

ORDER BELOW EXH. 48

Decree holder has filed present application for permission to avail police aid to execute warrant of possession against the judgment debtor. It is stated and submitted by learned advocate for decree holder that they have bonafide apprehension that judgment debtor may create hurdle in execution of possession warrant and thereby create unlawful situation. Therefore, it is necessary to execute the possession warrant with the aid of police. It is further submitted that judgment debtor are likely to create obstruction for execution of possession warrant through the lady members of family or his servants or labors etc. Therefore, it is necessary to deploy a lady police and a gents police aid to execute the warrant of possession. They are ready to pay the allowance of police aid as the court may fix. Hence, prayed for grant of police aid.

2. Learned advocate for objector has filed her say on the back-leaf of this application. She has opposed this application. Decree holder want police aid to dispossess judgment debtor. Objector is in possession of suit property. Decree holder is duty bound to move application under Order 21 rule 97. Decree holder can't circumvent the said provision. Hence, prayed for rejection of this application.

3. Perused application and say thereon. It is seen that already the order of possession warrant has been passed below Exh.22. The objector was failed to file her say at Exh.22 on the application of possession warrant. Now, when already possession warrant has passed at such time objector can not said that she is in possession. As well as, the true situation about suit property can not be gathered unless and until report of bailiff has received by this court. Moreover, considering series of

CNR NO.MHWR090002412012

R..D. No.12/2012

Jayashree+1 Vs. Deepak+5

litigation between decree holder and judgment debtor, it is seen that the law and order situation may be created while execution of possession warrant. In such circumstances it is just and desirable to grant police aid to decree holder for execution of possession warrant. Thus, I pass following order.

Order

1. Application is allowed.
2. Police aid including ladies police and gents police is granted for execution of possession warrant on payment of necessary fees as per rule.

Karanja (Gha.)
Date:- 07/04/2026

(Diksha D. Vighne)
Civil Judge, J.D. Karanja (Gha.)
Dist. Wardha.