

**IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC,
AT CHANNAPATNA**

PRESENT: SRI.MAHENDRA.M B.A, LL.B.,
Prl. Civil Judge & JMFC,
Channapatna.

Dated this 22nd day of September-2021

O.S. NO.161/2020

PLAINTIFF : Sri.Channappa C.
-V/s-

DEFENDANTS : Sri.Rizwan & Others

I.A.No.VII

**APPLICANT/
PLAINTIFF:**

Sri.Channappa C.
S/o late Channegowda,
Aged about 63 years,

R/at Keremegaladoddi Village,
Kasaba Hobli,
Channapatna Taluk,
Ramanagara District.

(By Sri.K.T.T., Advocate)

-V/s-

**OPPONENTS/
DEFENDANTS** :

1. Sri.Rizwan
S/o Rasual Khan,
Aged about 40 years,
2. Sri.Syed Safi,
S/o Syed Hussain,
Aged about 55 years,
3. Sri.Syed Jeelu,
S/o Syed Pasha,
Aged about 45 years,

4. Sri.Syed Saleem,
S/o Syed Khader,
Aged about 38 years,

All are R/at New Makhan,
Behind Ashraya Hotel,
Near Tol Gate, B.M.Road,
Channapatna Town,
Ramanagara District.

(By. Sri.N.S., Adv.,)

**ORDERS ON I.A No.VII FILED U/SEC.151 OF CPC BY THE
PLAINTIFF**

I.A. No.VII is filed by the learned counsel for the plaintiff u/Sec.151 of C.P.C for seeking the police help to implement the orders passed on I.A. No.II and direct the East Police, Channapatna to give protection to the plaintiff.

2. The plaintiff sworn to an affidavit in support of the I.A.No.VII wherein he has stated that, the defendants are interfere with possession of the plaintiff over the suit schedule property. This court grant temporary injunction in his favour. The implementation of said order is required through police. **With these averements the plaintiff has sought for allowing the I.A.No.VII.**

3. The defendants have filed an objection to I.A. No.VII and contended that, the application filed by the plaintiff is not maintainable either in law or on facts the same is liable to be dismissed in limine. The defendants there was no such occasion as stated by the plaintiff that, they were violated or created any interference stated by the plaintiff. The plaintiff filed false

affidavit. If this application is allowed the defendants will be put to irreparable loss and injury which can not be compensated. The plaintiff filed false suit and application. **Hence dismiss the I.A No.VII filed by the plaintiff.**

4. Now the following points arise for consideration of this court:-

POINTS

1. **Whether the I.A. No.VII filed by the plaintiff is deserves to be allowed?**
2. **What order?**

5. Heard the learned counsels appearing for the parties and perused the materials on record.

6. The findings of this court on the above said points are as under:-

Point No.1 : In the Affirmative

Point No.2 : As per the final order

for the following:-

REASONS

7. **POINT NO.1**:- The plaintiff filed this suit against the defendants for the relief of permanent injunction. The plaintiff filed an I.A No.II u/o 39 Rule 1 and 2 of CPC seeking temporary injunction against the defendants. The plaintiff produced one acknowledgment issued by the East Police Station in support of I.A No.VII. This court allow the said interim application in favour of plaintiff against the defendants by granting temporary injunction. The implementation of said order is required and issuing the

direction to the jurisdictional police is required. The application filed by the plaintiff is deserves to allowed. Hence with these observations this court answer the point No.1 in the affirmative.

8. **Point No.2:-** For the above discussion on point No.1 this court proceeds to pass the following :-

ORDER

I.A. No.VII filed by the plaintiff u/Sec.151 of CPC., is hereby allowed.

No order as to cost.

Directed to PSI of East Police Station, Channapatna to give protection to plaintiff for implementation of temporary injunction granted by this court on 22.09.2021, office is directed to intimate the police.

(Dictated to the Stenographer and transcribed by her, Order corrected and signed by me, then pronounced by me in the Open Court on this the 22nd day of September-2021).

Sd/-
Prl. Civil Judge & JMFC.,
Channapatna.

Order pronounced in open court

(Vide Separate Order sheet)

ORDER

I.A. No.VII filed by the plaintiff u/Sec.151 of CPC., is hereby allowed.

No order as to cost.

Directed to PSI of East Police Station, Channapatna to give protection to plaintiff for implementation of temporary injunction granted by this court on 22.09.2021, office is directed to intimate the police.

**Sd/-
Prl. Civil Judge & JMFC.,
Channapatna.**