



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 12899 OF 2026 (GM-CPC)

BETWEEN:

1. SRI RAMESHA
S/O GUNDAPPA
AGED ABOUT 54 YEARS
R/AT UPPARAHALLI VILLAGE
MACHENAHALLI HOBLI
GOWRIBIDANUR TALUK
CHIKKABALLAPURA DISTRICT-561211.
2. SMT.SUMA
W/O RAMESHA
AGED ABOUT 49 YEARS
R/AT UPPARAHALLI VILLAGE
MACHENAHALLI HOBLI
GOWRIBIDANUR TALUK
CHIKKABALLAPURA DISTRICT-561211.
3. SRI.CHETAN
S/O RAMESHA
AGED ABOUT 28 YEARS5
R/AT UPPARAHALLI VILLAGE
MACHENAHALLI HOBLI
GOWRIBIDANUR TALUK
CHIKKABALLAPURA DISTRICT - 561211

...PETITIONERS

(BY SRI. V B SHIVAKUMAR., ADVOCATE)

Digitally signed by
DHANALAKSHMI
MURTHY

Location: HIGH
COURT OF
KARNATAKA



AND:

SMT SUSHEELAMMA
D/O. LATE BEERANNA
AGED ABOUT 47 YEARS
R/AT CHEELENAHALLI VILLAGE
MANCHENAHALLI HOBLI
GAURIBIDANUR TALUK-561211.

...RESPONDENT

(BY SRI. SHRINIWAS M KULKARNI., ADVOCATE FOR C/R)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING FOR
A WRIT IN THE NATURE OF CERTIORARI OR WRIT OR ANY
OTHER APPROPRIATE ORDER SETTING ASIDE THE ORDER
DATED 15.4.2026 ON IA PASSED BY THE ADDITIONAL
CIVIL JUDGE JMFC, AND GAURIBIDANUR IN
OS.NO.394/2017 WHICH IS AT ANNEXURE-A AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD



ORAL ORDER

1. In this writ petition, the petitioners-defendants have called in question the order dated 15.04.2026 passed by the Addl. Civil Judge & JMFC, Gowribidanur (for short 'Trial Court') on I.A. filed by the plaintiff under Section 151 of CPC, in O.S.No.394/2017, whereby the said application seeking police protection has been allowed.

2. For the sake of convenience, the parties are referred to as per their ranking before the Trial Court in Original Suit.

3. The plaintiff filed a suit in O.S.No.394/2017 before the Trial Court seeking for relief of bare injunction. Along with the suit, the plaintiff filed I.A.No.1 under Order XXXIX Rule 1 and 2 of CPC. The said application came to be dismissed by the Trial Court by order dated 28.04.2018. Aggrieved by the order of dismissal, the plaintiff preferred an appeal before the Senior Civil Judge and JMFC, Gowribidanur (for short 'First Appellate Court') in



M.A.No.8/2018. The First Appellate Court by judgment dated 10.10.2018 dismissed the appeal and confirmed the order passed by the Trial Court. Aggrieved by the judgment of the First Appellate Court, the plaintiff preferred W.P.No.1774/2019 before this Court. This Court, by order dated 19.11.2021 allowed the writ petition and consequently, I.A.No.1 filed by the plaintiff under Order XXXIX Rule 1 and 2 of CPC came to be allowed, whereby an order of temporary injunction came to be granted restraining the defendants from interfering with the plaintiff's possession of the plaint schedule property. Subsequently, the plaintiff filed I.A. under Section 151 of CPC before the Trial Court seeking for police protection. The Trial Court, by impugned order dated 15.04.2026 has allowed the said application. Aggrieved by the said impugned order passed by the Trial Court, the present writ petition is filed.



4. Learned counsel appearing for the petitioners-defendants submits that the Trial Court has mechanically allowed the application filed under Section 151 of CPC seeking police protection, without examining whether there was any wilful disobedience of the injunction order or any material to establish obstruction by the defendants. The Trial Court has not assigned any cogent or satisfactory reasons for allowing the application. In support of his contention he has relied upon the decision of this Court passed in W.P.No.51712/2019 disposed of 07.07.2025.

5. The power to grant police protection in a civil dispute, particularly in matters relating to injunction, is to be exercised sparingly and only upon satisfaction that there is a clear and imminent threat to the implementation of a lawful order of the Court. Such power cannot be invoked in a routine or a mechanical manner.

6. In W.P.No.51712/2019 disposed on 07.07.2025, this Court has laid down specific guidelines governing the



power to grant police protection, and as to how an application filed seeking police protection is to be considered.

7. On perusal of the impugned order passed by the Trial Court, it is evident that the Trial Court has not recorded any finding as to the existence of obstruction, threat, or disobedience warranting police protection.

8. In the absence of such reasons and due consideration, this Court is of the opinion that the impugned order is liable to be set aside. However, since the plaintiff has already obtained an order of temporary injunction, it is appropriate to remand the matter back to the Trial Court for reconsideration of the application filed by the plaintiff for police protection, in accordance with law.

9. Accordingly, the following order is passed:



ORDER

- a) The writ petition is allowed.
- b) The impugned order dated 15.04.2026 passed by the Addl. Civil Judge & JMFC, Gowribidanur on I.A. filed by the plaintiff under Section 151 of CPC, in O.S.No.394/2017, is hereby set aside.
- c) The Trial Court is directed to reconsider the application filed by the plaintiff seeking police protection and pass appropriate orders in accordance with law and as expeditiously as possible, keeping in view the directions issued by this Court in W.P.No.51712/2019 disposed on 07.07.2025.

**Sd/-
(H.T. NARENDRA PRASAD)
JUDGE**