

**IN THE COURT OF CIVIL JUDGE AND J.M.F.C.,
PONNAMPET**

-: PRESENT :-

Sri. Mohanagowda M.E., B.A., LL.B.,
Civil Judge & J.M.F.C.,
Ponnampet.

O.S.No.44/2015

Dated, the 7th day of July 2018.

Plaintiffs:

Sri.D.T.Govinda,
S/o: late Thammaiah Shetty,
Age: 75 years,
R/o: Mathur Village,
Ponnampet Post,
Virajpet Taluk,
Kodagu District.

Represented by GPA Holder
D.G.Venkatesh,
S/o: D.T.Govinda,
Age: 48 years,
Mathur Village, Ponnampet Post,
Virajpet Taluk, Kodagu District.

(By **Sri.C.H.Eshwar.**, Advocate)

-Vs-

Defendants:

1. D.K.Ponnappa,
S/o: late Karumbaiah,
Age: 70 years,
 2. D.P.Rathan Bopanna,
S/o: D.K.Ponnappa,
Age: 35 years,
- Both are residing at
Ballyamundoor Village & Post,
Virajpet Taluk, Kodagu District.

(By **Sri.N.P.Madaiah.**, Advocate)
ORDER ON I.A XIV

**Applicant/
Plaintiff:** Sri. D.T.Govinda,

**Opponent/
Defendant:** Sri Ponnappa & Another,

ORDERS ON I.A.No.XIV FILED BY THE PLAINTIFF
UNDER SECTION 151 OF CPC

This I.A.No.XIV is filed by the plaintiff Under Sec.151 C.P.C praying for permission of the court to videograph the court commissioner survey and for direction to jurisdictional police to provide necessary protection during the survey.

2. It is stated in the affidavit annexed with the application that the defendants are powerful persons in the locality and he may cause disturbance during the court commissioner survey, hence it is proper to order for video coverage of the survey and for police protection.

3. Defendants filed objections to IA and submitted that video coverage of survey is unheard in the proceedings and plaintiff has no trust in the court of law. Application is based on unknown future incident, hence it is prayed to dismiss the IA.

4. Heard learned counsels for the parties. During the course of arguments it was submitted that even after grant of temporary injunction the defendant illegally encroached the plaintiff's land and one criminal case is pending in this regard. The allegation shows that the parties are not in good terms and there is a possibility of disturbance during the survey. Moreover it is prudent to avoid such unfortunate events instead of taking legal action after the incident, as wisely said "prevention is better than cure". The only question is, what inconvenience or hardship would be caused to the defendant if the survey is videographed and police protection is ordered?. In my opinion no prejudice would be caused to any of the parties if the IA is allowed. The plaintiff has urged valid grounds. If the IA isn't allowed it may lead to some unfortunate events, on the other hand no prejudice will be caused to the defendant if the IA is allowed. Accordingly, I proceed to pass the following:

ORDER

I.A.No. XIV filed by the plaintiff under Sec.151 CPC is allowed.

The plaintiff and the defendant are permitted to videograph the court commissioner survey at their own cost.

Intimate jurisdictional police to render necessary protection during the court commissioner survey.

(Typed by me on my laptop, after clerical additions by the stenographer, corrected and pronounced by me in the Open Court on this the 7th July 2018)

(Mohanagowda M.E.,)
Civil Judge and J.M.F.C.
Ponnampet.