

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.404 OF 2017

Devgonda Shivgonda Patil (since deceased) through L.R.s ..Petitioners.

V/s.

Balaso Bhupal Terdale & Ors. ..Respondents.

Mr.Rahul S.Kulkarni for the petitioners.

Mr.Sudhir V.Sadavarte for respondent Nos.1 to 4.

CORAM : NITIN W. SAMBRE, J.

DATE : OCTOBER 7, 2019

P.C. :-

Heard learned counsel for the parties.

2. The order impugned is dated March 8, 2016 passed below Exhibit-62 in Regular Civil Suit No.180/1913 passed by Civil Judge, Junior Division, Jaysingpur, rejecting the prayer of the petitioners for grant of police aid in execution of the order of injunction

3. It is settled position of law that prayer for grant of police aid in execution of order of temporary injunction cannot be granted in a routine manner and it can be granted only in exceptional circumstances, which has to be exercised with caution. It has been rightly observed by the learned Civil Judge, Junior Division, Jaysingpur, in the impugned order. The order is corrected pursuant to speaking to the minutes of the order dated 18/10/2019

Judge to that effect while rejecting the prayer for grant of police aid.

4. That being so, no interference is warranted by this Court. The petition is dismissed.

5. Considering the nature of the proceedings and the fact that the suit is pending for more than five years, the petitioners are unable to execute the injunction order, which has been confirmed upto the High Court, it will be appropriate if the hearing of the suit is expedited.

6. The learned trial Court is directed to dispose of the Regular Civil Suit No.180/2013 as expeditiously as possible.

(NITIN W. SAMBRE, J.)