

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9444 OF 2018

SHAMLAL SHANKARLAL JAISWAL
VERSUS
SUBASH SHANKARLAL JAISWAL

Advocate for Petitioner : Mr. R.F. Totala h/f. Mr. R.A. Karwa.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 18.02.2019

PER COURT :

1. I have heard Shri Totala, learned counsel on behalf of the petitioner. Despite service of Court notice, no appearance has been entered. Shri Totala, has strenuously criticized the impugned order dated 30.07.2018, by which the trial Court rejected application Exhibit 35, filed in RCS No. 249/2017, by which, the petitioner had sought police protection to restrain the defendant and his sons from interfering with their cultivation activity in June 2018.

2. Notwithstanding the strenuous submissions, I find that the petitioner had preferred Exhibit 25 for seeking police protection, so as to resort to the cultivation activity in June 2018. Contention was that as agricultural activities began with the onset of the rainy season, the defendant and his sons started restraining the petitioner and his family members from cultivating the land.

3. I find that since the cultivation season of 2018, has already passed away and we are at the onset of summer, it would be appropriate for the petitioner to move a fresh application before the trial Court specifically citing events and circumstances on the basis of which a prayer for police protection could be put forth, keeping in view that temporary injunction has been granted in favour of the petitioner.

4. As such, this petition is disposed of with liberty as recorded above. Needless to state, the trial Court shall consider such an application on its own merits and in accordance with law and ensure that an order on the said application is passed on/or before 15.06.2019.

(RAVINDRA V. GHUGE, J.)

S.P.C.