

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8839 OF 2019

Zafrur-Rahman Abdul Rahman

...Petitioner

Versus

Nafiz Abdulla Patel Nana Patel & Ors.

...Respondents

.....

Mr. S.S.Kazi, Advocate for the Petitioner.

Mr. S.P.Tiwari, Advocate for the Respondent Nos. 2 & 3.

.....

CORAM : **RAVINDRA V. GHUGE, J.**

DATE : **23-07-2019.**

PER COURT :

01. The petitioner-plaintiff is aggrieved by the Order dated 22.2.2019 passed by the Trial Court by which the applications Exh. Nos. 48 and 51, seeking police protection in the suit property in R.C.S. No. 417/2014 have been rejected.

02. I have heard the learned Advocate for the petitioner-plaintiff and have gone through the petition paper book with his assistance.

03. It is settled law that police protection can not be granted lightly by the Trial Court and it is only in

rarest of rare cases, when all other remedies are exhausted, that the Court can exercise its powers and grant protection.

04. In the instant case, the plaintiff, who is armed with a injunctory Order under Order 39 Rules 1 and 2 of the Code of Civil Procedure, has approached the Trial Court for grant of police protection so that he can perform cultivation in the agricultural land. In my view, the Trial Court has rightly rejected the said application concluding that such a relief can not be lightly granted.

05. In my view, the plaintiff has a remedy under Order 39 Rule 2(A) of the Code of Civil Procedure for dealing with a case of disobedience of the injunctory Orders. Seeking police aid for carrying out cultivation is not the remedy.

06. This petition being devoid of merit is, therefore, dismissed.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-