy.S.P., Koppa to render protection to the plaintiff to carry agricultural work in his land by passing through the road



situated in front of the house of the defendant on -9-2023 and -9-2023 from 10.00 am to 2.00 pm. hence prays to allow the application as prayed.

3. I.A, opposed by defendants by filing written objections, contending that, the defendants are in possession and khathadars in land Sy.No.222 of Bilagadde village, that there is fence between the property of plaintiff and defendant, the plaintiff is trying to form new road in the land of defendants. There is no order by the court with respect to land Sy.No.222. As per the order of the court, the police came to the spot on 24.09.2022, and drawn mahazars and police have submitted to the court, it is not possible to enforce the order without survey. The plaintiff submitting false story thing before the court. The defendants never restrained the plaintiff from using the road situated in Sy.No.137 and 223, the police have not supported the illegal act of the plaintiff hence the plaintiff



filed this false application, Hence defendants pray to dismiss the application.

4. Perused IA, objection, annexed affidavit and other material on record. After hearing the arguments and on perusal of the case papers the points that arise for consideration are as hereunder:

### **POINTS**

1. Whether the Applicant/plaintiff made out sufficient grounds to allow the application?
2. What order ?

5. The findings on the above points are as hereunder:

Point No.1: In the Affirmative

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

### **REASONS**

6. **Point No.1:** This is the suit filed by the plaintiff for declaration and consequential relief of permanent



injunction. There is dispute between the plaintiffs and defendants, with respect to the road leading to the agricultural lands of the plaintiff from Government Sy.Nos.137/223 of Bilagadde village from their residential house. Hence plaintiff filed the suit for the relief of declaration and permanent injunction concerning suit schedule property. Because the defendants have prevented them from using the road by dumping mud from their residence to reach suit lands. Plaintiff filed application to grant T.I order in their favour to remove the mud illegally get dumped by the defendants by/ through hired JCB, this court did not grant them T.I. order. Consequently, they had preferred a miscellaneous appeal before the District Court which later came to be transferred to the Family Judge of Family Court, Chikkamagaluru which has been pleased to allow the appeal and granted Temporary Injunction order infavour of the plaintiff. Admittedly the said order not



challenged by the defendants.

7. The appellant court has specifically granted T.I. order, against the defendants, restraining them from causing obstructions during the course of removing the mud got dumped by the defendants. After allowing M.A.No.11/2022 the plaintiff filed application for police protection, hence this court allowed the application filed by the plaintiff and directed the PSI Hariharapura Police Station to enforce T.I order, but it is the contention plaintiff that, the PSI., Hariharpura police station, not given any protection. Hence the plaintiff filed present application to direct the Dy.S.P., Koppa to rendered the help, for enforcing T.I. order. Already the Hon'ble Family Court, Chikkamagaluru was allowed the petition and granted injunction order infavour of plaintiff, hence it is the duty of the parties to obey the order, it is the contention of plaintiff that, the defendant not allowing him to pass through the



said house, because of which he is could not able to carry agricultural work in his land. Learned counsel for defendant submits that they have no objection to plaintiff to use the road passes through the land Sy.No.137 and Sy.No.223, but they are in possession of land Sy.No.222 and there is no road in land Sy.No.222.

8. This already allowing the application filed by plaintiff and directed the Dy.S.P., Koppa to render protection to plaintiff in enforcing T.I. Order, but Dy.S.P., Koppa submitted his requisition that they need assistance of surveyor. In this case the appellate court restrained defendants from causing obstruction to the plaintiffs to use the mud road of width of about 12 feet and the length of 200 meters running in Government Sy.No.137 and 223 of Bilagadde Village, Hariharapura Hobli, Koppa Taluk, branching of from Sringeri-Shanuvalli main road to reach the plaint schedule lands from the plaintiffs residence.



Hence no hardship will be caused to the defendants as the injunction order is with respect to Sy.No.137 and 223. If there is any interference in the defendant property, then the court will considered the application filed by the defendant that is I.A.No.II. Hence if this I.A is allowed, if the Dy.SP., is ordered to give protection to the plaintiff to use the road no hardship will be caused to the defendant. Accordingly, in view of the above discussions **point No.1 answered in the affirmative.**

9. **Point No.2:** In view of the reasons discussed above this court proceeds to pass the following:

### **ORDER**

I.A.No.VIII filed by the Applicant / plaintiff under Section 151 of CPC is hereby allowed. The Dy.S.P Koppa is hereby directed to give protection to the plaintiff for enforce the T.I Order dated 16.06.2022 with assistance of Surveyor Koppa, with respect to use the road running in Sy.No.137 and 223 of





Bilagadde Village, Hariharapura Hobli,  
Koppa Taluk on 29.09.2023 and  
30.09.2023. Office to sent the copy of  
the order to Dy.S.P., Koppa PS.

(Dictated to the Stenographer directly on the computer, same is corrected by  
me and then pronounced in the open Court on this the 22<sup>nd</sup> day of September, 2023)

Sd/-

**(B.S.Rayannawar)**

Senior Civil Judge and JMFC.,  
N.R.Pura, Itinerate at Koppa.