



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 18759 OF 2026 (GM-CPC)

BETWEEN:

1. SRI RAMAKRISHNA
S/O. LATE NARASEGOWDA,
AGED ABOUT 68 YEARS,
R/O. HANGARAHALLI VILLAGE,
H/O. CHOWDANKUPPE, HULIYURDURGA HOBLI,
KUNIGAL TALUK - 572 123
2. DEEKSHITH. H.R.
S/O. RAMAKRISHNA
AGED ABOUT 29 YEARS,
R/O. HANGARAHALLI VILLAGE,
H/O. CHOWDANKUPPE, HULIYURDURGA HOBLI,
KUNIGAL TALUK - 572123

...PETITIONERS

(BY SRI. RAJESH MAHALE, SENIOR ADVOCATE A/W
SRI. DHANWANTRI ANANTH, ADVOCATE
SRI. PARIKSHITH MALIYE KRISHNA, ADVOCATE)

AND:

1. SMT V SULOCHANA
W/O. LAKSHMAN SA,
AGED ABOUT 84 YEARS,
R/O. NO. 65/1, SULAKSHMANA DHAMA,
1ST MAIN, M.R.C.R. LAYOUT,
VIJAYANAGARA, BANGALORE - 560 040



2. SMT. MEENAKSHI
W/O. RAMAKRISHNA
AGED ABOUT 50 YEARS,
R/O. HANGARAHALLI VILLAGE,
H/O. CHOWDANKUPPE, HULIYURDURGA HOBLI,
KUNIGAL TALUK - 572 123
3. NAGARAJU
S/O. RAMAKRISHNA
AGED ABOUT 31 YEARS,
R/O. HANGARAHALLI VILLAGE,
H/O. CHOWDANKUPPE,
HULIYURDURGA HOBLI,
KUNIGAL TALUK - 572 123

...RESPONDENTS

(BY SRI. PUNITH C., ADVOCATE FOR C/R1)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO A. ISSUE A WRIT IN THE NATURE OF CERTIORARI SETTING ASIDE THE ORDER DATED 16.03.2026 IN I.A. NO. 2/2025 IN O.S.NO.240/2020 PENDING ON THE FILE OF THE PRL. CIVIL JUDGE AND JMFC, KUNIGAL ANNEX-A AND ETC.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



ORAL ORDER

Aggrieved by the order dated 16.03.2026 passed in IA No.2/2025 filed under Section 151 of CPC by the plaintiff in OS.No.240/2020 on the file of the Additional Civil Judge and JMFC., Kunigal, the defendants are before this Court.

2. The respondent No.1 herein has filed a suit for a bare injunction. In the said suit, on 09.07.2024, an order of interim injunction was granted, whereby the defendants are restrained from interfering with the plaintiff's peaceful possession and enjoyment of the property. It is the case of the plaintiff that she has acquired title to the property by way of a registered sale deed dated 09.12.2009. The petitioners herein, who are defendant Nos.1 and 4 in the suit, have not questioned the said order of temporary injunction. Thereafter, the present application was filed by the plaintiff seeking police protection.

3. It is the plaintiff's case that despite an order passed by the Court, the defendants are continuously interfering with the plaintiff's peaceful possession and enjoyment of the property. In that regard, they have lodged complaints, but the complaints were not registered, and the NCRs were issued



stating that as the matter is civil in nature and sub judice, they will not interfere with the same. Then, the petitioners are constrained to come before the Court. It is stated that along with the IA, they have filed photographs to show the interference by the defendants.

4. The Trial Court, by the impugned order dated 16.03.2026, allowed the application filed under Section 151 of the CPC seeking police protection to implement the orders passed by this Court on IA No.1 dated 09.07.2024. While allowing the application, the Court observed that it can also be seen that the plaintiff has approached the jurisdictional police station and they have also registered the complaint as NCR. Defendant No. 4 has relied on the judgment of the Hon'ble High Court in WP No.51712/2019. This Court has gone through the said judgment. Moreover, in this case, the defendants have not preferred any appeal by challenging the order of the Court. When the order of this Court is not being challenged, then it is proper to order the implementation of the order of the Court on IA No.1. Further, the Court observed that if proper protection is not provided, she will be put to irreparable loss and injury, and



the order of the Court would become fruitless. As the Court is of the opinion that it is just and necessary to provide police protection for the proper implementation of the orders of the Court dated 09.07.2024. Accordingly, the petition was allowed.

