



**REGULAR CIVIL SUIT NO. 18/2020  
CNR NO.MHKO070000682020  
ORDER BELOW EXH.23**

Plaintiffs filed present application for police aid for enforcement of ad-interim injunction order passed below Exh.5. As per plaintiffs, defendants made obstruction on the suit way by pouring water on it. Therefore, police aid is necessary. Hence, this application.

2. Defendants resisted the application by filing say vide Exh.26. As per defendants, police aid cannot asked for enforcement of ad-interim injunction. Plaintiffs suppressed material facts. Hence, prayed for rejection of this application.

3. Heard both sides.

4. Plaintiffs' application vide Exh.5 is pending for decision. Prima facie, ad-interim injunction was granted in plaintiffs' favour. In such situation, without hearing both parties on merit, police aid cannot be given.

5. The learned advocate for defendants relied on **Kochupennu Ambujakshi and Ors. Vs. Veluthakunju Vasu Channar and Ors. 1992 DGLS (Ker.)282**, wherein Hon'ble Kerala High Court held that it would be premature and dangerous to enforce ex-parte order of injunction when it's continuous is opposed. Such orders are issued on the basis of averments content in the plaint and affidavit of the plaintiff. A true picture emerges only after hearing of both parties. It is for these reasons that was held that it is imperative that police

should not be allowed to intervene or interfere at this stage in matters of possession which entail civil disputes, especially when the matter is one at the interlocutory stage of proceedings. The cited case law is squarely applicable to the case in hand. Hence order:-

**ORDER**

The application (Exh.23) is rejected.

Date - 28/02/2020

Jaysingpur

**(Akash B. Redkar)**

Jt. Civil Judge Junior Division,  
Jaysingpur.