



0 Ex.No./20/2023 (Or.)

**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & J.M.F.C.,
AT MAGADI.**

:-Present:-

Sri. Shrinivasa.K.R B.A.L., LL.M.,
Prl. Civil Judge & JMFC.,
Magadi.

Dated this the 15th day of April, 2026

Execution No.20/2023

DECREE HOLDER : Kempanna,
S/o late Thimmarayappa,
Aged about 64 years,
Residing at Chikkamaskal,
Kudur Hobli, Magadi Taluk,
Ramanagara District.

(DHR by Sri.G.P.Advocate)

:Vs:

JUDGMENT DEBTORS : 1. Sri.C.T.Gangaraju,
S/o Late Thammayyappa,
Aged about 70 years,

2. Sri.T.Linganna,
S/o Late Thammayyappa,
Aged about 60 years,

Both are residing at
Chikkamaskal,
Kudur Hobli, Magadi
Taluk,
Ramanagara District.

(JDR 1 absent)

(JDR 2 Sri.C.M.Adovcate)



1 **Ex.No./20/2023 (Or.)**

ORDERS

That the decree holder filed petition Under Order 21 Rule 32 read with Section 151 of CPC to give police protection to the decree holder and to detaining the judgment debtor in civil prison for contempt of permanent injunction decree.

2. The DHR contended in the petition that, there is permanent injunction decree against the judgment debtor as per decree dated 24.06.2000 passed in O.S.No.121/1999. The defendants and their family members are trying to interfere with peaceful possession and enjoyment of suit schedule property. The judgment debtors are not obeying the decree passed by this court and intentionally causing interference. Hence, prays to give police protection. If the police protection not given the JDRs will destroy the crops and remove the trees which are in the suit schedule property. Hence, prays to allow the petition.



2 Ex.No./20/2023 (Or.)

3. On the other hand, the JDR No.2 appeared through his counsel and filed objection contending that, it is false that, inspite of decree the defendants and their family members trying to interfere with the peaceful possession and enjoyment of suit schedule property. The JDRs never interfered the suit schedule property. The JDR No.2 filed suit in O.S.No.66/2016 before the Hon'ble Senior Civil Judge, Magadi for the relief of partition with respect to Sy.No.18/1 and Sy.No.18/2 and Hon'ble court dismissed the suit. After dismissal of suit, JDR preferred appeal before the Hon'ble District and session court, Ramanagara in RA.No.51/2022. The said appeal also dismissed and JDR preferred appeal in RSA No.326/2025 before the Hon'ble High Court of Karnataka. Hence, police protection cannot grant with respect to land bearing Sy.No.18/2. The DHR not produced any documents to show the alleged interference. Hence, prays to reject the petition.



3 **Ex.No./20/2023 (Or.)**

4. In order to prove the case, the DHR has examined himself as PW-1 and got marked documents. When case posted for cross of PW-1, DHR counsel filed memo stating DHR not intend to proceed the contempt proceedings and prays for police protection as per decree.

5. Heard arguments by DHR and JDR No.2 counsel.

6. Upon hearing arguments and materials placed on record, following points that arise for my consideration:

1. Whether DHR is entitled for police protection?

2. What order ?

7. My answer to the above points are as under.

Point No. 1 : In the Affirmative.

Point No. 2 : As per order

for the following

REASONS

8. **POINT NO.1**: The DHR has filed suit against the JDR No.1 and 2 for the relief of permanent injunction in



4 Ex.No./20/2023 (Or.)

O.S.No.121/1991 and said suit came to be decreed in favour of DHR and restrained the JDR No.1 and 2 from interfering with the possession of suit schedule property.

9. The DHR filed present petition seeking police protection stating the JDR No.1 and 2 even though permanent injunction decree, the JDR No.1 and 2 obstructing the DHR to use the suit schedule property.

10. As already stated above, this Court has passed decree against JDRs in O.S.No.121/1999 against the JDR No.1 and 2 and permanently restrained the JDR No.1 and 2 from not to interfere over the suit schedule property. The contention of JDR No.2 is that, he filed suit for the relief of partition with respect to land bearing Sy.No.18/1 and Sy.No.18/2 and said suit came to be dismissed and he has preferred appeal against judgment and decree of O.S.No.60/2016 and RA.No.51/2022 before Hon'ble High Court of Karnataka and regular second appeal is pending for consideration before Hon'ble High Court of Karnataka. The



5 Ex.No./20/2023 (Or.)

DHR filed suit in the year 1999 with respect to land bearing Sy.No.18/1 measuring 0.35 guntas and with respect to land bearing Sy.No.18/2 measuring 3 acre 4 guntas stating the said properties fallen to the share of plaintiff under Panchayath Pallupatti dated 10.02.1984 which was taken place between DHR and JDR No.1 and 2 and accordingly, suit came to be decreed on 24.06.2000 in favour of DHR and JDR No.2 filed suit in the year 2016 and moreover, the said suit came to be dismissed and he preferred appeal before the Hon'ble District and Session Judge, Ramanagara in RA No.51/2022 and said appeal also dismissed. Mere, pending of second appeal is not ground to reject the petition. Hence, it is just and proper to provide the police protection to DHR. If the JDR No.1 and 2 obstructed the DHR peaceful possession and enjoyment of suit schedule property the purpose of decree will be defeat. Therefore, the granting of police protection to the DHR is proper. Hence, the DHR



6 **Ex.No./20/2023 (Or.)**

made out good grounds to allow the petition. Accordingly, I answer point No.1 in the **Affirmative**.

11. **Point No.2**:- In view of above discussion I proceed to pass the following;

ORDER

The petition filed by the DHR is hereby allowed.

Office is hereby directed to issue intimation to the PSI of Kudur PS to give police protection to the DHR when necessary.

(Directly dictated to stenographer, typed by her, then corrected and pronounced by me in the open Court on this the 15th day of April, 2025)

(Sri.Shrinivasa.K.R)
Prl. Civil Judge & J.M.F.C.,
Magadi.