

KAVP510024882024



IN THE COURT OF PRL. CIVIL JUDGE & J.M.F.C., SINDAGI

Present

SMT.PANKAJA KONNUR

B.A.,LL.B.

Prl. Civil Judge & JMFC, Sindagi .

O.S.No.132/2024

DATED THIS THE 5th DAY OF JUNE 2026

PLAINTIFF:

1. Smt. Sangeeta W/o. Balaram Chavan

-V/s-

DEFENDANTS:

1. Motilal S/o. Daku Lamani
and others.

PARTIES TO I.A. NO.V

APPLICANT/DEFENDANT No.7 :

1. Ramu @ Ramachandra S/o. Motilal
Rathod, Age; 50 years, Occ: Agril.,
R/o. Guttaragi Tanda, Tq: Sindagi.

(By Sri.M.N.N., Advocate)

-V/s-

OPPONENT/PLAINTIFF:

1. Smt. Sangeeta W/o. Balaram Chavan

(By Sri.M.S.P., Advocate)

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1.	Provision under which application is filed	U/O.XXXIX Rules 1 & 2 of C.P.C.
2.	Relief sought for	Temporary injunction
3.	The date on which the application is filed	On 27.04.2026
4.	Number of application	One (I.A.No.V)
5.	The date on which the objections are filed by defendant/opponent	On 30.04.2026
6.	The date on which the order was passed on the said application.	On 05.06.2026

ORDERS ON I.A.NO.V FILED BY PLAINTIFF U/O. XXXIX

RULES 1 AND 2 R/W. SEC.151 OF C.P.C.

This application is filed by the defendant No.1,2, 7 to 10 U/O. XXXIX Rules 1 and 2 of C.P.C. for order of temporary injunction against the defendant No.6 who is restraining the defendant No.7 from cultivation hence present application is filed for police protection.

2. It is contended that as present suit filed against the defendants for relief of partition and Separate Possession, as the defendant No.7 uses to cultivate land which is in name of the defendant No.7, 9 and 10. Now the defendant No.6 is causing obstruction for the same, hence sought for police protection.

3. The counsel for plaintiff and defendant No.6 have filed objection to the an application by denying all contents of the application said application is not maintainable, hence prays to reject application.

4. Heard the arguments of learned counsel for plaintiff as well as the defendants.

5. As counsel for defendant No.7 relied on following case laws:

1. Special Leave Petition (CIVIL) No.21747 of 2025.
2. Writ Petition No.51712/2019 (GM-CPC)
3. Regular First Appeal No.100127/2024 (PAR/POS)

6. On the basis of the application and objection, the following points arise for my consideration :

- 1) Whether the plaintiff has made out grounds to allow this application ?
- 2) What order ?

7. My findings to the above points are as follows :

Point No.1 : In the Negative

Point No.2 : As per final order for the following :

REASONS

8. **Point No.1** : The plaintiff has filed this application seeking police protection against the defendant No.6 with respect property standing in name of the defendant No.7, 9, and 10, same is objected by the counsel for plaintiff and defendant No.6.

9. I have gone through the order sheet as per order dated 26/04/2024 exparty order has been granted against the defendants from restraining them from alienation, transfer, or sale or mortgage or gift, will or any other mode of suit properties till I.A.No.1 is pending for consideration.

10. As now the defendant No.7 is seeking police protection against the defendant No.6 who is causing obstruction from cultivation, on perusal of

1. The Hon'ble High Court of Karnatak in case ;Balakrishna K.P. v. K.P. Puttaraju, 2025 SCC OnLine Kar 12654, decided on 7-7-2025] After examining Karisiddamma v. Sanna Kenchamma, (2009) SCC OnLine Kar 345, Siddaramappa v. Talavar Rangappa, WP.No. 62970 of 2016 dated 27-2-2017, and Manjunath Reddy v. V. Nagarathna, 2014 SCC OnLine Kar

2392, the Court stated that consideration of the application filed for police protection before the Trial Court should be based on various factors like:

- (a) The nature of temporary injunction order passed by the trial Court.
- (b) The nature of police protection sought.
- (c) The effect of granting and non-granting police protection.
- (d) The prima facie case is made out for grant of police protection based on the pleading and material on record.
- (e) The reasons shall be recorded while granting the police protection regarding consistent violation of the temporary injunction order and the need for police protection/aid.
- (f) The fact that whether the temporary injunction order granted has attained finality and the application needs consideration even during the pendency of the appeal by recording the reasons for such urgency or otherwise.
- (g) Police protection cannot be ordered mechanically, or on mere request.
- (h) The exercise of power by the Trial Court to consider the application for police protection is an inherent power of the Court under Section 151 of the C.P.C..
- (i) There is no impediment for the Trial Court to consider the application for police aid or protection merely because there is a remedy under Order XXXIX Rule 2A C.P.C..

11. The Court relied upon *Meera Chauhan v. Harsh Bishnoi*, (2007)

12 SCC 201 in which the Supreme Court of India reiterated the law

laid down in *Manohar Lal Chopra v. Rai Bahadur Rao Raja Seth Hiralal*, 1961 SCC OnLine SC 17 and stated that the Court has the power to enforce its order of temporary injunction by providing police aid or police protection, though to be exercised in exceptional circumstances.

12. It is also pertinent to note that the Hon'ble High Court of Karnataka in a subsequent decision in *Rudrappa Vs. Riyaz Ahamad* and another reported in 2016 SCC online Karnataka 3809, has clearly held that the law laid down in *Karisiddamma Vs. Sannakenchamma* holds good and that the Court can direct the police to ensure that the injunction order is carried out and for the said purpose it has got inherent power to direct police to implement the order of temporary injunction.

13. Further also, the Hon'ble High Court of Karnataka in *Papanna Vs. Nagachari* reported in ILR 1996 KAR 1271 has held that the remedy under Order XXXIX Rule 2-A of C.P.C. is not exhaustive and Court can pass appropriate orders to see that its orders are enforced. Further that in necessary cases, even the police can be directed to enforce the orders of the Court. Therefore, at this juncture, this Court deems it necessary to grant police protection to plaintiff in

enforcing the order of temporary injunction passed by this Court on 25.06.2024.

14. But case in hand as per contention of the plaintiff, the plaintiffs and defendant are in joint possession and all together cultivation lands, the suit is filed for relief of Partition and Separate possession, when the joint cultivation of the suit properties is disputed, granting the police protection at this stage would amount to recognizing the exclusion possession of one of the co-sharers. Which is impermissible. Hence, the application seeking the police protection is not maintainable. Therefore, this Court answered the above point No.1 in a negative.

14. **Point No.2** : For the above said reasons on Point No.1, I proceed to pass the following :

ORDER

The application i.e., I.A.No.V filed by the counsel for defendant No.7 is hereby rejected.

(Dictated to the Stenographer directly over the computer and typed by him, corrected, signed and then pronounced by me in the Open Court on this the 5th day of June 2026)

(Smt. Pankaja Konnur)
Prl. Civil Judge & JMFC,
Sindagi.