

**IN THE COURT OF THE CIVIL JUDGE AND JMFC., JEWARGI
AT JEWARGI.**

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

Dated : This the 23rd day of November, 2022

O.S.No.73/2019

Between:

Abdul Razak : **Plaintiff**

(By Sri.B.B., Adv.)

And

Chandrakanth and Another : **Defendants**

(By Sri.S.B.K., Adv.)

I.A.No.5

Abdul Razak : **Applicant/Plaintiff**

V/s.

Chandrakanth and Another : **Opponents/Defendants**

ORDERS ON IA No.5

The plaintiff has filed the application U/Sec.151 of C.P.C and prayed to grant police aid to enforce the order of injunction against the defendants passed by this Hon'ble court on 01-07-2022.

2. The brief averments of the affidavit are as follows;

That, the plaintiff has filed this suit against the defendants seeking relief of perpetual injunction along with an interim application seeking relief of ad interim relief of injunction. Hon'ble court considering the prima-facie of case was pleased to allow the IA No.1 restraining the defendants from interfering into plaintiff peaceful possession of suit property. Despite of injunction order, defendants are causing interfere over the suit property by obstructing plaintiff's agricultural work with an intention to dispossess plaintiff from suit property. That, on 15-07-2022 when plaintiff along with labours were in the suit land, the defendants together along with their henchmen came to the suit land and obstructed plaintiff agricultural work over the suit land stating that they would bring stay till then they would not allow plaintiff to cultivate the land. Plaintiff has approached the police official seeking aid but they did not assist plaintiff stating that it is civil matter unless direction from the Hon'ble court is received they could not assist. That under these circumstances plaintiff could not protect his possession and enforce the order of injunction without the aid of police. Hence, prays to the Hon'ble court to grand police aid to enforce the order of injunction. Hence, this application.

3. In spite of sufficient opportunity defendants did not file objection to I.A.No.5.

4. Heard the counsel for plaintiff and perused the record.

5. The following points arise for my consideration.

Point No.1:- Whether the application filed by the plaintiff deserves to be allowed?

Point No.2:- What order?

6. I have answered above points in the following;

Point No.1 : In the Affirmative.

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

REASONS

7. **Point No.1:-** Having heard and perusal of record it discloses that this court was pleased to grant the temporary injunction against the defendants restraining them and any person claiming under them from interfering into peaceful possession and enjoyment of the plaintiff over the suit schedule property. As per the plaintiff subsequent to the grant of temporary injunction, though the defendants aware of the operation of the temporary injunction order against them, they have obstructed the agricultural work in the suit property on 15-07-2022. As discussed above though sufficient opportunity was given the defendants did not file objection to the application. Hence it show they impliedly admits their interference over the suit property.

8. The Hon'ble High court of Karnataka held in the case reported in 2016(5) KCCR 226 – Rudrappa Layappa alias Harijan Kamble V/s. Riyaz Ahamed and Another – that “the Trial Court has

inherent power under Section 151 of CPC, to ensure that its injunctory orders are duly implemented. Thus, the Trial Court can direct the police to ensure that the injunction order is carried out.”

9. As per the above said citation it is proper to direct the police to enforce order of injunction granted by this court. Hence, the plaintiff is entitled to get the said relief. Hence, I answer above point in the affirmative.

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

ORDER

The I.A.No.5 filed by the plaintiff under Section 151 of C.P.C is hereby allowed and directed the PSI Jewargi to give police aid to the plaintiff to restrain the defendants and their supporters from violating the injunction order passed in this suit on 01-07-2022.

(Dictated to the Stenographer directly on Computer corrected and then pronounced by me in the open court on the 23rd day of November-2022.)

(D.RAMESH)
Civil Judge & JMFC,
Jewargi.