

IN THE COURT OF THE PRL. CIVIL JUDGE AND J.M.F.C AT TARIKERE

O.S.No.58/2024

PLAINTIFFS

vs.

DEFENDANTS

Sri. K.N. Mahesh and another

Sri. Onkarappa.C.V. and another

Date: 03.01.2026

Proceedings or Orders of the Judicial Officer

ORDERS ON IA.NO.V

1. I.A.No.V has been filed by the Applicants/ Plaintiffs U/s. 151 CPC with the prayer to direct the Sub-Inspector of Police, Ajjampura Police to render police assistance for implementing the order passed by this Court on I.A.No.I.

2. In the affidavit appended to the application, it is contended that the suit has been filed seeking the relief of permanent injunction against the Defendants in respect of the suit schedule property. This Court granted a temporary injunction in favour of the Plaintiffs on merits on the application filed under Order XXXIX Rules 1 and 2 of the CPC on 07.12.2024. Despite such order, while the Plaintiffs were harvesting areca nuts and other crops on 22.12.2024, at the instigation of Defendant No.1, Defendant No.2 and his father, along with other goonda elements, attempted to interfere with the possession and enjoyment of the suit schedule property by the Plaintiffs. Immediately, a police complaint was lodged; however, no FIR was registered. Even after lodging a complaint before the Superintendent of Police, Chikkamagaluru, no action was taken. Further, on 16.11.2025 during the

morning hours, the Defendants again attempted unlawful trespass into the suit schedule property and tried to cut and steal areca nut crops with the help of goonda elements. In this regard, a complaint was lodged before the Ajjampura Police Station, and an FIR has been registered in Crime No.303/2025 against the Defendants. Though the Plaintiffs approached the jurisdictional police seeking police protection, the police instructed them to obtain appropriate orders from the Court. Although the Defendants are well aware of the temporary injunction order being in force against them, they have continued to interfere illegally, which has necessitated the Plaintiffs to file the present application. Hence, the prayer is to allow the application.

3. *Per contra*, the Defendants have filed objections to the above application wherein, the existence of the temporary injunction order is not disputed, but all other factual averments are denied. It is contended that the Defendants have challenged the temporary injunction order passed by this Court before the Appellate Court, and the same is pending consideration. It is further contended that the Plaintiffs' land is not a garden land, and therefore there is no question of harvesting areca crops therein. The Plaintiffs have approached the Survey Department for fixation of *Haddu Basti*, wherein they have admitted that they are not in possession of the entire land. The Plaintiffs have suppressed these material facts and, taking shelter under the interim order, are

threatening the Defendants. Since there are no areca crops in the claimed property, there is no question of interference by the Defendants. The Defendants have not violated any order passed by this Court, and therefore the question of granting police protection does not arise. Hence, the Defendants pray for dismissal of the application.

4. Learned Counsels on both sides have made their respective submissions. Learned Counsel for Plaintiffs has also filed a list along with 4 documents and banks on the following judgment, in support of his contention.

- a. *W.P.No.17106/2009 (GM-CPC), (Hon'ble High Court of Karnataka)*
- b. *CR.No.1714/ 2021 (O&M), (Hon'ble Punjab and Haryana High Court)*
- c. *W.P.No.54219/2018 (GM-CPC), (Hon'ble High Court of Karnataka)*
- d. *ILR 2001 KAR 462*

5. Having heard and after perusal of materials placed on record, the sole point that would arise for my consideration is as under –

“Whether the Applicants/ Plaintiffs have made out sufficient grounds to allow the application in I.A.No.V?”

6. My answer to it is in the '**Affirmative**' for the following reasons -

7. The instant suit has been filed by the Plaintiffs seeking the relief of Permanent Injunction.

8. This Court has allowed the application in I.A. No. I filed by the Plaintiffs seeking the relief of temporary injunction on merits, thereby restraining the Opponents/Defendants, their men, agents,

servants, or anybody claiming through them from interfering with the peaceful possession and enjoyment of the Plaintiffs over the suit schedule properties, from trespassing into the same, or from causing acts of waste and damage to the suit schedule properties in any manner, pending disposal of the suit.

9. The Defendants are contesting the above suit; therefore, there can be no dispute regarding the fact that they are fully aware of the order passed against them. Despite this, their objections to the present application are aimed at reiterating the very same grounds raised while contesting the application for temporary injunction, which cannot be gone into by this Court, as the Court has become *functus officio* upon passing the order in I.A. No. I. Any grievance against the said order must be agitated before the Appellate Court. Though an appeal has been filed challenging the order, there is no stay as of date. The documents furnished by the Plaintiffs, including the registration of the FIR, speak of continuous interference by the Defendants despite the temporary injunction order passed against them, clearly indicating an attempt to defy the order of this Court.

10. It is important to note that the temporary injunction has been granted against the Defendants, and they are bound to comply with the same. Furthermore, numerous decisions have held that the Court has the power to provide police aid to enforce its orders. In this regard, it is relevant to refer to the Judgment of the Hon'ble High Court of

Karnataka in **Papanna v. Nagachari** reported in **AIR 1996 Kar 256** wherein it was held that when the Court, after considering the matter prima-facie and hearing the Defendant, has granted a temporary injunction in favor of the Plaintiff, the Court is obligated to enforce the same. The Defendant's contention that he is in possession cannot be accepted at this stage. If the Court did not have the power to enforce its own orders, there would be little purpose in passing such orders. The remedy available under Order 39, Rule 2(a) is not exhaustive, and the Courts have the authority to pass appropriate orders to ensure that their orders are enforced. In necessary cases, the police can be directed to enforce the Court's orders. Hence, considering the facts and circumstances of this case, it is just and necessary to order police protection to enforce the order dated 07.12.2024. With the aforesaid discussions, I answer the sole point which has arisen for my consideration in the '**Affirmative**' and proceed to pass the following –

ORDER

I.A.No.V filed by the Applicants/ Plaintiffs under Section 151 of CPC is hereby allowed.

Consequently, the jurisdictional police i.e Ajjampura Police are hereby directed to provide assistance to the Plaintiff in implementing the order dated 07.12.2024 passed by this Court on I.A No.I.

Issue intimation to the S.H.O, Ajjampura P.S, accordingly.

For P/E. Call on

sd/-

Prl. Civil Judge & JMFC.,
Tarikere.
(Itinerate at Ajjampura)