



ORDER BELOW EXH.41.

Decree holder has filed present application seeking police aid for enforcing possession warrant against Judgment debtor. Decree holder submitted that with the help of Court Commissioner i.e. surveyor possession of encroached portion of the subject property is to be recovered from the Judgment debtor, however, when bailiff and surveyor went to execute possession warrant, Judgment debtor made obstruction. Therefore, police aid is required to recover possession of encroached portion from Judgment debtor under possession warrant. Hence, the application.

2. Judgment debtor in spite of sufficient time & opportunity failed to file his say to present application so that his right to contest the same has been foreclosed on 12.06.2025.

3. Heard Ld. Adv. Shri. R. B. Sawant for Decree holder who argued that for executing this old decree police aid is required since Judgment debtor is obstructing. Judgment debtor and his learned Advocate are absent for argument when called out.

4. Perused the record. Decree for possession of encroached portion is awaiting for execution since 30.01.2003. It appears that my learned Predecessor issued possession warrant for execution of decree with the aid of Court Commissioner i.e. the Surveyor. Accordingly, when Court Commissioner along with bailiff went to execute the decree, Judgment debtor with his family members refused to give possession and by shouting loudly threatened to

bailiff & thus obstructed in execution. Such bailiff report is produced at Exh.40 on 02/04/2025 whereby it is clearly seen that Judgment debtor is not willing to give possession peacefully and making obstruction for execution.

5. The Court in exercise of the inherent power under Section 151 of the Code of Civil Procedure 1908 can direct the police authorities to render all aid to the aggrieved party in enforcement of the order of execution in order to render complete justice. It is clearly seen that despite passing decree for recovering possession of encroached portion, Judgment debtor is obstructing to execute the same. Without providing police aid satisfaction of decree can not be done. Unless this is done, judicial order will not be effectively implemented. Hence, following order.

ORDER

1. The application is allowed.
2. Asst. Police Inspector, Kolad police station directed to provide aid as prayed in application while taking possession of the encroached portion with the aid of Court Commissioner i.e. Surveyor.
3. Police officials not to interfere with the life & liberty rights of Judgment debtor.
4. Decree holder shall pay requisite fee at police station for getting Police aid as per their rules.

Place:- Roha.

Date :- 24.06.2025

(S. V. Khaire)

Civil Judge, Junior Division,
Roha.

CERTIFICATE

I affirm that the contents of this PD.F file order are same, word to word, as per the original Order.

Name of the Stenographer : V. S. Patil

Court : CJJD & JMFC Court, Roha.

Judgment / Order Date : 24.06.2025

Judgment / Order signed by : 24.06.2025
the Presiding Officer on

Judgment Order uploaded on : 25.06.2025