

**IN THE COURT OF THE ADDITIONAL CIVIL JUDGE AND  
JMFC: AT CHANNAGIRI.**

**Present:- Sri.D.Ramesh, B.AL., LL.B.,  
Addl. Civil Judge and JMFC,  
Channagiri.**

**Dated : This the 28<sup>th</sup> day of February, 2019**

**O.S.No.28/2018**

Between:

Siddappa : **PLAINTIFF**  
(By Sri.M.T.S., Adv.,)

**And**

K.R.Rangappa : **DEFENDANT**  
(By Sri.K.G.G., Adv.,)

**I.A.No.3**

Siddappa : **Plaintiff/applicant**

**V/s**

K.R.Rangappa : **Defendant/Opponent**

**ORDERS ON I.A.NO.3**

This is an application filed by the plaintiff under section 151 of CPC, seeking police protection against the defendant.

**2.** In support of the application, plaintiff sworn to an affidavit that this suit is for the relief of permanent injunction

against the defendant to restrain from interfering the suit schedule property. This hon'ble court has granted temporary injunction against the defendant on IA No.1. The defendant along with his supporters came near the suit property on 10/11/2018 and put threats that he will from the road in suit property. Therefore, he has lodged the complaint before the Basavapattana police station, but said police have informed that without specific order he cannot take any action. Hence, prays to allow the application.

**3.** On the other hand, the defendant filed objections to the application and denied all the averments of affidavit and contended that the plaintiff has not filed any proper documents and not shown good reasons. Hence, prays to dismiss the application.

**4.** Heard both side. Perused the record.

**5.** Upon hearing arguments and on perusal of materials placed on record, the following points that would arises for my consideration:

**1. *Whether the applicant/plaintiff has made out grounds for allowing the application?***

**2. *What order?***

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

***Point No.1 : In the Negative.***

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

**REASONS**

**7. Point No.1:-** This is a suit filed by the plaintiff for permanent injunction against the defendants in respect of the suit schedule property. This court ordered temporary injunction that restrained the defendant from interfering the peaceful possession and enjoyment of the suit schedule property or by forming of road over the suit property.

**8.** Now, the plaintiff has filed present application to seek direction to the police to give aid to him for enforcement of the order contended that, even after the said order on I.A.No.I, the defendant is trying to form road over the suit schedule property.

**9.** On the other hand the defendant denied the averments of the affidavit.

**10.** According to the plaintiff the defendant tried to form road in suit property even after passing of interim order by this court. Hence he has filed complaint before the Basavapattana police. But the defendant not stated n his

objection that he is not trying to form road over the suit property. The same itself shows that he is trying to form road in the suit schedule property. In the judgment reported in *ILR 2010 KAR 1197 – Smt.Karisiddamma and others V/s. Smt.Sanna Kenchamma – Held that: Code of Civil Procedure, 1908 – Order 39 Rule 1 and 2 – Grant of Temporary Injunction under: - Subsequent Interlocutory Application filed seeking police protection to enjoy the suit schedule property – Direction issued to the jurisdictional Police to give necessary police protection.*

As per the above said citation it is necessary to give police protection to enforcement order. Hence, the plaintiff is entitled to get the said relief. Hence, I answer above point in the affirmative.

**11. Point No.2 :-** For the above reasons I proceed to the pass the following :-

**ORDER**

**I.A. filed by the plaintiff under Section 151 of C.P.C. is hereby allowed and directed the Basavapattana police to give police aid to the plaintiff for implementing the temporary injunction**

**order dated 12.10.2018 on I.A.No.I to till  
disposal of the suit.**

**In the facts and circumstances of the  
case, no order as to cost.**

(Typed by me on computer and corrected, and then  
pronounced by me in Open-Court this the 28<sup>th</sup> day of  
February, 2019)

**(D.RAMESH)  
Addl. Civil Judge & JMFC,  
Channagiri.**

**O.S.28/2018**

(vide separate order pronounced in the open court)

**ORDER**

**I.A. filed by the plaintiff under Section 151 of C.P.C. is hereby allowed and directed the Basavapattana police to give police aid to the plaintiff for implementing the temporary injunction order dated 12.10.2018 on I.A.No.I to till disposal of the suit.**

**In the facts and circumstances of the case, no order as to cost.**

**Addl. Civil Judge & JMFC,  
Channagiri.**