

## **ORDER ON IA.NO.I**

The Decree Holder has filed this application, numbered as I.A. No.1 Under Section 151 of the Code of Civil Procedure, seeking police aid.

2. In the affidavit annexed to the application, it is averred that the Decree Holder / Plaintiff had filed a suit in O.S. No. 137/2021 against the Judgment Debtors / Defendants seeking the relief of permanent injunction, and that the suit culminated in a decree in her favour. It is further stated that despite the decree, the Judgment Debtors are disobeying and disregarding the same by interfering with the Decree Holder's peaceful possession and enjoyment of the suit schedule property. Accordingly, the Decree Holder prays for the application to be allowed and for police protection to be granted.

3. Heard and perused the materials available on record.

4. The points that arise for consideration are as follows;

1. Whether the application deserves to be allowed?

2. What order?

5. My findings on the above points are as follows:

Point No.1:- In the negative

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

## REASONS

6. **Point No.1:-** The main petition is filed seeking execution of a decree of permanent injunction. It is evident from the decree that the Judgment Debtors have been restrained from interfering with the Decree Holder's peaceful possession and enjoyment of the suit schedule property. However, on a plain reading of Order XXI Rule 32 of the Code of Civil Procedure, it is clear that in the case of a decree for specific performance, restitution of conjugal rights, or an injunction, the executing court is empowered to enforce the decree either by way of detention of the disobedient party in civil prison or by attachment of their property, in the event of willful disobedience.

7. In the present case, however, the Decree Holder has sought police assistance, which is not contemplated under the provisions of Order XXI Rule 32 of CPC. The relief of police aid, as prayed for, is not one that can be granted in the exercise of inherent powers under Section 151 of the CPC, especially when a specific mode of execution is already provided under the Code.

8. This view finds support in the decision of the Hon'ble High Court of Karnataka in **Gangadharappa v. Kanthamma, ILR 2003 Kar 1742**, wherein it has been held that:

*"In view of the provision of Rule 32, it is impermissible for the Court to have granted the relief of police protection. The decree holder can avail only the relief which is permissible under Rule 32. The inherent powers under Section 151 are always*

*subject to the express provisions of Law under the Code.”*

In light of the above legal position and the facts on record, this Court is of the considered opinion that the application seeking police protection is liable to be rejected.

9. **Point No.2**:- In view of the above discussion, I proceed to pass the following:

**ORDER**

I.A.No.I filed by the DHR U/Sec. 151 of  
CPC is hereby dismissed.

24.06.2025  
**Addl. Civil Judge & JMFC.,  
Hunsur.**

