

KAMS410025212025



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

PRESENT

**Sri. Chandan S, B.Com., LL.B
Prl. Civil Judge & JMFC, Krishnarajanagara.**

DATED 17TH DAY OF DECEMBER 2025

O.S./487/2025

Plaintiffs : Ganesha.B.M.

-V/s-

Defendants : Gopigowda and others

I.A.

Applicant : Ganesha.B.M.

--- Plaintiff

-V/s-

Opponents : Gopigowda and others

--- Defendants

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

This application is filed U/s 151 of C.P.C. seeking permission, sanction and leave of this Court to remove, evacuate and take back the shuttering materials, RCC centering materials, tools, instruments, equipment, accessories and allied articles

which were used for laying RCC centering and foundation work in the suit schedule property.

2. This court by order dated 18-10-2025, has directed both the plaintiff and defendants to maintain status quo with respect to the suit property and construction activities. Further, by order dated 07-11-2025, this court was pleased to direct the jurisdictional police to extend necessary assistance to ensure strict compliance of the status quo order and to prevent further construction or alteration in the suit property.

3. Prior to the passing of the status quo order, the plaintiff had commenced RCC centering and foundation work pursuant to an interim injunction order dated 23-09-2025. In the course of such work, shuttering materials, tools, instruments, machinery and accessories belonging to third parties were brought and installed in the suit property.

4. Immediately after the status quo order dated 18-10-2025, the plaintiff stopped all construction activities and has strictly complied with the orders of this court. As a result, the shuttering materials, tools and equipment remain lying unused at the site.

5. The said materials, tools and equipment do not belong to the plaintiff and are taken on hire from third parties. The plaintiff is

incurring a daily rental liability of Rs.2,000/- per day, and the owners of the said materials are pressing the plaintiff for their immediate return.

6. The plaintiff undertakes before this court that no further construction, alteration or development work shall be carried out in the suit property and that the removal sought is only for taking back the tools, equipment and materials, without causing any change to the existing status of the property.

7. The defendants have appeared and stated that they have no objection for removal of the centering and shuttering materials, provided that, the plaintiff does not undertake any further construction in the guise of such removal. The present application is filed bona-fide, in the interest of justice, and to prevent irreparable hardship and financial loss to the plaintiff.

8. Heard the learned counsel for the plaintiff and the learned counsel for the defendants.

9. 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?

10. 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

11. POINT NO.1:

The plaintiff respectfully prays that, this court may be pleased to grant permission to the plaintiff to remove and take back the shuttering materials, RCC centering materials, tools, instruments, equipment and accessories lying in the suit schedule property. Direct that such removal shall be carried out without undertaking any further construction or alteration, strictly in compliance with the status quo order dated 18.10.2025.

12. This is an application filed under Section 151 of the Code of Civil Procedure seeking permission to remove shuttering materials, RCC centering materials, tools, instruments and equipment lying in the suit schedule property.

13. It is not in dispute that this Court, by order dated 18.10.2025, directed the parties to maintain status quo with respect to the suit property and construction activities. It is also not in dispute that the plaintiff has stopped construction

immediately thereafter. The defendants have fairly submitted that they have no objection for removal of the said materials, subject to the condition that no further construction is undertaken. In view of the same and considering the prima-facie, apparent and bona-fide hardship pleaded by the plaintiff, the application deserves to be allowed. Hence this court inclined to answer the **point No.1 in the Affirmative.**

14. 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 subject to the following conditions:

CONDITIONS

- 1.** The plaintiff is permitted to remove only the shuttering materials, centering materials, tools, instruments and equipment lying in the suit schedule property.
- 2.** The plaintiff shall not undertake any further construction, alteration or development work in the suit property.
- 3.** The removal shall be carried out strictly in compliance with the status quo order dated 18-10-2025.

4. Any violation of this order shall entail appropriate legal consequences.

[Dictated to the Steno, transcribed by her. Corrected and then pronounced by me in the Open Court on this the 17th day of December 2025]

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