


CNR No.MHND240008032022 	RJE No. 67/2022 Sambhaji & oths Vs. Shivaji & oths.
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ORDER PASSED BELOW EXH. 17
(Decided on 19/03/2025)

1. The applicants has filed the present application for grant of police aid for implementation of temporary injunction order under Order 39 Rule 2 (a) of the C.P.C.
2. It is contention of the applicants that, they have filed RCS No. 52/2021 for grant of perpetual injunction over the agricultural land bearing Gut No. 133 adm. 3H 72R situated at Naigaon. The said suit is pending before the Court. The applicants have also filed T.I. application below Exh. 8 in the said suit and on 20/07/2021 the Court allowed the application and restrained the defendants over causing any obstruction to the peaceful possession of the applicants over the suit land till disposal of main suit.
3. It is further contention of the applicants that, the Court has passed status-quo order on 19/06/2021 and therefore the defendant No.3 in collusion with other defendants entered in the suit land and obstructed cultivation process of the applicants. The applicants have filed the complaint against the respondents in the police station. The respondents are continuously causing obstruction in the lawful possession of the plaintiffs. On 28/07/2021 the respondents again unlawfully entered in the suit land and caused

obstruction to cultivate the suit land and they also brought weapons alongwith them. Hence, the applicants on 29/07/2021 lodged Cr. No. 142/2021 against the respondent. Hence, it becomes clear that the respondents have violated and disobeyed the T.I. order of the Court which also passed on 20/07/2021. The respondents having every knowledge of passing the injunction order against them. But thereafter also they are constantly, intentionally and deliberately disobeyed the order of the Court.

4. The applicants have filed the application at Exh. 39 in RCS No. 52/2021 for police aid, but the Court disposed off the said application by passing order to seek the available remedy in the provisions of CPC. Hence, the applicants has filed the the present Misc. application and prayed for police protection in the present application. Considering the above fact it is essential to provide police aid for implementation of T.I. order passed in RCS No. 52/2021. The applicants are ready to pay the requisite charges incurred for providing police aid as per law.

5. The respondents have filed the say below Exh.18 and denied the contentions of the applicants. The agricultural land of relatives of respondents is situated towards Western side of the applicants land. There is one road towards Southern side of applicants Gut No.133 and the respondents are using the same road for going to their agricultural land. The said road is over old road. The applicants are having ill intentional right that the respondents should not take the benefit of the road and therefore they have filed the false application against them. The applicants have filed various

Civil and Criminal cases against the respondents. Hence, the application be rejected.

6. Heard the Ld. Advocate for the applicants and the respondents at length.

7. Perused the documents filed by the applicants, it appears that in RCS No. 52/2021 below Exh. 8 the T.I. application relating to Gut No.133 land adm. 3H 72R was filed by the applicants. On 20/07/2021 the said application was allowed. In the same suit below Exh. 39 the application for police protection was filed by the applicants. But, unfortunately the said application was disposed off and the applicants were directed to seek meredy under other provision of CPC. Hence the applicants have filed the present miscellaneous application. The respondents in their say have contented that, the respondents are going to their agricultural land from the road which is adjacent to applicant's land. It is also the fact that the applicants and respondents are having lots of Civil and Criminal litigation against each other and those are pending before the Court. The T.I. application is decided in favour of the applicants, there is no appeal hence it is necessary to protect their rights over the suit land. The applicant has also filed affidavit in support of application. Hence, it is necessary to provide police aid to them. Hence I pass the following order.

ORDER

- 1) The application is allowed.
- 2) The police inspector, police station Naigoan is directed to

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provide the police aid to the applicants in Gut No.133 land 3H 72R as and when necessary for the applicants after payment of requisite charges by the applicants.

- 3) Issue letter to police inspector, police station Naigaon accordingly.

Sd/-

Dt.- 19/03/2025.

(Smt. A. T. Gitte)
Civil Judge Jr. Division Naigaon.