

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

910 WRIT PETITION NO.6269 OF 2021

SANTARAM BHIMRAJ THOMBRE AND ANOTHER
VERSUS
TULSHIRAM ANANDA GAVALI AND OTHERS

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Advocate for Petitioners : Mr. Sonavane Narendra D.

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CORAM : V. K. JADHAV, J.
DATE : 29.04.2021

PER COURT :-

1. I have heard the learned counsel for the petitioners at length.
2. The petitioners are the original defendant Nos.1 and 2. Respondent Nos.1 and 2-original plaintiffs have instituted the suit bearing Regular Civil Suit No.206 of 2011 for a decree of perpetual injunction and pending suit filed an application Exh.5 for issuance of temporary injunction.
3. By order dated 11.03.2019, the Trial Court has allowed the application and thereby restrained the petitioners for disturbing the peaceful possession of the plaintiffs over the suit property till the final disposal of the suit.

4. Respondent Nos.1 and 2-original plaintiffs filed an application seeking police protection and even though the order of temporary injunction is in force, the petitioners allegedly caused damage to the wire fencing compound. By impugned order dated 16.03.2021, the Trial Court has allowed the application to the extent of repair of the said wire fencing compound of the suit property and the police protection is granted to that extent only.

5. The learned counsel for the petitioners submits that being aggrieved by the said order passed below Exh.5, the petitioners have preferred Misc. Civil Appeal, which is delayed by 20 months and 20 days. Thus, the said appeal has been filed along with an application seeking condonation of delay and the application is pending.

6. The learned counsel for the petitioners submits that it is well settled that in case of extreme urgency or emergency only, police protection can be granted. The respondents-original plaintiffs have not made out any case for grant of police protection. The learned counsel submits that the respondents-original plaintiffs, under the garb of the said application

seeking police protection, creating an evidence to support their case about the possession over the suit property.

7. I do not find any substance in this Writ petition. There are specific allegations in the application that the petitioners herein are *goonda* in nature and despite the order of injunction is in force, caused damage to the wire fencing compound. It appears from the impugned order that the Trial Court has granted the police protection to the extent of repair of the wire fencing compound of the suit property. It is needless to state that the order of temporary injunction would have no bearing on the finding pertaining to the lawful possession at the conclusion of the suit.

8. Thus, there is no substance in this Writ petition. The Writ Petition is hereby dismissed.

(V. K. JADHAV, J.)

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vmk/-