

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

WRIT PETITION NO. 7517 OF 2019

**JANKU SUKHADEO GHORPADE AND ANOTHER
VERSUS
BHASKAR DEVKA GHORPADE AND OTHERS**

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Advocate for the Petitioners : Shri T. V. Bedre h/f.
Shri V. S. Bedre
AGP for the Respondent-State : Shri S. P. Tiwari

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 26th JUNE, 2019.

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PER COURT :

1. The petitioners are aggrieved by the order dated 03/04/2019 passed by the Trial Court rejecting application Exhibit 27 in RCS No. 22/2019, vide which, the plaintiffs had applied for police protection and for continuing their construction of the house under police supervision.

2. Shri Bedre learned Advocate has strenuously criticized the impugned order and has drawn my attention to the 24 grounds formulated in the memo of the petition. He submits that the Trial Court has unlimited powers and inherent

jurisdiction under Section 151 to direct the police to grant protection. The defendants, who are already enjoined by the Trial Court vide order dated 16/02/2019 when Exhibit 5 was allowed, are still disturbing the plaintiffs.

3. Despite his vehement submissions, I find that the Trial Court had directed the defendants not to interfere with the possession of the plaintiffs. It does not appear that the plaintiffs had disclosed to the Trial Court that they would be proceeding with the construction of a house after the temporary injunction application is allowed. Moreover, in such matters, granting police protection is an exemplary step and normally the courts are extremely slow in granting such protection unless there is a serious threat to life and property.

4. In my view, the plaintiffs are equipped with an order under Order XXXIX Rules 1 and 2 of the CPC and an effective remedy for the plaintiff to execute the injunctory order is available under Order XXXIX Rule 2A of the CPC. With the said remedy being available to the petitioners, this petition is disposed off. The impugned order dated 03/04/2019 shall not

be an impediment for the plaintiffs to take recourse to the remedy available.

(RAVINDRA V. GHUGE, J.)

shp/-