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P-1wp1164.25

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

P-1 WRIT PETITION NO 1164 OF 2025

YUVRAJ MADHAVRAO PATIL
VS
ANIL SUPADU PATIL

Mr. S. A. Patel, Advocate h/f Mr.A. P. Avhad, Advocate for the
petitioner

CORAM : KISHORE C. SANT, J.

DATE : 22nd JANUARY, 2025

P C.

1. Heard the learned advocate for the petitioner.
2. The petitioner had challenged the order passed by the learned Executive Court i.e. 3rd Civil Judge Senior Division, Chalisgaon on application below Exh.15 in Regular Darkhast No. 22/2023. By way of order the learned Judge has directed the police to provide protection to respondent-original decree holder in the suit for protection of well in the land gut No. 10/A/1/A/1/A/1 .

3. It is the apprehension of the present petitioner-judgment debtor that by taking disadvantage of the this order the respondent is trying to disturb his well which is situated in the adjacent land gut No. 18/B2/B. The well in the land gut No. 18/B2/B is right on the border of both the lands. It is, thus, apprehended that under the protection the respondent would show the possession on the well belonging to the petitioner. It is further argued that the petitioner has also filed an application below Exh.25 in the said Darkhast praying that before deciding the application for police protection the Court Commissioner be appointed.

4. Heard the learned advocate for the petitioner.

5. This court finds that there is no any substance in the application. The application on exh.25 is filed only on mere apprehension. So far as order granting protection, no perversity is pointed out. There are already two more suits filed by the petitioner which are pending before the same court. The

petitioner is at liberty to prosecute those two suits and also prosecute his application seeking appointment of Court of Commissioner in Darkhast Proceeding. This court does not find any merit in the petition. The petition, therefore, stands dismissed. No order as to costs. Needless to say that the petitioner is at liberty to prosecute his own application and suits.

[KISHORE C. SANT, J.]

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