

ORDERS ON I.A. NO.III

1	Provision under which the application is filed	U/ Sec.151 of CPC.
2	Relief sought for	Seeking Police protection to implement temporary injunction order.
3	The date on which the application is filed	16.01.2024
4	Number of the application	III
5	The date on which the objections are filed by different opponents	22.03.2025
6	The date on which the orders were passed on the application	21.11.2025

The plaintiff has filed IA No.III under sec.151 of CPC seeking Police protection to implement temporary injunction order.

2. In the affidavit filed along with the application the plaintiff has contended that, the present suit is filed for the relief of Permanent Injunction. That in the suit this court has granted Temporary Injunction against defendants on 16.01.2017 restraining the defendants from interfering with the plaintiff's peaceful possession and enjoyment over the suit schedule property. Even then the defendants by violating the court order is trying to trespass into the suit schedule

property and interfering with the possession of the plaintiff. In this regard the plaintiff has lodged a complaint before Arehalli police, but they did not take any action. Hence the present IA and prayed to allow the same.

3. The counsel for the defendants has filed objection contending that, application is not maintainable either on law or on facts. That the plaintiff has filed the present application by making false allegation. That the defendants have not violated the court order. The plaintiff has not produced any document to show that the defendants have violated the court order. That since the defendants have not violated the court order the question of granting police protection does not arise. That the present application is filed with an intention to harass the defendants. Hence prayed to dismiss the IA.

4. Heard the arguments from the plaintiff and defendants and perused the materials available on record.

5. It is the contention of the plaintiff that the defendants is violating the injunction order granted in this case. The defendants have contended that, they have not violated the court order. That on perusal of order sheet it is found that, the court has granted temporary injunction in favour of the

plaintiff restraining the defendants or anybody claiming under them from trespassing and interfering with plaintiff's peaceful possession and enjoyment over the suit schedule property.

6. It is grievance of the plaintiff that, in spite of injunction order the defendants are trying to trespass and is interfering with plaintiff's peaceful possession and enjoyment over the suit schedule property. In this regard this court would like to rely on the decisions reported in **2001(1) Karnataka. L.J. 23 in case of M.S. Mahadevaprasad and others Vs. Mahadevaiah and others** wherein it was held that,

CIVIL PROCEDURE CODE, 1908, Order 39, Rules 1 and 2(a) and Section 151 – Temporary injunction – Police help for enforcement of – Court not precluded from directing police to extend help for enforcement at instance of party apprehending disobedience of Court's order – Court has inherent powers to pass appropriate order to ensure enforcement of its order.”

Another decision reported in **2014 STPL (Web) 1645 AP in case of Gampala Anthaiah and others Vs. Kasarla Venkat Reddy and others** wherein it was held that,

CIVIL PROCEDURE CODE, 1908, Order 39, Rules 1 and 2 and Section 151 –

Constitution of India, 1950 – Article 227 – Injunction – Police Protection – Violation of order - Application is maintainable – Revision against – Of course, even the Division Bench accepted that relief of police protection may be granted in a situation where an application is filed by person obtaining ad interim injunction alleging that there is a threat of breach, disobedience or violation of order of injunction, subject to proof – Court is under an obligation to accord such protection – Unless this is done, rule of law will not prevail and judicial orders would not be effectively implemented – Granting of such orders would uphold dignity and effectiveness of judiciary – Court below rightly granted police aid to defendants – revision Petition dismissed.”

Another decision reported in **ILR 2010 KAR 1197 in case of Smt. Karisiddamma and others Vs. Smt. Sanna Kenchamma** wherein it was held that,

CIVIL PROCEDURE CODE, 1908, Order 39, Rules 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 – Challenge to – HELD, for implementing the injunction order, the Court can always exercise its inherent powers to grant police aid. The aggrieved party cannot be precluded from seeking police assistance in enforcing the temporary injunction order, just because he can exercise the remedy provided

under Order 39 Rule 2-A of CPC – In a fit case, the Court can undoubtedly direct police aid as a preventive measure. This power though not expressly conferred, is a power incidental or ancillary to the exercise of the power to grant injunction pending the suit. – When a temporary injunction order is made absolute after hearing both the sides, there are no legal impediments in granting the police assistance for enforcing the temporary injunction order depending upon the gravity of situation – FURTHER HELD, In the light of granting the temporary injunction order after hearing both the sides, if a party in whose favour the temporary injunction order is made, complains to the Court that the other side is obstructing her use of the road and that the police are not coming to her rescue, the trial Court is well within its limits to pass an order directing the police to give the necessary aid in the enforcement of the temporary injunction order. The Court can grant police aid exercising its inherent powers. Otherwise, the interests of the litigants cannot be protected against a party, who violates the temporary injunction order. – Impugned order passed by the Trial Court is justified.”

7. Relying on the above referred judgments I am of the opinion that, the plaintiff can get police assistance to implement the injunction order. It is proper to provide police assistance; Hence, I proceed to pass the following -

ORDER

IA No.III filed by the plaintiff
U/s.151 of CPC is hereby **allowed**.

The PSI of Halebeedu Police Station
is hereby directed to assist the plaintiff
to enforce and implement injunction
order.

Office is directed to issue intimation
to the concerned Police.

For plaintiff evidence by 09.01.2026.

Sd/-

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