

KAHS810028692023



**IN THE COURT OF C/C ADDL CIVIL JUDGE AND
JMFC.,SAKALESH PURA**

:Present:

SRI. LAKSHMI NARASIMHA R.V, B.A.L., L.L.B.,

C/c Addl. Civil Judge & JMFC., Sakaleshpura.

Dated : 27th day of September, 2025

O.S.No.113/2024

Plaintiff : Sri. J.P. Eresha

V/s

Defendant : Sri. Honappa J.E.

I.A.No.III

Applicant : Sri. J.P. Eresha

V/s

Opponents : Sri. Honappa J.E.

**ORDERS ON APPLICATION FILED BY THE PLAINTIFF
UNDER SECTION 151 OF C.P.C**

The plaintiff has filed this application under Section 151 of CPC seeking for protection of police to implement the orders dated 23.11.2023 on I.A.No.II under order XXXIX Rule 1 and 2 of CPC.



2. In the affidavit annexed along with the application, the plaintiff has averred that he has filed IA No.II under Order XXXIX Rule 1 and 2 CPC seeking for temporary injunction against the defendant, restraining his from interfering with the peaceful possession and enjoyment of the suit schedule property. This court vide order dated 23.11.2023, restrained the defendant from interfering with the possession and enjoyment of suit schedule property by the plaintiff. In spite of the order, the defendant on 12.12.2023, as tried to interfere with the possession of the suit schedule property and caused damage to the doors and windows of the house worth Rs. 1,00,000/-. Hence, he has filed the present application seeking for protection of the police.

3. The Defendant has filed the objections to the application and contended that the plaintiff is not constructing any house and he has produced any documents in respect of suit schedule property. The defendant has filed a suit vide O.S. No. 379/2023 in respect of Sy No.53/3 against the plaintiff. In spite order of injunction, the plaintiff



by virtue of ex parte orders in this suit, is trying to construct in the property of the defendant. If the plaintiff carries out the construction work by obtaining the licence, he has no objections. Whereas the plaintiff has not produced any documents and trying to interfere with the property of the defendant. The plaintiff has filed this application only with intention to grab the property of defendant. Accordingly, prayed to dismiss the application.

4. On basis of the application, objections and documents on record, the following points that arise for the determination of this court.

1. Whether the plaintiff is entitled to the police protection as prayed in the application?

2. What order?

5. Heard arguments. Perused the application, affidavit, objections and records placed before this court.

6. My finding on 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:** The plaintiff has filed the present suit for the relief of permanent injunction against the defendant in respect of the suit schedule property. This court vide order dated 23.11.2023 granted *exparte* temporary injunction and thereafter it was extended till further orders. It can be seen that the defendant has also filed a suit vide OS No. 379/2023 against the plaintiff. As per the objection of the defendant, temporary injunction is granted in the said suit. The plaintiff has not denied the said contention.

8. On perusal of the application, the plaintiff has contended that the defendant is causing obstructions and damaging the house. Except contending the same, at this stage the plaintiff has not produced any materials for having caused the damage to the house as alleged. Mere pleading does not suffice to hold that the defendant is causing obstructions. Further the plaintiff has not produced any



materials to show that he has approached the jurisdictional police for having caused any obstruction by the defendant. The police protection can not be granted liberally without there being any material evidence. Hence in the absence of the material ingredients which are necessary to grant police protection, this court cannot consider the same. Accordingly, point No.1 is answered in the *Negative*.

9. Point No.2:- For the above discussed reasons, this court proceeds to pass the following:

::ORDER::

IA No.III filed by the plaintiff under Section 151 of C.P.C. is hereby dismissed.

[Dictated to the stenographer directly on computer and then corrected by me and thereafter pronounced in the open court on this the 27th day of September, 2025]

[Lakshmi Narasimha R.V.]
C/c Addl. Civil Judge and JMFC,
Sakaleshpura.