

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9716 OF 2019

SAGAR SURESH MUNDLIK
VERSUS
PRAMILA KAILAS MAID

Ms.G.R.Jagtap h/f Mr.C.K.Shinde, Advocate for the petitioner.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 03/08/2019

PER COURT :

1. The petitioner/plaintiff in RCS No.336/2018 is aggrieved by the order dated 03/07/2019 passed by the Trial Court, by which application Exh.21 filed by the petitioner seeking police protection u/s 151 of the CPC for implementing the order of temporary injunction passed under Order 39 Rules 1 and 2, has been rejected.

2. The learned Advocate for the petitioner has canvassed a host of factors. My attention is drawn to the 12 grounds formulated in the memo of the petition. It is pointed out that the defendants are disobeying the injunctory orders and are threatening the petitioner. It is only the police who can protect the petitioner. One non cognizable offence has been sought to be registered with a police station at

Shirdi. Reliance is placed upon the judgment of the Kerala High Court in the matter of Kochupennu Ambujakshi Vs. Velathakunju Vasu Channar [AIR 1999 Kerala 62] and it is strenuously contended that the Trial Court is not powerless and can pass an order u/s 151.

3. I find that the petitioner had earlier filed another application at Exh.13 seeking police protection for the same purpose and the said application was rejected on 06/06/2019. On 25/06/2019, a non cognizable offence is registered at Police Station, Shirdi. Immediately thereafter on 26/06/2019, Exh.21 is filed. Apparently, the police complaint does not make out a cause for which the petitioner should be granted police protection u/s 151. The same Court had rejected Exh.21.

4. Nevertheless, it is held in the matters of Reba Mandal Vs. Sandhya Paul and others [(2018) 6 WBLR (Cal.) 277] and Bijiga Papa Rao Vs. Jonnalagadda Srinivasa Rao [2015(2) ALD 171] that the grant of police aid is an exceptional relief and should not be granted at the mere askance. If there are other efficacious statutory remedies available to seek execution of the temporary injunctory orders, such remedies have to be exhausted. I find that Order 39 Rule 2A of the CPC is an efficacious and expeditious remedy available

to the petitioner.

5. In view of the above, this petition, being devoid of merit, is therefore dismissed.

(Ravindra V.Ghuge, J.)