



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO. 10259 OF 2024

ATUL PRAMOD BONDE AND ANOTHER
VERSUS
NATTHU BHAGWAN BONDE

...
Advocate for the Petitioner : Mr. Patil Mangesh G.

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CORAM : ARUN R. PEDNEKER, J.

Dated : September 20, 2024

PER COURT :-

1. Heard the learned counsel for the petitioners/original defendants.
2. By way of present writ petition, the petitioners challenge the impugned order dated 18.7.2024 passed by the learned Civil Judge, Junior Division, Raver below Exh. 20 in R.C.S. No. 22/2020. Application, Exh. 20 was filed by the respondent/plaintiff herein for providing police protection while cultivating the suit property. The said application was allowed by the Trial Court. Hence, the writ petition.
3. The learned counsel for the petitioners/defendants submits that defendants have not disturbed the possession of the plaintiff nor obstructed the plaintiff from accessing his property and that there is no breach of temporary injunction order passed by the Trial Court. The learned counsel also undertakes that defendants will not create any hindrance to the plaintiff in accessing his property.
4. The learned counsel for the petitioners submits that when there is provision of Order 39 Rule 2A of the Civil Procedure Code, providing consequence of disobedience or breach of injunction order, there is no need to pass the impugned order and relied upon the judgment of this Court in the case of **Shivaji Shankar Jadhav and Anr. Vs. Laxman Gajanan Godbole**

reported in **2018 SCC OnLine 11737**. In view of para 13 of the judgment supra, the learned counsel contends that plaintiff is in possession of the property and that police protection for cultivating the land is not required and prayed to quash and set aside the impugned order.

5. On perusal of the writ petition, it is seen that there is interim injunction order passed against the petitioners/defendants and the said order is upheld by the appellate Court. In view of the same, since the plaintiff was apprehending that the defendants/petitioners will create obstruction to the plaintiff for egressing and ingressing his property, he moved the application at Exh. 20 for providing police protection, which came to be allowed subject to payment of necessary fees. Plaintiff/respondent is in possession of the suit property and injunction order is ineffective in absence of police protection. Since the findings are on the facts and there is likelihood of offensive activities on the site, that cannot be said to be imagination of the plaintiff, more particularly since the defendant is claiming possession of the suit property even in the present writ petition as is reflected in ground Nos. VI and VII. The Trial Court has rightly exercised the jurisdiction and the same could not be interfered lightly.

6. Since, the injunction order is in favour of the plaintiff/respondent, which is upheld by the appellate Court, I see no error in the order passed by the learned trial Court. There is no reason to interfere in the impugned order. Hence, the writ petition is dismissed.

(ARUN R. PEDNEKER, J.)

ssc/