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

WRIT PETITION NO.759 OF 2014

Ravindra s/o Hirachand Tanpure
Age : 22 years, Occu. Agril.,
R/o Rahuri (Bk), Tq. Rahuri,
Dist. Ahmednagar

..PETITIONER

VERSUS

Deepak s/o Deova Shelke,
Age : 35 years, Occu. Agril.,
R/o Rahuri (Bk.), Tq. Rahuri,
Dist. Ahmednagar

..RESPONDENT

Mr V.S. Bedre, Advocate for petitioner;
Mr V.V. Tarde, Advocate for respondent

CORAM : NITIN W. SAMBRE, J.

DATE : 2nd November, 2017

ORAL ORDER:

Pursuant to the order of injunction passed by Civil Judge Junior Division, Rahuri, on 16th January, 2013, in Regular Civil Suit No.49 of 2013, the petitioner-plaintiff moved application Exh.13 for grant of police aid on 18th March, 2013, alleging that the respondent-defendant has tried to disturb his activities, which prompted him to cause a report to the police authorities on 4th February, 2013 and 16th March, 2013.

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2. The application Exh.13 for grant of police aid, for implementation of the injunction order, moved by the petitioner came to be rejected on 5th December, 2013 on the ground that there is no eminent urgency which prompts order of police aid.

3. Mr Bedre, learned Counsel appearing on behalf of the petitioner submits that even today, threat from respondent-defendant persists and as such the petitioner is ready and willing to demonstrate today also that he is entitled for police aid for implementing the order of injunction. Mr Bedre submits that the suit has not travelled much ahead as the same is fixed for framing of issues.

4. Per contra, learned Counsel appearing on behalf of the respondent submits that it is a settled law that police aid cannot be provided for implementing injunction order, so as to dispossess the respondent. Be that as it may, the circumstances which prompted the Trial Court to pass the order impugned refusing police aid, was having regard to the circumstances existing as in the year 2013.

5. During the course of hearing, a categorical statement is made that threat from the respondent still persists, which act *prima facie* is contrary to the order of injunction passed in favour of the petitioner.

6. Considering the aforesaid submissions, in my opinion, it will be appropriate to grant liberty to the petitioner to apply afresh to the learned

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Trial Court, if occasion so arises, for police aid for the purpose of implementing the order of injunction against the respondent. If such application is moved, the Trial Court shall proceed to decide the same without being influenced by the earlier order.

7. It is really shocking to note that the suit is pending at the stage of framing of issues since last more than four years. In view thereof, hearing of the suit stands expedited.

Writ Petition stands disposed of accordingly.

(NITIN W. SAMBRE, J.)

amj