

ORDERS ON IA No.4

Plaintiffs have filed IA No. 4 U/s 151 of CPC seeking police aid to enforce orders passed on IA No.1.

In the accompanying affidavit, it is submitted that, by allowing IA No. 1 this court had ordered

temporary injunction against defendants restraining them from constructing wall or building over the suit schedule property. Despite of said order the defendants are continued in constructing the building over the suit schedule property. When the plaintiffs sought police protection, but without court order they refused. Hence, this application.

On the other hand, defendant No.2 has filed objection. Defendant No. 1 adopted the same. By denying application averments submitted that the defendants have not violated the order of the court on IA No.1. defendants had already constructed the building over their property before passing the order. Plaintiffs have filed this false and frivolous application only to harass the defendants, which is liable to be dismissed.

Perused and Heard.

The present suit filed by the plaintiffs for the relief of permanent injunction. Admittedly by allowing IA No. 1, this court was issued temporary injunction order against the defendants restraining them from constructing wall or building over the suit schedule property measuring 9X35 ft. Though the plaintiffs submitted that defendants are constructing the building over the suit schedule property, but the photos furnished by the plaintiffs show that already the defendants have constructed their house. Further, it is the case of the plaintiffs that, the defendants have encroached their property measuring 9X35 ft. But, nowhere in the application plaintiffs have stated that the defendants have constructed over the alleged encroached portion. Moreover, the defendants already constructed house over their property. If the defendants constructed house over the encroached portion, then the plaintiffs are at liberty to move application under relevant provision for violation of court order. Such being the situation, the plaintiffs are not entitled for police aid to stop the defendants from construction over their property. Hence, I proceed to the pass following;

::ORDER::

IA No.4 filed by the plaintiffs U/s 151 of CPC

is hereby dismissed.

Sd/-

Prl. Civil Judge & JMFC,
Ranebennur.

