

**IN THE COURT OF THE CIVIL JUDGE & JMFC.,
AT T.NARASIPURA**

DATED THIS THE 12th DAY OF AUGUST 2020

PRESENT : Sri. PRASHANTHA G.C.,BAL., LL.M.,
Civil Judge and JMFC.,
T.Narasipura.

O.S.263/2018

PLAINTIFFS : Venkatesh & Others

V/s

DEFENDANTS : Rangaswamy and others

PARTIES IN I.A. No.V

APPLICANT : Chikkadasaiah...Plaintiff No.2

V/s

OPPONENTS : Rangaswamy and others
... Defendants

ORDERS ON IA NO.V

Plaintiff No.2 filed this IA U/sec.151 of the CPC., seeking an order of direction to the concerned police to provide protection to the suit schedule property.

2. Plaintiff No.2 filed an affidavit in support of the IA.

3. On behalf of the defendants, defendant No.2 filed objections and the same is adopted by defendant No.1, 3 and 4.

4. Heard the learned counsel for the plaintiffs and learned counsel for the defendants and perused the materials available on record.

5. The following point arise for the consideration of this Court;

Whether the plaintiffs are entitled for the police protection in respect of the suit schedule property ? If so, what order ?

6. This Court answers the above point in the ***Negative*** for the following;

R E A S O N S

7. The plaintiffs have filed this suit against the defendants for the relief of Permanent injunction. Earlier the plaintiffs had filed IA No.2 U/o 39 rule 1 and 2 of the CPC in this suit, on contest said IA came to be dismissed before this Court. Aggrieved by order of this Court IA No.2 was under challenge before the Hon'ble Sr.C.J and J.M.F.C., T.Narasipura in M.A.No.8/2019. The said Hon'ble Court allowed MA filed by the plaintiffs and granted temporary injunction in respect of the suit schedule property.

8. The defendants aggrieved by the order of Hon'ble Sr. C.J and J.M.F.C., T.Narasipura, preferred W.P.No.6565/2020 before Hon'ble High Court of Karnataka. The said Hon'ble High Court of Karnataka passed an order of Status-

quo to ensure that there is no alteration in possession of the subject matter of the property.

9. Under these circumstances, the plaintiffs approached this Court, seeking police protection in respect of the suit schedule property. The plaintiffs alleged in the affidavit that inspite of order passed in MA No.8/2019 the defendants are interfering with the suit schedule property. On the other hand, the defendants in their objections stated that from the date of purchase of the suit schedule property the defendants are in possession of the suit schedule property. The Hon'ble High Court of Karnataka had granted Status-quo in respect of the suit schedule property. The plaintiffs are interfering to the possession of the defendants over the suit schedule property. Though, the defendants approached Talakadu Police Station, the said police station refused to receive the complaint. The police gave an endorsement dtd: 14.07.2020. Therefore, the defendants sent complaint through registered post on 25.06.2020. Hence, sought for dismiss the IA.

10. It is an undisputed fact that this Court earlier had dismissed IA No.2 filed for the temporary injunction. It is also not in dispute the order passed by this Court was under challenge in MA No.8/2019 before the Hon'ble Sr.C.J and J.M.F.C., T.Narasipura, the same is allowed by granting T.I.

11. It is also not in dispute the defendants aggrieved by the order of Hon'ble Sr.C.J and J.M.F.C., T.Narasipura., approached the Hon'ble High Court of Karnataka. The copy of the order passed in writ petition reveals that the Hon'ble High Court of Karnataka has granted Status-quo in respect of the suit schedule property. The learned counsel for the plaintiffs argued that the Hon'ble High Court of Karnataka has granted Status-quo, but not stayed the matter. Therefore, he is entitled for police protection. On the other hand, the counsel for the defendants submitted the documents submitted by the defendants indicates the defendants are in possession of the suit schedule property, in view of the order of the Hon'ble High Court of Karnataka, possession of the defendants in respect of the suit schedule property cannot be disturbed.

12. Further the learned counsel for the plaintiffs submitted in the suit schedule property **Hurali** crop is grown, the defendants are interfering to harvest the same. The learned counsel for the defendants submitted they are in possession and they have grown **Hurali crop**, as per the order of the Hon'ble High Court of Karnataka, their possession over the suit schedule property cannot be disturbed.

13. This Court given conscious consideration to the documents on record, submissions of the parties and order of the Hon'ble High Court of Karantaka. In the present case, the plaintiffs as well as the defendants made a submission that

they are in possession and they are grown **Hurali** crop in the suit schedule property. Therefore, it is difficult to come to the conclusion that who are in possession of the suit schedule property. However, either of the parties who succeed before Hon'ble High Court of Karnataka are at liberty to approach this Court and may file necessary applications for appropriate reliefs. Accordingly, aforesaid point answered in the **Negative**. Hence, this Court proceeds to pass the following:

ORDERS

*I.A.No.V filed by the plaintiff
U/sec.151 of CPC., is hereby
Dismissed.*

No order as to costs.

*(Typed by the Stenographer directly in the computer on my dictation,
printout taken, corrected and then pronounced by me in the open court on this
the 12.08.2020).*

Civil Judge and JMFC.,
T.Narasipura.