

MHAU100005112020



Reg. Darkhast No. 02/2020

Ajinath s/o. Kaduba Jadhav & Ors.

Vs.

Sitaram s/o. Dagadu Jadhav & Anrs.

ORDER BELOW EXH.29.

(Dated 02/12/2022)

1) Perused the application and heard learned advocate of decree holder Mr. I. A. 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, he had already filed similar application at Exh.4 and the said application is allowed by this Court. He further submitted that, due to typographical mistake admeasuring 8H 1R of Gut No.20 is typed in actual the property in Gut No.20 is to the extent 8H 46R situated at Kanadgaon, Tq. Khultabad, Dist. Aurangabad. The application at Exh.4 is allowed and after passing of that order the mistake was identified by this decree holder. Hence, he has to file similar kind of application after correcting the typographical mistake.

3) 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/decree holder. Decree-holder are in peaceful possession over the suit land which is in actual 8H 46R but judgment debtor are now dis-obeying the order of this Court. On 13/05/2020 decree-holder

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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. Lastly, he prayed to allow the application.

4) Judgment debtor filed their say at Exh.29 and submitted that, only to grab defendants/judgment debtor's land decree holder filed this application. He further argued that, in the present matter decree-holder did not filed any map and Vague application is filed. Lastly, advocate for judgment debtor prayed to reject the application as it is false and frivolous.

5) 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 8H 46R 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/decreed holder's possession. Now only questions falls for consideration whether in these circumstances police protection/aid can be granted.

6) 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

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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.

-:: O R D E R ::-

- 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 8H 46R situated at Kanadgaon, Tq. Khultabad, Dist. Aurangabad.
- 3) Applicant shall pay prescribed fees as per the rules in advance.

Date:- 02/12/2022

(Dr. S.V. Rajkuntwar)
Civil Judge (Jr.Dn.)
Khultabad

CNR No.MHBU140005172020

C E R T I F I C A T E

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 :- ***Akash S. Chavan***

Name of the Court :- C.J.J.D. and J.M.F.C. Court,
Khultabad.

Dated :- 02/12/2022

Order signed by the
Presiding officer on :- 02/12/2022

Order uploaded on :- 05/12/2022