

MHGO060005762021



Order passed below Exh.41
(Dated 18. 08. 2023)

The plaintiff has filed the present application for police protection against the defendants under Section 151 of Civil Procedure Code.

2] Heard learned Advocates for both the sides. The learned Advocate for the plaintiff submitted that Hon'ble Court had granted Temporary Injunction in favour of plaintiff on 22.04.2022 restraining the defendants from creating obstruction in the peaceful possession of the plaintiff at Gat No. 114 admeasuring area 0.68 HR situated at Mauza Korambhi Tq. Arjuni/Morgaon Dist. Gondia. It is submitted that inspite of temporary injunction order, the defendants unnecessary gave the notice to the plaintiff. Likewise, on 31.07.2023 defendant No. 1 entered in the suit property and abused the plaintiff and thus they are created obstruction in the peaceful possession of the plaintiff. The plaintiff has also filed M. J. C. No. 51/2023 against the defendants for breach of injunction order. Due to the obstruction of the defendants, the plaintiff prayed for police protection against the defendants till the cultivation of suit property.

3] On the other hand, the learned advocate for the defendants submitted that defendant Gram Panchayat is the local body and it has

never created obstruction in the suit property. It is submitted that on the other hand the plaintiff tried to encroach on Gat No. 115 and therefore defendants restrained him. The plaintiff has taken undue advantage of the order passed on 22.04.2022 and filed this present application. Therefore, he prayed to reject the application.

4] The plaintiff in support of their case filed affidavit of Harishchandra Meshram and Ishwar Nakade, letters given to S. P. Gondia and Sub Divisional Officer, Deori. On the other hand, defendants filed affidavits of Nepal Deonath Shende, Baburao Sadaram Akare, Dilip Janardhan Nakade and Chandu Dadaji Selokar and photos of suit property.

5] I have heard learned Adv. R. W. Kesalkar for plaintiff and learned Adv. G. D. Awchate for defendants.

6] I have perused all the documents on record. It is seen that plaintiff has already filed one M. J. C. No. 51/2023 for breach of injunction against the defendants which is pending in this court. In the present application he also prayed for police protection. This is the initial stage of the suit. I have perused the affidavits filed by the defendants. All the witnesses stated that the plaintiff has already cultivated his land. Likewise, the plaintiff has also filed the affidavits showing that defendants creating obstruction in the peaceful possession of the plaintiff. All the witnesses stated in affidavits in favour of plaintiff and defendants are subject to cross-examination. The question whether the defendants creating obstruction in the possession of the plaintiff and

committed breach of injunction order will be decided after the round of the evidence and not at this stage. Further, there is no prima facie case made out for providing police protection to the plaintiff. Therefore, I directed both the parties to adduce evidence as early as possible and pass the following order.

ORDER

The application at Exh.41 is hereby rejected.

Dt. 18.08.2023.

SD/-
(Smt.Neha V. Sahu)
Civil Judge Jr. Dn., Arjuni/Morgaon