

ORDER BELOW EXH. 17

This is an application filed by the plaintiff under Section 151 of the Code of Civil Procedure for seeking police protection.

2. It is submitted that the suit is filed for perpetual injunction and on 14.08.2025, status quo was granted in favour of plaintiff. By virtue of said order, it was ordered that the defendants should not transfer the suit property in any manner to anyone till final disposal of the order below Exh.5 and they should not obstruct the possession of the plaintiff in the suit property. However, by disregarding this order, the defendants use to obstruct the plaintiff. Hence, the plaintiff was constrained to construct fencing. On 18.09.2025, the defendant no.3 threatened son of the plaintiff, she also tore the copy of order of the Court. She also threatened him to implicate falsely in crime of outraging the modesty of woman and rape. Hence, the plaintiff lodged NCR No.1713/2025. She has also lodged one false NCR against the plaintiff bearing No.1710/2025. The plaintiff has moved separate Civil MA No.42/2025 for contempt of the order issued vide Order XXXII, Rule 2 of the Code of Civil Procedure. Hence, the plaintiff is constrained to file present application for police protection for cultivating the suit property and constructing the fencing thereof.

3. Defendants no.2 and 3 have filed say at Exh.20 and contended that the defendants no.2 and 3 are the purchasers of the suit property. At the time of purchasing the same, name of the defendant no.1 was mentioned in 7/12 extract of the suit property. No other name was mentioned. Therefore, believing that he is the only owner and possessor of the suit property, they purchased it. Since the purchase they are in possession and they are cultivating it. But on 07.09.2025, the plaintiff obstructed to cultivate the suit property. Plaintiff told them that though the suit property is in the name of his brother, it was purchased by his father. Therefore, he also has right in the suit property. Therefore, I will not allow you to cultivate the suit property. Hence, the defendants no.2 and 3 have instituted RCS No.330/2025. It is claim of the plaintiff that his father gave him the suit property by executing a will. Their father instituted one suit for declaration in this court and it was decreed. The defendant no.1 moved an appeal against that decree. It was dismissed in default. Defendant no.1 never obstructed the plaintiff's possession. Alleged will deed is itself illegal.

The plaintiff has brought this suit to grab the suit property from the defendants no.2 and 3. Therefore, they prayed to reject this application.

4. Heard both the sides. Perused the record. It prima facie transpired that the status quo order was issued on 14.08.2025 and it is still in existence. Settled position of law suggests that police protection can be granted if there is repeated or deliberate breach of order of injunction, threat of violence or dispossession or law and order issues and to prevent irreparable harm. Under such circumstances, inherent powers under Section 151 of the CPC can be invoked. Therefore, it can be seen that police protection can be ordered to implement or safeguard an injunction. In which role of police is preventive and protective. In the present case, injunction in the nature of status quo is in existence, it was communicated to the defendants and from the allegations in the application, it prima facie appears that there is imminent violation of that order. To avoid the forcible dispossession and obstruction to peaceful possession and particular acts like cultivation and construction of fencing, this is the fit case in my opinion. Accordingly, I proceed to pass the following order-

ORDER

1. The application is allowed.
2. Police Inspector, Karmala police station is hereby directed to provide police protection to plaintiff as required, upon his application as per rules.
3. The plaintiff is required to comply as per rules on or before next date.

Place: Karmala
Date: 02/03/2026

(Smt. S.P. Kulkarni)
2nd Jt. C.J.J.D., Karmala.