

ORDER ON I.A.NO-5

The present application is filed by the plaintiff under Section 151 of the Code of Civil Procedure seeking ad-interim ex-parte police protection for effective enforcement of the temporary injunction already granted by this Court.

In the affidavit accompanying the application it is stated that, the plaintiff has instituted the above suit for permanent injunction restraining the defendants from interfering with his peaceful possession and enjoyment of the suit schedule property. This Court, after hearing the parties, has granted an order of temporary injunction restraining the defendants, their agents, servants or any person claiming through them from interfering with the suit property. The said order is still in force and binding on the parties.

It is specifically averred in the affidavit that despite full knowledge of the subsisting injunction order, the defendants are willfully and deliberately violating the same

by attempting to put up hut in the corner of the suit schedule property. It is further stated that the plaintiff have filed an application to intitiate proceedings under Order XXXIX Rule 2A CPC. It is contended that unless immediate police protection is granted, the very subject matter of the suit will be altered, rendering the injunction order infructuous and causing irreparable loss. On these grounds the plaintiff has prayed to allow the application.

I have heard the counsel for the plaintiff and have perused the materials on record.

The suit is one for permanent injunction. It is not in dispute that a temporary injunction has already been granted by this Court protecting the plaintiff's possession. The order of this Court is subsisting. The defendants herein had preferred Miscellaneous appeal before Honble Senior civil Judge and JMFC., KGF (Sitting at Bangarpet) MA 25/2026 and 26/2026. The said appeals were dismissed. The materials placed on record prima facie indicate allegations of continuing violation. The plaintiff has also filed IA-4 under Order XXXIX Rule 2A r/w Section 2(B) of

contempt of court s Act 1971 r/w Section 94(c) of CPC in this case and memo along with FIR copy.

In the present case, the plaintiff has produced documentary materials showing violation of said order and repeated complaints to police Authorities. If such activity is permitted to continue, the nature of the property may be altered, and the injunction order would be rendered ineffective.

At this stage, this Court is not adjudicating the merits of the rival claims in the suit. The limited question is enforcement of an existing order. The balance of convenience, in the context of enforcement, lies in preserving the subject matter as on date and in ensuring that the judicial order is not frustrated.

Having regard to the subsisting injunction, the prima facie allegations of violation, and the inaction of the police without a court directive, this Court is satisfied that this is a fit case to exercise inherent powers under Section 151 CPC. The inherent powers of the Civil Court under Section 151

CPC are preserved to secure the ends of justice and to prevent abuse of process. It is well settled that the Court granting an injunction retains incidental powers to ensure its effective enforcement. Hence, as a preventive measure, this Court is inclined to pass the following;

ORDER

The PI of Bangarpet PS is hereby directed to give necessary police protection for enforcing the order on IA No.1 till next date of hearing.

Prl. Civil Judge & JMFC Bangarpet.

For objection to IA-5 and for
additonal W/s, call on 01.04.2026.

Prl. Civil Judge & JMFC Bangarpet.