



R.C.S./15/2026
Vilas Dhondiram Deshmane Vs. Manik Khanderao Nikhade
ORDER BELOW EXH. 43.

1. The present application is filed under by plaintiff for police protection. The defendant has file say heard both. Perused the record.

2. It is the contention of plaintiff that, order passed below Exh.5 and court granted injunction in favour of plaintiff. The court has passed order below Exh.5 as under;

“The defendant or their servants, agents, relatives, family members or any other persons on behalf of them restrained temporarily from causing obstruction and interference in to the peaceful possession and enjoyment of the plaintiff over the Suit Property Gat No. 219/1 till final disposal of the suit.”

3. It is the contention of plaintiff that, defendant trying to interfere to his peaceful possession and restrained him for leveling his field and breached the order of injunction and therefore for the purpose of leveling his field he requested to grant police protection. The defendant had objected the same vide reply at Exh. 53.

4. It is not in dispute that, When a civil Court grants an order of ad interim injunction or ex parte injunction, the complaints by the opposite party can be twofold. It may be complained that

there are attempts by the opposite party to contravene and disobey the order of injunction or alleging threat of violation of injunction. In a second situation, there may be an allegation by (sic. against) the opposite party that the opposite party has violated the order of injunction either by dispossession, by alteration of nature of the property, by demolition of structures or by positive act or transaction contrary to the order of injunction and/or causing legal injury ignoring the Court order.

5. In the first situation where threat of violation or disobedience is alleged by the party obtaining a prohibitory order, the Court has power to direct the police to prevent such violation and disobedience by providing necessary protection to enforce the order of injunction. Such police protection order when there is threat of disobedience is justifiable under Section 94(e) read with Section 151 of CP C.

6. In a second situation, as envisioned above, where a complaint is made that the order of injunction granted by the Court restraining or prohibiting the opposite party from interfering with possession, from changing the nature of land, from demolishing or constructing any structure on disputed land or interfering with the enjoyment of the land like cultivation and/or preventing the commission of positive act in breach of injunction order, the civil Court cannot pass police protection order in exercise of powers under Section 94(e) or 151 of C PC. The power of this Court to pass police protection order to prevent the disobedience of injunction order is

different from the power of the Court to deal with actual disobedience. IN such cases, the remedy of the aggrieved party is to file execution petition under Order XXI Rule 32 read with Order XXXIX Rule 2A of C PC because as per Section 141 of the Code, all provisions of CPC, the procedure in regard to suit is applicable to all interlocutory proceedings and even an order of temporary injunction is executable. The aggrieved party can also file an application under Order XXXIX Rule 2A of C PC alleging contempt of injunction order of Court and seek imprisonment of the violator or attachment of his property. Which course is to be followed by civil Court depends on the nature of allegations made by the aggrieved in the application made to the Court seeking intervention of the Court. If the procedure is not followed and in every case an application is moved for grant of police protection and the same is granted by the Court, it would render Order XXXIX Rule 2A as well as Order XXI Rule 32 of CPC otious. The civil Court cannot pass any order ignoring the specific provisions of CPC. Therefore courts generally decline to provide police protection for injunctions when the application is routine, lacks high-degree proof of threatened violation, or when other remedies like Order XXXIX Rule 2A CPC (contempt) are adequate.

7. Police aid is considered an extreme step and is not granted to facilitate initial possession, only to prevent violations of an existing order. When filing a contempt petition (Order XXXIX Rule 2A) or execution petition (Order XXI Rule 32) is sufficient to handle the violation. No doubt plaintiff has filed civil application No. 14/2026 for contemp action against defendant for violation of order.

As discussed above, the applicant/plaintiff therefore not entitled for the Police Protection as prayed for. Hence, application Exh. 43 is rejected.

Date:-06/04/2026

(S.S.CHHALLANI)
Civil Judge J. D.,
Chandwad.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of Stenographer	<i>Namdev M. Shedge</i> Stenographer Grade -III
Name of Court	C.J.J.D. & J.M.F.C., Chandwad.
Date of Dictation	06/04/2026
Judgment/order signed by the PO on	06/04/2026
Judgment/order digitally signed by the PO on	06/04/2026
Judgment/order uploaded on	06/04/2026