

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11837 OF 2018

BHAGWAN BABA PAWDE AND OTHERS
VERSUS
DEVRAO WAMANRAO PAWDE AND OTHERS

...

Advocate for Petitioners : Mr. A.G. Godhamgaonkar h/f Mr. M.D.
Godhamgaonkar

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CORAM : N. M. JAMDAR, J.
DATED : 19 DECEMBER 2018

PER COURT:-

1. By the impugned order, the learned Civil Judge has rejected the application filed by the petitioners for extending the police aid.
2. The order of interim injunction has been granted in favour of the petitioners. The petitioners had moved an application for completing wire fencing to the suit property. The learned Civil Judge has rejected the application primarily on the ground that there is no period mentioned in the application and that the grant of police aid is not a matter of course.
3. That it is not a matter of course that the police aid is to be extended is correct. However, for that purpose the facts situation

must be examined. Ordinarily, the court granting an order of temporary injunction must ensure that the same is not breached and the party in whose favour an order of injunction is granted is able to enjoy the same and that the respondents are not allowed by force to breach the order of injunction.

4. As far as the period of police protection is concerned, admittedly, the application does not refer to any time period. On 28 November 2018, notice was issued to the respondents, which has been served. Notice indicate that the court may consider hearing of the petition finally at admission stage. None appears for the respondents.

5. In the circumstances, liberty is granted to the petitioners to file fresh application giving period for which police protection is necessary.

6. The learned counsel for the petitioners state that the application will be filed immediately. After the application is so filed, the learned Civil Judge will decide the same within a period of two weeks thereafter, after giving opportunity to the respondents.

7. The writ petition is disposed of accordingly.

(N. M. JAMDAR, J.)