

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11913 OF 2015

**BHIVSEN SHANKAR GORE AND OTHERS
VERSUS
RADHABAI BHIMRAO KALE**

Advocate for Petitioners : Gore Ravindra Vitthal**

**CORAM : N.W.SAMBRE,J.
DATED : 10TH DECEMBER,2015**

ORDER :-

The petitioner-defendant in Regular Civil Suit No.60/14 suffered an order of temporary injunction which has attained finality as was not challenged.

2] Upon the alleged threats given by present petitioner-defendant on 25/11/2014 the plaintiffs sought police protection for implementing order of injunction vide Exh.19. The said application came to be allowed by an order dated 27/11/15, as such present petition.

3] The learned counsel for the petitioner made two fold submissions : (A) That the application Exh.19 was objected by petitioner-defendant by filing reply. Without taking into account the reply, rather incorrect findings are recorded that the reply is not filed to Exh.19 and (B) For the alleged incident of 4/11/14 narrated by plaintiff in the application for grant of police protection no further incident or any persistent threat was demonstrated before the trial Court for grant of police aid.

4] With the assistance of learned counsel, I have perused reply filed by defendant to the application for grant of police protection. The said reply speaks for the delayed act on the part of the plaintiff in implementing the order, the denial of the incident of 25/11/14 as regards interference by defendant in respect of the injunction order and the requirement of police aid.

5] The said reply to the application for grant of police aid if considered on merits, it is required to be noted that the learned trial Court has considered the incident of alleged threat, the operation of injunction against the defendant and has proceeded to pass the order of providing police aid.

6] In my opinion, even if the reply of the petitioner to the application for grant of police aid is considered on merits, there is hardly any substance, once the order of injunction was accepted by the petitioner as was not challenged. The threat issued to the respondent was found to be the basis for granting police aid. In view of above, no case for interference is made out. Petition stands dismissed.

(N.W.SAMBRE,J.)

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