

R.D.No. 01/2019
Bhanudas Vrs. Vimal



ORDER BELOW EXH. 28.
(MHWS080000032019)

The decree holder has made the present application for police protection under order 21 Rule 32 of Code of Civil Procedure.

2. This matter is proceeded ex-parte. Perused the application. Heard the learned advocate of decree holder.

3. **In brief, facts of the present application are as follows:-**

The decree holder states that, he has filed main suit of permanent injunction in respect of property situated at mauje Kinkheda Tq. Risod Dist. Washim Gat No. 141 admeasuring area 0.90. H. R. (The said property is herein after referred as the "disputed property "for the sake of brevity) He states that, in main suit the judgment is given in favour of decree holder and against the judgment debtor and order has been passed that the judgment debtor not to create obstruction in in cultivation of land . The order passed in the suit is still applicable. He further states that, on 28/05/2023 while he was cultivating his field caused obstruction to his possession judgment debtor No.01 to 03 used filthy language and threatened that he will file false case against decree holder . So he made a complaint in that regard to Risod Police Station, Washim. He also states that, on 30.05.2023 he made an application to the Superintendent of Police, Washim. However, the concerned police did not took any action and issued notice to the under section 144 of the I.P.C. He further states that, if he cultivates the suit property there is every possibility that quarrel might take place between him and judgment

debtors, and therefore he seeks police protection and prays to allow the application.

4. As against this judgment debtors has not filing their say . The ex-parte order is passed against them on 04/02/2021.

5. Having considered the submissions made R.C.S. on behalf of decree holder and on perusal of record it reveals that, R.C.S No.76/2011 in Risod Court Bhanudas Vrs. Ramji .The suit was decreed and an order of defendants and anybody claiming through them are perpetually restrained from causing obstruction and interference in the peaceful possession of the plaintiff over the suit property.

6. It is specifically stated by decree holder that, even after the order was passed, the judgment debtor continued the obstruction to him. It also appears from the document which is annexed with list Exh. 21 that on 26/10/2018 the decree holder made an application to Risod police station, Washim stating that, the judgment debtors are causing obstruction to his possession and police protection should be granted to him while cultivation of the suit property. It also appears that, on 10.7.2015 the plaintiff made an application to Superintendent of Police, Osmanabad stating that, the R.C.S.No defendants are causing obstruction to his possession in the suit property and therefore police aid be granted to him to carryout cultivation of the suit property. As such it is crystal clear that, the plaintiff had reported the matter to the police but no action has been taking by the police to safeguard the property of the plaintiff.

7. The plaintiff being in possession of suit property, he has every right to protect it and enjoy the same. An order of injunction to restrain the judgment debtor from causing obstruction would be of no use if the judgment debtor continues his obstruction when the decree holder is carrying out cultivation of the suit property.

8. In-spite of the order passed by the Risod Court granting injunction in favour of decree holder. Once Court upon appreciation of the materials placed on record, has come to the conclusion that the decree holder is in possession of the suit property and grants injunction, than unless the order of stay is obtained, in my considered opinion, the party against whom the order is passed by Risod Court, would not be in a position to contend that notwithstanding such an order they continue to be in possession of the suit property.

9. As such when the decree holder has shown that in-spite of order of injunction, the judgment debtors have continued their obstruction, the decree holder would not be in a position to carryout the cultivation of the suit property unless the police aid granted to him. Hence I proceed to pass following order.

ORDER.

1. Application is allowed.
2. The In-charge officer of the Risod Police Station, Washim hereby directed to provide two male police constable and one female police constable to the decree holder for a period of 2 days during which the decree holder carries out cultivation of the suit property.
3. The decree holder is deposit necessary bhatta as per rules to the concerned police station.
4. Issue letter to the concerned police station accordingly.

Date:- 01.08.2023

Sd/-
(Smt. P.M.Kamble)
2th Jt. Civil Judge Junior Division,
Risod.

CERTIFICATE

“I affirms that the contents of this PDF file Judgment / Order are same word for word as per the original Judgment / Order.”

Name of the Steno : P. P. Sonune, (Jr. Clerk)

Name of the Court : JMFC Court No.2, Risod.

Date of Order : 01.08.2023

Order signed by PO on : 01.08.2023

Order uploaded on : 02.08.2023