

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRT PETITION NO. 3727/2021

**Savita Mangilal Chavan thr L.Rs and ors ..Versus... Sunita Dnyaneshwar
Jamgade and ors**

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. V.N.Patre, Advocate for petitioners

CORAM : AVINASH G. GHAROTE, J.

DATE : 09/12/2021

Heard Mr. Patre, learned counsel for the petitioner. The petition challenges the order dated 6.1.2020 passed by the Trial Court, rejecting the application filed by the plaintiff/petitioner seeking police aid. It is the contention of the learned counsel for the petitioner that the defendants are administering threats to the plaintiff regarding dispossession from the suit property and therefore police aid is required to be given.

It is an admitted position that the order of injunction holding that the petitioner/plaintiff is in possession of the suit property and thereby restraining the defendants from disturbing the possession of the plaintiff has been passed on 31.08.2015, in W.PNos. 369/2014 and 6814/2014. Since 31.08.2015 the plaintiff is in continuous possession of the property, which would indicate that the order of injunction has not been violated. A mere apprehension in the mind of the plaintiff based upon the

alleged threats regarding dispossession, would not entitle the plaintiff to any police aid as has been sought to be claimed by the plaintiff by virtue of application below Exh. 161. The learned Trial Court has observed that no complaints whatsoever have been made by the petitioner to the police authority in respect of allegations as indicated in the complaint, which is another ground for not granting the application.

Reliance place on **Meera Chauhan vrs Harsh Bishnoi and anr, (2007) 12 SCC 201**, is clearly misplaced for the reason that in that case the injunction order was demonstrated to have been violated, considering which an application was filed for restoration of possession. Admittedly in this case, the plaintiff continues to be in possession of the suit property since the 31.08.2015 till date, considering which what has been held in **Meera Chauhan** (supra) is of no assistance to the petitioner/plaintiff.

Thus, considering what has been stated above, I do not see any infirmity in the order impugned. The petition is therefore without any merits and is dismissed.

JUDGE

rvjalit

Digitally sign by RAJESH
VASANTRAO JALIT
Location:
Signing Date: 09.12.2021 17:30