

MHAU100005112020



Reg. Darkhast No. 02/2020

Ajinath s/o. Kaduba Jadhav & Ors.

Vs.

Sitaram s/o. Dagadu Jadhav & Anrs.

ORDER BELOW EXH.04

(Dated 14/08/2021)

1. Perused the application and heard learned advocate of decree holder Mr. I. G. Patel and learned advocate for judgment debtor Mr. B.B. Nalawade. The Decree-Holder have filed this application for police protection/aid.

2. The advocate for Decree-holder submitted that, the decree-holder is in possession of suit land i.e. Gut No. 20 admeasuring 8 H 1 R. situated at Kanadgaon, Tq. Khultabad, Dist. Aurangabad. Decree-holder further submitted that, this Court was pleased to decree the suit and thereby restrained defendant, his agents, his servant not to obstruct to the possession of the plaintiff/decreed holder. Decree-holder are in peaceful possession over the suit land but judgment debtor are now dis-obeying the order of this Court. On 13-05-2020 decree-holder were ploughing the land by tractor but judgment debtor interfering in the ploughing of the decree-holder. The decree-holder has apprehension that the judgment debtor will quarrel with decree-holder. So, the decree holder prayed to grant police protection for ploughing of their land. Hence, this application.

3. Judgment debtor filed their say at Exh.22 and submitted that, on 24-02-2020 judgment debtor filed appeal that is stay petition against decree-holder. So advocate for judgment debtor prayed to decide this application after the decision on stay petition. He further argued that, in the present matter decree-holder did not filed any map and Vague application is filed. He further submitted that, judgment debtor does not have any connection with the suit property. The suit land is a barren land. On 07-07-2020 judgment debtor and decree-holder were agreed on compromise and the said compromise deed filed in the present matter. Suddenly on 16-06-2021 decree-holder filed a pursis as judgment debtor causing obstruction for ploughing. From all these facts one thing is clear that decree-holder want to take judgment debtors land. Lastly, advocate for judgment debtor prayed to reject the application as it is false and frivolous.

4. Heard both sides I have perused the record minutely. In view of order below judgment in R.C.S. No. 40/2014 dated 02/01/2020 one thing is clear that the suit land i.e. Gut no. 20 admeasuring 8 H 46 R. situated at Kanadgaon, Tq. Khultabad, Dist. Aurangabad is in possession of decree holder i.e. plaintiff. At this stage I have no hesitation to come to the conclusion that the plaintiff is in possession of suit land and judgment debtor is permanently restrained for causing obstruction to the plaintiffs/decrece holder's possession. Now only questions falls for consideration whether in these circumstances police protection/aid can be granted.

5. It is not disputed that, every order passed by Court is having its impact. In my view when this Court had held possession of

decree holder over suit land, then in view of Section 151 of C.P.C. the Court is having ample power to grant police aid to protect the possession of parties otherwise, in each and every case the person who permitted by the Court will require to file separate proceeding. Thus, considering the prayer of decree holder application deserves to be granted. Hence I proceed to pass following order.

ORDER

1. Application is allowed.
2. Police Station Officer, Police Station Khultabad is directed to provide police aid to the applicant for ploughing suit property i.e. Gut No. 20 admeasuring 8 H 1 R. situated at Kanadgaon, Tq. Khultabad, Dist. Aurangabad.
3. Applicant shall pay prescribed fees as per the rules in advance.

Dt.14/08/2021

Sd/-
(S.V. Rajkuntwar)
Civil Judge (Jr.Dn.)
Khultabad

CNR No.MHBU140005172020

CERTIFICATE

I affirm that, the contents of this PDF file Judgment / order are same word for word, as per original Judgment / order.

Name of the Stenographer	:	<i>Akash S. Chavan</i>
Name of the Court	:	C.J.J.D. and J.M.F.C. Court, Khultabad.
Dated	:	14/08/2021
Order signed by the Presiding officer on	:	14/08/2021
Order uploaded on	:	16/08/2021