

ORDER BELOW EXH. 31

(Passed on 25/03/2025)

The present application is filed by applicant /original plaintiff seeking urgent police aid for removal of Toor crop from the suit property with the help of thresher machine. Say filed by the defendant at Exh.36. Heard Ld. Advocate Shri T. A. Patel for the plaintiff and Shri Giratkar for the defendant. Perused the record and documents.

2. In short it is the contention of the plaintiff that he has filed a suit for permanent injunction against the defendant along with temporary injunction application. The defendant appeared and filed his W.S. on record. After hearing from both the sides application Exh.05 allowed and defendant is directed to not to interfere in the peaceful possession of the suit property vide order dt. 23/09/2024. Till date no appeal came to be filed by the defendant. In the meanwhile he has sown the Soyabean and Toor crops in the suit property. While removing of the Soyabean crop the defendant, her son and daughter has stolen the said crops. Therefore, on 08/10/2024 he has filed report with P. S. Manora and S. P. Washim. However, no action taken by the police. Therefore, he has to file application under Section 175(3) of the B.N.S.S., 2023 for the offence punishable U/s 303(2), 229(2) & 3(5) of the B.N.S., 2023 before the Ld. J.M.F.C. Manora. Accordingly, vide order dated 16/01/2025 P. S.O. Manora was directed to register crime against the defendant, her son and daughter. On 22/01/2025 offence under Section 303(2) & 3(2) of the B.N.S. 2023 vide Crime No. 32/2025 registered against them.

3. It is the further contention of the plaintiff that after registration of supra crime on 15/01/2025 he went into suit property for removal of Toor crop. At that time, the defendant, her son, daughter and one Narayan Rathod came and restrained him from cutting of the Toor crop. He called police but he was told to file report at Police Station. The defendant and the others are restraining

him from removal of the crop. They are threatening him and his labourers with an injury to their life. Therefore, there is every possibility of any wrongful act at the hands of defendant. The defendant is not obeying the order of the Court. Therefore, it is necessary for the plaintiff to seek police aid for the supra reason. Therefore, he has prayed that one male and one woman constable be provided as a police protection for the supra purpose.

4. The defendant opposed the application and submitted that he has filed a case before the Sub-registrar Office, Manora against the plaintiff. The said case is still pending. However, the defendant did not receive the required documents connected to case. He is going to file appeal with an application for condonation of delay. There is interim order in favour of plaintiff. If the Toor crop is removed, the plaintiff will dispose of the same. Till date matter is not finally adjudicated. The plaintiff is harassing defendant and his family. He has made false submissions. On 18/10/2024 the plaintiff abused and threatened defendant with an injury to her life. Further, on 23/10/ 2024 he threatened her son. Therefore, she has filed a report with Manora Police Station. Actually, there is Toor crop pending in the suit property. Despite the fact, the plaintiff has filed a false report against the defendant and his family members. He did not need any police protection as prayed. Therefore, he prayed that the application be rejected.

5. It is argued Ld. Advocate for the plaintiff that the possession and the ownership of the plaintiff is proved. Therefore, he is entitled to the relief as claimed. He has further relied upon Hon'ble Authority in the case of ***Durgesh Nandkishor Gupta and Others Vs. Harish Jagannath Gupta and Others [WP No. 6418/2024 dated 23/01/2025]*** in support of his contention. On the contrary, Ld. Advocate for the defendant argued that application is not tenable for the want of provisions. He further submitted that the facts of the Hon'ble Authority cited supra is different from the present case. Therefore, same is not applicable.

6. It appears that the present application is filed for the reasons stated supra. Section 151 of the C.P.C. provides and indicates that, the Civil Court has a power to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the Court. In the given case it is the contention of the plaintiff that defendant is trying to disturb his peaceful possession and thereby restraining him from carrying an act of removal of the crops. It appears that the present application filed on 05/02/2025. Say filed by the defendant on 12/03/2025. From 05/02/2025 till today the plaintiff did not state about the present day status and condition of the alleged crop by filing some relevant documents. Further for the enforcement of interim order there is expressed remedy available in C.P.C. It is the fact on record that Crime No. 32/2025 registered with Manora P. S. is already under investigation. At present there does not exist any order regarding the disposal of the supra crops by the plaintiff as alleged.

7. In view of the discussion supra it is necessary for the plaintiff 'to file appropriate application with all the material particulars regarding the alleged crop, its status and condition. However, perusal of the present application discloses that, the plaintiff did not specifically mention about the date on which he intends to remove the said crops in the suit property. Further plaintiff did not file any such measurement map of the suit property and also required documents as to where and in what portion of the suit property he wants to conduct the said activity.

8. Though the plaintiff filed present application under Section 151 of the C.P.C. at the same time the mere contention without any specifications can not be sufficient to grant the police aid as prayed by the plaintiff. Admittedly, the defendants is restrained from causing disturbance to the peaceful possession of the suit property. It is the fact on record that both the parties have counter cases against each other. As regards the Hon'ble Authority cited Supra is concerned due to distinguishable facts and

circumstances of the case same can not be applied to the facts of the present case. In the present facts and circumstances of the case there does not appear any exceptional or compelling circumstances for the grant of police aid as prayed by the plaintiff. In view of the above discussion it will not be proper to grant the relief as sought by the plaintiff at this juncture. Therefore, considering the facts and circumstances of the case, I am inclined to pass the following order.

ORDER

1. Application Exh. 31 is rejected
2. Costs in main cause.

(Dictated and pronounced in the open Court.)

Date:- 25.03.2025.

(Ms. Trushna G. Bansod)
Jt. Civil Judge (Jr.Dn.)
Manora.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order are same word to word as per the original Judgment/Order.

Name of the Stenographer	-	Smt. R. K. Chavhan Stenographer (Grade-III)
Court	-	(Ms. T. G. Bansod) Jt. CJJD & JMFC, Manora.
Date of Judgment/Order	-	25.03.2025
Judgment/Order signed by the Presiding Officer on	-	25.03.2025
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