

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

8 WRIT PETITION NO.1955 OF 2021

GAFAR KARIMSAB LALTEKADE  
VERSUS  
BABRUWAN NARSINGRAO LANGOTE AND OTHERS

...  
Advocate for Petitioner : Mr. Valse Vikrant S.

...

**CORAM : V. K. JADHAV, J.**  
**DATE : 01.02.2021**

**PER COURT :-**

1. I find no fault in the impugned order passed by the Trial Court. It appears that the petitioner / plaintiff has filed an application Exh.59 for restoration of possession. The petitioner / plaintiff has instituted the suit for perpetual injunction and though the Court has granted temporary injunction in favour of the plaintiff, however, during pendency of the suit, the respondents / defendants dispossessed the plaintiff on 28.08.2018. The Trial Court after giving opportunity to both the sides by order dated 30.11.2018, directed the defendants to deliver the possession of the suit property to the petitioner / plaintiff within 10 days from the date of this order. It appears that instead of getting order passed below Exh.59 and

executed, the petitioner / plaintiff has directly filed an application Exh.66 for grant of police aid. The learned Judge of the Trial Court has rightly observed that the plaintiff gets equally efficacious remedy to execute the order passed below Exh.59. Admittedly, the plaintiff is dispossessed from the suit property during pendency of the suit and during subsistence of the temporary injunction order in favour of the plaintiff.

2. In view of the same, no police aid can be granted directly to restore the possession like this. The petitioner / plaintiff is at liberty to file an application to execute the said order passed below Exh.59 and it would be for the Trial Court to take the drastic and appropriate action against the respondents / defendants.

3. Thus, with these observations, this Writ Petition is disposed off.

**(V. K. JADHAV, J.)**

...

vmk/-