

ORDERS ON IA NO.4 FILED BY THE PLAINTIFF
U/SEC.151 OF CPC.

1. Counsel for plaintiff has filed the instant application praying to pass an order directing the jurisdictional police to give police protection to the plaintiff to implement the order of temporary injunction dated 01/03/2025 stating that the defendant is causing illegal interference to the peaceful possession of the plaintiff over the suit property.

2. In the affidavit accompanying the IA No.4 the plaintiff has averred that by an order dated 01/03/2025 this court had granted the order of temporary injunction restraining the defendant from causing illegal interference to the peaceful possession of the plaintiff over the suit property. But, the defendant is causing illegal interference to the peaceful possession of the plaintiff over the suit property by causing obstruction to the plaintiff while constructing the toilet in the suit property. It is averred that in spite of lodging the complaint against the defendant, the concerned jurisdictional police did not come to the aid of the plaintiff in implementing the order of temporary injunction and rather the concerned jurisdictional police has directed the plaintiff to get an order from this court empowering him to implement the order of temporary injunction. If the application is allowed no hardship will be caused to the defendant. If the application is not allowed, then the plaintiff will be put to untold hardship. Hence on the above grounds the plaintiff has prayed to allow the application.

3. The application was strongly objected by the defendant by filling his objection by contending that the application filed by

the plaintiff is not maintainable under the law. The reasons assigned in the accompanying affidavit is not just and proper. The defendant has contended that he has never caused any interference to the possession of the plaintiff nor has he caused any obstruction to the plaintiff while constructing the toilet. But, the plaintiff has filed this false application by making all false allegations against him. The defendant has contended that there is no merits or truth in the present application. With these objections the defendant has sought for dismissal of the application.

4. Heard both the sides on IA No.4. Perused the records. After going through the application along with affidavit, objection statement and the relevant documents placed on record, the following points arises for my consideration:

Point No.1: Whether the plaintiff has made out valid grounds to allow the application?

Point No.2: What order?

5. My answers to the above points are as hereunder:

Point No.1 : In the Affirmative.

Point No.2 : As per the final orders for the following:

R E A S O N S

6. POINT NO.1: Plaintiff has filed the present suit for the relief of perpetual injunction as against the defendant. By filing the instant application the plaintiff has sought for an order to direct the jurisdictional police to give police protection to the plaintiff to implement the order of temporary injunction dated

01/03/2025 passed by this court in the above case.

7. On 01/03/2025 this court had granted the order of temporary injunction in favour of the plaintiff and as against the defendant restraining him or anybody claiming through and under him from interfering in the peaceful possession of the plaintiff over the suit property in any manner. As on this date the order of temporary injunction dated 01/03/2025 passed by this court in the above case is in force. Admittedly so far the defendant has not challenged the said order dated 01/03/2025 passed by this court in appeal.

8. The plaintiff has filed this application alleging the violation of order of temporary injunction passed by this court. If the order of temporary injunction passed by this court is being violated, this court is empowered to pass necessary orders U/Sec.151 of CPC so as to implement and enforce its own order through the concerned police. This view of this court is supported by the decision of Hon'ble High court of Karnataka reported in **(1996) 2 KLJ page 74 in the case of Papanna V/s Nagachari and another decision reported in 2014 SCC Online KAR-7019 in the case of Mohammad Fazlulla and others V/s Smt. A.T Saralakumari**. Hence, in view of the above there is no impediment to allow the instant application. Therefore, in order to avoid multiplicity of proceedings and also in order meet the ends of justice, the present application deserves to be allowed. If at all the defendant causes or continues to cause any sorts of interference to the peaceful possession of the plaintiff over the suit property in any manner in violation of order of temporary injunction dated 01/03/2025

passed by this court in the above case, the concerned jurisdictional police shall give necessary aid to the plaintiff to implement the order of temporary injunction. Accordingly, for what has been discussed above, **Point No.1 is answered in the Affirmative.**

9. POINT NO.2: In view of my foregoing findings and discussions on Point No.1, I proceed to pass the following:

ORDER

IA No.4 filed by the plaintiff U/Sec.151 of CPC seeking police protection for implementation of the order of temporary injunction is hereby allowed.

PSI of concerned jurisdictional police is hereby directed to give necessary protection to the plaintiff to implement the order of temporary injunction dated 01/03/2025 passed by this court in the above case whenever the defendant or anybody claiming under him causes or continues to cause any sorts of interference to the peaceful possession of the plaintiff over the suit property in any manner.

Call on regular hearing date.

I ADDL. CJ & JMFC, K.R.NAGARA