

**ORDER ON APPLICATION UNDER ORDER 151 OF
CPC**

The present I.A.No.8 has been filed by the plaintiff No.3 seeking direction to the PSI of Aland PS for giving police protection to restrained the defendant No.2, 3 and 4 from causing any sort of obstructions in the user of the way leading from Honalli village to Shukrawadi.

2. The present application is accompanied with sworn affidavit of plaintiff No.3 wherein it is contended that, plaintiffs have filed suit for declaration and injunction and have also filed IA U/o 39 Rule 1 and 2 of CPC against the defendant No.1 to 28 and the said IA has been allowed and temporary injunction is granted restraining the defendants, their agents and any other persons claiming through them from causing any sort of obstruction in the user of the public road leading from Honnalli to Shukrawadi village in the east – west direction. In spite of order of the court, defendants particularly defendant No.2,3 and 4 again interfering in the user of the road and caused obstruction in the road work. In this regard when the villagers approached to the PSI of Aland, he said bring direction from the court for police protection. Hence, this IA application.

3. The defendants No.2, 3 and 4 have filed objection to the present application by contending

that petition filed by the plaintiff is misconceived under the facts and law beside being against the real facts existing on the spot. The petition is false frivolous, concocted to harass defendants to put them hardship and injustice. In fact there is no road as alleged in the plaintiff in the lands of defendants. The plaintiffs by misleading and suppressing the real fact get the injunction order. Now the same is misused by seeking police protection. Earlier no such road work had taken place in the lands of defendants. The order on IA No.III is not for formation of road nor the plaintiffs are permitted to construct the road in the lands of defendants. The plaintiffs on the strength of injunction order threatening with dire cosequenece that they will murder the defendant and will burry them under the road construction. The plaintiffs by way of present application tried to form the road in the lands of defendants with the help of police by misusing order of injunction. The present case is not a fit case for giving police protection and by suppressing real facts and materials succeded in getting the injunction order. Hence, the present application is liable to be rejected with heavy cost of Rs.5000/-.

4. Heard the learned counsels for the plaintiff and defendants No.2, 3 and 4 and perused the material available on record.

5. On perusal of the records and contents of affidavit it goes to show that during the pendency of

the present suit plaintiffs have filed IA No.III U/O 39 Rule 1 and 2 of CPC seeking restraint of the defendants from causing interference in the user of the road leading from Honnalli to Shukrawadi. The said interim application has been allowed by this court through order dated: 08.12.2025. When the case is posted for evidence the plaintiffs have come up with present application by contending that the defendants particularly defendant No.2, 3 and 4 are causing interference in user of the said road. In this regard when they have approached before the PSI of Aland PS, he directed them to produce the order of the court. Hence, the constrained to file present application seeking police protection in implementing the injunction order. On the other hand, the defendants No.2 to 4 strongly objected the plaintiffs by misleading the court and suppressing the real material facts succeeded in getting the injunction order. The allowing of IA NO.III is not a permission given to the plaintiffs for formation of any road over the lands of the defendants No.2 to 4, there is no any such road in their lands and it is proved that earlier no such work had taken place in the lands of defendants. It is not a fit case where a police protection can be given to do construction of road in the lands of defendants with the help of police. If application is allowed, the plaintiffs may highhandedly by political force and muscle power may construct road over the lands of defendants thereby cause loss to the valuation futile

agricultural lands and cause to the standing crops and they may put irreparable loss which cannot be compensated in terms of money.

6. It is important to note that based on observation made in para No.12 in IA No.3 this court has passed injunction order dated: 08.12.2025 restraining the defendants from causing any sought of obstruction in the user of the road leading from Honnalli to Sukrawadi village in the east -west direction till further orders. But as per the affidavit it appears that the plaintiffs stated that the defendants are causing obstruction in the road work. But this court has not passed any orders regarding road work. Under such circumstances, giving police protection for the purpose of road work does not arises. Hence, plaintiff has not made out sufficient grounds to allow the application. With these observation, I proceed to pass the following;

ORDER

The IA No.8 filed by the plaintiff No.3 U/Sec.151 of CPC seeking police protection for implimentation of temporary injunction order granted in the suit is hereby rejected.

Call on for:

Prl.CJ & JMFC, Aland