5. Learned Senior counsel representing the learned counsel for the petitioners - defendant Nos.1 and 4 submits that the order that is passed by the court is bereft of reasons and he relies on an order passed by the co-ordinate Bench of this Court, which is also relied on before the trial Court in case of **SRI. BALAKRISHNA K.P. AND ANOTHER VS. SRI. K.P. PUTTARAJU AND OTHERS.**¹. He relied on paragraph number 11, which reads as under:

11 11. After examining the case law on point, I am of the view that the consideration of the application filed for police protection before the trial Court shall 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.

¹ WP No.51712/2019 dated 07.07.2025



c) The trial Court shall consider the effect of granting and non-granting of police protection.

d) The trial Court shall satisfy itself that prima facie case is made out for grant of police protection based on the pleading and material on record.

e) The trial Court shall record the reasons while granting the police protection against the defendants as to whether the defendants are consistently violating the temporary injunction order with impunity and there is need for police protection or aid.

f) The trial Court shall also take note of the fact that whether the temporary injunction order granted has attained finality and the application needs consideration even during the pendency of the appeal against the order of temporary injunction granted by the trial Court by recording the reasons for such urgency or otherwise.

g) The trial Court cannot order police protection mechanically. Each case has to be dealt based on the pleading, material on record and the nature of protection sought and nature of temporary injunction granted. Unless the trial Court satisfies itself that there is an imminent need for police aid/police help, it cannot order for police protection 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 CPC. The trial Court may pass such order as may be necessary for the ends of justice or to prevent the abuse of the process of the Court.

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 of CPC.

The trial Court shall keep in mind the aforesaid factors and also consider other relevant material and factors while passing an order on the application for police protection or aid."

6. It is submitted that the order impugned needs to be set aside. Learned counsel appearing for respondent No. 1 - plaintiff submits that the sale deed is dated 09.12.2009. Earlier, OS.No. 128/2008 was filed by the plaintiffs seeking partition and separate possession. In the said suit for partition, the court found that the sale deed dated 09.12.2009 obtained by defendant No. 4 is valid and that defendant No. 4 is the absolute owner of Survey No. 146 to the extent of 2 acres 30 quntas. Accordingly, it is submitted that the said sale deed is



held to be valid against that an appeal is filed, and the same is pending consideration.

7. It is submitted that no interim orders have been passed in the pending appeal. Learned counsel further submits that when there is continuous interference by the defendants, including coming to the site with a bulldozer to put a trench, the plaintiff approached the police, but the police did not register the complaint as the matter is sub judice. It is submitted that the court has considered the NCR and, on the basis of the said NCR and the conduct of the defendants, has passed an order. It is submitted that in a high-handed manner, if there is dispossession and interference, unless police protection is granted, he will not be able to enjoy the fruits of the same. It is further submitted that the court has rightly passed the order and there are no grounds for interference with the order impugned.

8. Having heard the learned counsel on either side, perused the material on record.

9. The respondent/plaintiff has filed a suit for a bare injunction. An order of injunction was granted on 09.07.2024,



and it is an admitted fact that from 09.07.2024 till now, the said interim injunction is subsisting and the defendants have not questioned the same. The only ground urged by the defendants/petitioners is that the impugned order contain no reasons and what is the interference by the defendants that necessitated the court to pass an order granting police protection. Relying on the judgment of this Court in WP No.51712/2019, it is submitted that the Court failed to record the reasons. This Court has perused the order and the judgment passed by the Co-ordinate Bench of this Court. No doubt, in so many words, the reasons are not recorded in the order. The NCR and the IA that is filed certainly make out that there is an interference by the defendants. The defendants, without even questioning an order of injunction for the last 2 years, come up before the Court questioning an order granting police protection.

10. In the facts and circumstances, considering the NCR and the earlier suits that were filed, this Court is of the view that the impugned order passed by the Court requires no



interference in the hands of this Court. Hence, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. Pending I.As if any, in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

BH
List No.: 1 Sl No.: 32