

MHST090000062022 	R.C.S.No. 3/2022 Ankush v. Sunanda
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ORDER BELOW EXH. 44

Defendant no.1 has filed this application for seeking police aid.

2. The defendant no.1 has contended that the plaintiffs are restrained from obstructing her possession upon the land Gat no. 111 of village Pimpode, Taluka Koregaon, District Satara as per the order below Exh. 27 dated 16/02/2022. Defendant no.1 has preparing to ploughing and cultivation of land Gat no. 2336, 111 and 46 R land out of Gat no. 1824 but on dated 25.5.2022 when defendant no.1 has arranged the tractor of Mr. Bhoite for ploughing land Gat no. 1824 plaintiffs have obstructed her from ploughing the land by taking disadvantage that she is widow lady. The plaintiffs are not in a mood to obey the order passed below Exh. 27. It has become difficult for the defendant no. 1 to enjoy the land Gat no. 111 of village Pimpode. Therefore, it is necessary to give police aid to the defendant no.1 by directing Police in that regard. On these grounds, the defendant no.1 has prayed to grant the application.

3. The plaintiffs have filed their say Exh.46 and denied all the material averments in the application. The plaintiffs have strongly objected the application. They have contended that they have filed an

appeal against the order below Exh. 27 at District court Satara. The suit properties mentioned in suit are the self acquired properties of plaintiffs. They have filed the original documents on record. The application is vague. On these grounds the plaintiffs have prayed to reject the application.

4. I have heard, the Ld. advocate for the plaintiff's and the defendants, at length.

5. They argued in consonance with their application and say.

6. Upon hearing the following points arise for my consideration and I record my findings thereon as under for the reasons to follow.

POINTS

1. Can the police protection be given to defendant no.1 , as prayed for ?

2. What order?

FINDINGS

Partly yes.

Application is
Partly allowed.

REASONS AS TO POINT No.1

7. The defendant no.1 has filed the application at Exh. 27 seeking temporary injunction against the plaintiffs on 08/02/2022. Thereafter, hearing the plaintiff and the defendants an order below Exh. 27 was passed on merits on 16/02/2022. In the said order it is specifically held that the defendant no.1 has in possession of land Gat No.111 of

village pimpode, Taluka- Koregaon. The plaintiffs are restrained temporarily from causing obstruction to the peaceful possession of the defendant no.1 till the final disposal of the suit.

8. The plaintiffs are in spite of all these facts and an order below Exh. 27 are still contending that they are the owner and possessor of the though the defendant no.1 has filed an application to demand police protection for ploughing, sowing and cultivation of land Gat no. 2336, 111 and 46R land out of Gat no. 1824 of village Pimpode, Taluka Koregaon, District Satara. In my opinion as per order below Exh. 27 this court has granted the temporary injunction favour of the defendant no.1 to the extent of land gat no. 111 of village pimpode.

9. Admittedly, this is June and before the arrival of Monsoon farmers have to complete the prior cultivation process (works) of land . So considering the records of case I am of the view that to the extent of land Gat no. 111 of village Pimpode, Taluka Koregaon, District Satara. If the application seeking police aid is not granted the very purpose of granting order of temporary injunction may be frustrated and the disobedience of the order by the plaintiffs will give rise to a situation of grave emergency. Therefore, I am inclined to grant this application.

10. I have already held prima facie that after giving fullest opportunity to the plaintiffs an order was passed on merits below Exh. 27 in which it is held that the defendant no. 1 is entitled to temporary

injunction against the plaintiffs. Therefore, I have no hesitation in my mind to enforce the order passed below Exh. 27. Hence in view of point No. 2 I have proceed to pass the following order.

ORDER.

1) The application below Exh. 44 is partly allowed to the extent of land Gat no.111 of village Pimpode, Taluka Koregaon, District Satara.

i) The P.S.I. Wathar Police Station is directed to give police aid to the defendant no.1 and to assist him in implementing and enforcing the order passed below Exh. 27 i.e. an application for temporary injunction.

ii) The defendant no.1 is directed to pay requisite 'Police Bhatta' in the Wathar Police Station or pay to the competent Police authority in that behalf, on or before 1/07/2022, failing which the application shall stand rejected, automatically.

iii) The 'Hamdast' allowed, if prayed.

Date : 27.06.2022

Place : Koregaon.

(Mrs. U.A.Bhosale)

2nd jt Civil Judge Junior Division
Koregaon.