

MHGA040008012023



**IN THE COURT OF CIVIL JUDGE (JR.DN.), ARMORI,
DIST. GADCHIROLI**

(Presided Over by Ajit B. Madke)

Reg. Dkst. No.8/2023

- 1] Bhanudas Donuji Alone
Through Legal Heirs
i] Usha Bhanudas Alone
ii] Sau Harsha Manoj Vaidya
iii] Arvind Bhanudas Alone
iv] Sangita Shamrao Alone ... **Decree Holders**

.Vs.

- 1] Wasudeo Sikoji Mungikolhe
2] Laxmibai Namdeo Mungikolhe
3] Shantabai Tejram Sonwane ... **Judgment Debtors**

Appearance : Ld. advocate for the D.Hr. : Shri. A.A. Tagade
Ld. advocate for the J.Dr. : Shri. G.M. Bangare

Order Below Exh.19

(Passed on 10th October, 2024)

This is an application at the instance of decree holder *vide* Section 151 of the Code of Civil Procedure praying for police protection in the implementation decree passed by this Court on 14.06.2023. It is submitted that this Court has decreed the suit bearing R.C.S. No.02/2017 on 14.06.2023 whereby the defendant were restrained by decree of perpetual injunction from obstructing possession of the plaintiff over the suit land.

2] Heard Learned advocate Shri. A.A. Tagade for decree holder. It is submitted by Tagade that though appeal is preferred against the judgment and order dated 14.06.2023 in R.C.S. No.02/2017 the appellant

court has not granted any interim relief. Hence, prayed for police protection in execution of decree.

3] Despite the judgment and decree passed in R.C.S. No.02/2017 the judgment debtor is not obeying the decree. This Court had issued show cause notice to judgment debtor as to why their property should not be attached *vide* Order XXI Rule 32(1) of the Code of Civil Procedure. But the judgment debtor have not filed their say. Presently the paddy crop of decree holder is standing over the suit land. The judgment debtor are obstructing to remove the paddy crop. On 26.10.2023 the judgment debtor had stolen the paddy crops of decree holder from the suit land illegally inspite of the judgment and decree passed in R.C.S. No.02/2017.

4] This year also the paddy crop of decree holder is standing in the suit land. Therefore, the judgment debtor are obstructing to remove the same. In such circumstances, certainly police protection is necessary to the decree holder. Therefore, in view of the inherent power of this Court and to prevent abuse of the process of this Court and for the ends of justice application deserves to be allowed. Accordingly, I pass following order.

Order

- 1] Application is allowed.
- 2] The Police Station Armori is directed to give protection/aid to the decree holder in implementation of the judgment and decree dated 14.06.2023 with respect to restraining the judgment debtors from obstructing the peaceful possession of decree holder and removal of paddy crops.

Date :10.10.2024

(Ajit B. Madke)
Civil Judge (Jr.Dn.)
Armori.