

KAMS410018122025



**IN THE COURT OF PRINCIPAL CIVIL JUDGE & JMFC.,
KRISHNARAJANAGAR**

PRESENT

Sri. Chandan S, B.Com., LL.B

Prl. Civil Judge & JMFC, Krishnarajanagara.

DATED 10TH DAY OF MARCH 2025

O.S./397/2025

Plaintiff : Gayithri Handi

-V/s-

Defendants : Pallavi and others

I.A.

Applicant : Gayithri Handi

--- Plaintiff

-V/s-

Opponents : Pallavi and others

--- Defendants

ORDER ON I.A. FILED U/S 151 OF C.P.C.

This application has been empanelled, introduced, incorporated and advanced seeking and requesting to direct the jurisdictional K.R.Nagar Police so as to provide necessary aid and extend their services so as to see protect and implement the order of injunction which has been passed by this court on 17.12.2025.

2. Further to embellish, sag, support and relish the said contention, the affidavit has been filed by the plaintiff/applicant. Where the applicant would specifically and zippily assert that, the suit is one which was launched and instituted by the plaintiff as against the defendants for the relief of declaration and mandatory injunction. Further the applicant would also contend, submit and aggravate that, while deciding an application, this court on 17.12.2025, while allowing the application of the plaintiff it had prevented, passed an order restricting the defendants or any one acting, claiming, representing on their behest from erecting, laying and installing any building, structure, construction in the said schedule 'C' annexed along with the plaint in the setback area until the disposal of the suit.

3. Further it has also been averred, stated and mentioned in the said affidavit that, although the order of injunction thwarting and oppilate the defendants being passed in force, running, subsisting and continuing, the defendants herein without honoring, obeying and complying the said order of this court in quite derogation, contravention and repugnant to the order passed by this court, violating, defiant, dissenting, dishonoring, discrediting and disrespecting the said order passed by this court they are presently making all possible attempts, endures and efforts to put up construction in the said setback area in complete disobedience and contrary to the order passed by this court. Wherein this court has directed not to do so until the disposal of the suit. Therefore it is as

per the applicant, they are soliciting, craving and also appealing to extend the police aid, conduce, help and assistance so as to protect, enforce and execute the order of injunction passed by this court.

4. Although the defendants were provided plentiful, sinewy and adequate opportunities, they did not choose to contest, resist and appose the said application, even after sufficient plenty and adequate time. Therefore, the objection of the defendants at the end was taken as nil. Therefore, the application and averments stipulated, contended and narrated therein has been uncontroverted and remained unchallenged.

5. This court has finally heard the arguments which has been proposed, rendered and canvased by the counsel who is acting and appealing for the plaintiff/applicant. Thereafter, this court has bestowed and verified the pleadings and other documentation which were relied, supported, leaned, sag and adverted by the plaintiff to augment, grapple, bolster and embellish the pleadings of the application.

6. The following points arise for this court's consideration.

1) Whether applicant has made out sufficient grounds for allowing the present application?

2) What Order?

7. This court findings on the above points for consideration are as under:

Point No.1: In the Affirmative**Point No.2: As per the final order
for the following:****REASONS****8. POINT NO.1:**

Further upon careful, heedful and leery, referral evolution and examination of the pleadings and the documents presented herein. It is no doubt, this court in its order dated 17.12.2025 while allowing and accepting the application of the plaintiff which was laid, invoking U/o 39 R-1 and 2 of C.P.C. these defendants/opponents were asked not to put up, erect and build any further construction and structures in the schedule 'C' setback area until the disposal of the suit.

9. Further as could be seen and observed in the order sheet, note sheet and other documents, despite the opportunity is given the defendants did not turn up to contest, resist, immune, strive and censuring the application. Thereby the entire contention adverted, enunciated, penned and described in the description of the affidavit is remained unchallenged and un-negated. Further it is the well settled principle, tenets and established preposition of law that, this court is having absolute, exclusive, incoherent, inclusive, inbuilt and inherent powers U/s 151 of C.P.C. in order to see and enforce the very order passed by this court and to put an end and avoid the abuse of the process of law. No purpose would be achieved, merely passing an order unless if the same is protected, safeguarded,

enforced and unleashed in the same meaning and manner in which it is ordered and directed. Otherwise if this court doesn't protect and enforce its own orders, which it has been directed, then it is certainly assumes greater significance and it may also leads, proceeds embarked and amounts to the order of this court is nugatory, jocular, jovial and it will certainly of no use, exert or benefits in favour of whom it has been passed and it will be termed and considered as only an order in the paper. Therefore, in order to ensure and to see the order of this court is protected, executed, accomplished and implemented. The court which passed an order must protect and execute the said order so as to ensure and provide the fruits, benefits and the results of the final order which has been passed. Therefore, the assistance of the police in the matter in order to execute the very direction is absolutely necessary and also the same is very essential as also the need of the our. Hence this court inclined to answer the **point No.1 in the affirmative.**

10. POINT NO.2:

In view of the above discussions and the reasons mentioned therein this court proceeds to pass the following:-

ORDER

The Application filed by the applicant/plaintiff U/s 151 of CPC, is hereby allowed.

Thereby the jurisdictional police are hereby directed to render, extend and provide necessary assistance, help and conduce to the plaintiff for

the effective and efficacy implementation and enforcement of the temporary injunction order passed by this Court in O.S. No.397/2025, strictly in accordance with law.

It is made clear that, the police shall not adjudicate upon the civil rights of the parties and shall only ensure that there is no violation of the injunction order passed by this Court.

Further it is also observed that, the order which is passed on the application is having limited constrain and it will only operate until the disposal of the application filed U/o 39 R-1 and 2 of C.P.C.

No order as to costs.

[Dictated to the Steno, transcribed by her. Corrected and then pronounced by me in the Open Court on this the 10th day of March 2026]

(Chandan.S)
Prl. Civil Judge & JMFC.,
K.R.Nagar.