

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9658 OF 2023

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Ramchandra Pomu Jadhav

... Petitioner

V/s.

Mirabai Sham Rathod

... Respondent

Mr. Hrishikesh Sopan Shinde for the petitioner.

Mr. Anvil S. K. for the respondent .

CORAM : S. G. CHAPALGAONKAR, J.

DATED : SEPTEMBER 18, 2025

P.C.:

1. The petitioner impugns order dated 20th July 2023 passed below Exhibits – 92 and 103 passed by Civil Judge, Senior Division, Solapur, in Regular Civil Suit No. 391 of 2015, by which police protection has been granted to the respondent.

2. The petitioner is original defendant in Regular Civil Suit No. 391 of 2015 instituted by respondent. Learned Trial Court granted temporary injunction on application filed below Exhibit–5 by respondent. Said order was in force till 20th May 2015. During the subsistence of temporary injunction order, respondent filed an

application below Exhibit-92 seeking police aid. Learned Civil Judge, Senior Division, Solapur allowed application vide order dated 20th July 2023 and permitted plaintiff to avail police protection for cultivation over the suit land in view of injunction order.

3. Learned advocate appearing for the petitioner, relying upon the observations of this Court in case of *Hemant Vasant Jagtap & Anr. v. Haji Abdul Malik Haji Yunusisa & Ors.*, reported in 2023 (3) Mh.L.J. 550, submits that extraordinary remedy of police protection cannot be invoked in a routine manner. A person seeking police protection must demonstrate exceptional circumstances requiring police protection. In the present case, no such circumstances discernible requiring Court to invoke jurisdiction under Section 151 of the Civil Procedure Code, 1908. He relies upon the observations made in paragraph No. 16 of said judgment, which read as under:

“16. Thus, in appropriate cases where the Court is fully convinced about existence of grave emergency, such as apprehension of violence by the persons against whom the order has been passed, police protection can be provided for enforcement of an order of injunction under the provisions of section 151 of the Civil. In the present case, it was specifically pleaded by the plaintiffs in their application that the defendant No. 1 caused violence on January 8, 2022 on

account of which he came to be arrested. True it is that, a counter-allegation is made by defendant No. 1 against the plaintiffs of indulging in similar kind of violence leading to their arrest. Without going into the merits of the allegations made by rival parties, an inescapable conclusion that emerges from the pleadings raised in application at Exhibit-52 and reply filed therein, is that some degree of violence has taken place at the site. In these circumstances, it can safely be inferred that exceptional circumstances do exist where power under Section 151 of providing police protection for enforcement of the order of temporary injunction ought to have been exercised.”

4. Learned advocate appearing for respondent, however, submits that temporary injunction order granted in favour of respondent is still intact. The petitioner was asserting his possession and attempting to disturb respondent’s peaceful enjoyment over suit property. In that view of the matter, an application was moved below Exhibit-92, which has been allowed for valid reasons.

5. Having considered submissions advanced, it can be observed that respondent filed a suit seeking decree of perpetual injunction on the basis of his ownership and possession over suit land. The petitioner is trying to make out a case that sale deed executed in favour of respondent is a money-lending transaction and that no right was passed to petitioner in pursuance of sale deed. Apparently, Trial Court, after considering relevant submissions,

passed order dated 20th May 2015 granting temporary injunction restraining petitioner from interfering in possession of respondent, which has not been set aside or stayed by any competent Court.

6. The respondent filed an application below Exhibit-92 asserting that on 21st January 2023 petitioner disturbed his possession. Complaints regarding scuffle are made. Eventually, Crime No. 88 of 2023 had been registered with Saiful Police Station. The aforesaid facts clearly depict that there are instances of violence between parties and situation requires police intervention to maintain sanctity of injunction order. Therefore, Trial Court appears to have rightly exercised jurisdiction under Section 151 of Civil Procedure Code, 1908 and passed order permitting respondent-plaintiff to avail necessary police protection.

7. This Court do not find jurisdictional error in the impugned order. In that view of the matter, writ petition stands rejected and disposed of.

8. Taking into account conspectus of matter, it is necessary that Trial Court endeavours to decide suit expeditiously. It is informed that the evidence of plaintiff is going on.

9. In that view of the matter, Trial Court is expected to decide suit within period of one year from today.

(S. G. CHAPALGAONKAR, J.)