

R.C.S. No.287/2013.
Ashok/Shahaji

ORDER BELOW EXH.90.

1) Perused the application filed by plaintiff to make necessary corrections in the letter dated 13/03/2015 and again issuing the said corrected letter to P. I. Paranda regarding providing police protection. The plaintiff has alternatively prayed that P. I. Paranda be directed to return the amount of Rs. 6,785/- to the plaintiff. It is contended by the plaintiff that they have deposited Rs. 6,785/- on 13/03/2015 with the Paranda Police Station. However, the police denied to provide police protection because there were no directions to remove the electric motor. Therefore, the plaintiff has prayed to allow the application.

2) My learned predecessor by order dated 13/04/2015 called the explanation of P. I. Paranda about the demand of the return of money deposited. Accordingly, vide Exh. 94 letter dated 15/04/2015 was issued by this court. The P. I. Paranda by its letter dated 27/04/2015 (Exh.95) has filed say. A Perusal of Exh.95, it appears that the police had provided police aid to the plaintiff on 14/03/2015 vide Station diary No.73/15 Sr. No.12 time 10.30. a.m. Accordingly, one L.P.C. and three PHC were deputed for providing police aid to the plaintiff. However, plaintiff Ashok Bagal insisted the police to remove the electric motor over the disputed well. However, the police have contended that the letter which was issued by the court did not direct to remove the electric motor over the well. It was only directed to give intimation to the defendant not to obstruct plaintiffs from using the well water. Lastly, the police have submitted that if such specific order regarding removal of electric motor are given to them then they would respectfully follow such directions of the court.

4) Thereafter, on 02/05/2015 vide Exh.96, the plaintiff again moved an application for issuing letter to police station by making correction in respect of removing electric motor. The said application is disposed of by my learned predecessor on 21/05/2015 by making observation that considering the order below Exh.41 and Exh.5, there is no reason to add any other contents in the letter. Hence, it was ordered to issue letter to police station in terms of order below Exh.41. Accordingly, the police have filed their report along with samaj patra dated 08/06/2015. A perusal of said letter, it appears that the police had again deputed three male police constables and one ladies police constable for giving written intimation to the defendants for not to obstruct the plaintiff from using the well water. The police have also filed the copy of Police Station register wherein entry regarding providing police aid in R.C.S.287/2013 on 08/06/2015 is taken.

5) Thereafter, on 09/06/2015 the plaintiff again moved an application vide Exh.103 for providing police aid as they have deposited Rs.6,785/- on 13/03/2015. It was contended in that application that in spite of giving directions to the police on 25/05/2015, the police did not provide protection to the plaintiff. Accordingly, reminder notice to concerned P. I. was issued to comply with the order below Exh.41. Accordingly, the police have filed their say vide letter Exh.106 submitting that as per the order of the court, they have provided police aid on 14/03/2015 and 08/06/2015 by deputing three male police constables and one lady police constable.

6) The prayer of plaintiffs in the application under consideration (Exh.90) has already been decided by my learned predecessor vide order below Exh.96 on 21/05/2015. The alternative

prayer of the plaintiff is that they be returned the amount of Rs.6,785/- which was deposited by them on 13/03/2015 for providing police aid. In view of above discussion, it is amply clear that the police have provided protection/aid to the plaintiff for giving intimation to the defendants for not to obstruct plaintiffs from using the disputed well water. The letters of police Exh.89, 95, letter dated 09/06/2015, Exh.106 and the documents of the police station diary show that the police had provided police protection/aid to the plaintiffs on 14/03/2015 and 08/06/2015. It appears that the plaintiffs have misinterpreted the order of this court passed below Exh.5 and Exh.41. The Exh.5 is allowed restraining the defendant from obstructing the peaceful usage of plaintiff's in the disputed well. There are no specific observations or directions for removal of any electric motor over the disputed well. The police have deputed three male PHC and one LPC twice for providing police aid to the plaintiffs against the requisite charges of Rs. 6,785/- deposited by plaintiffs on 13/03/2015. Therefore, the submission of learned advocate on behalf of plaintiffs that the police have not provided them protection/aid by removing the electric motor, is not acceptable. Further, the submission of learned advocate on behalf of plaintiff that they be returned the amount of Rs.6,785/- is also not acceptable. In view of above discussion, it is clear that the police have provided protection to the plaintiff twice by order of this court. Therefore, the plaintiffs are not entitled for the return of the amount of Rs. 6,785/- which was deposited for police protection/aid. Hence, the application being devoid of merits, deserves to be rejected.

ORDER

- 1) The application is rejected.
- 2) No order as to costs.

Date:- 20/03/2017.

Sd/- 20.03.2017.
(Smt. D.S. Chothe)
2nd Jt.Civil Judge J.D., Paranda.