

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

WRIT PETITION NO. 952 OF 2026

Sunil Jangonda Patil And Anr.
VERSUS
Aadgonda Yashwant Patil And Ors.

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Mr. Nikhil Pawar a/w Ms. Manasi Patil, Advocate for Petitioners.

Mr. Rahul Chandrakant Patil for Respondent Nos.2, 4 to 8.

Mr. Umesh H. Pawar for Respondent No.14.

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CORAM : SACHIN S. DESHMUKH, J.
DATE : 29th APRIL, 2026.

P. C. :

1. The Petitioners have raised an exception to the order dated 16.02.2026 rendered below Exhibit 78 in Regular Civil Suit No.315 of 2022 by the learned Civil Judge Senior Division, Islampur, District Sangli thereby rejecting the prayer of police protection sought by the Petitioners.

2. The Petitioners are the original Plaintiffs while the Respondents are the original Defendants. Hereinafter the parties shall be referred to by their original status in the suit.

3. The Plaintiff instituted the Civil Suit against the Defendants

seeking mandatory injunction along with an application for temporary injunction. While the hearing of the interlocutory application, the Defendants had filed an undertaking below Exhibit-35 before the trial Court stating that the Defendants shall not in any manner obstruct the Petitioners in relation to the suit property. Although the said undertaking, the defendants interfered with the rights of the Plaintiff and accordingly, the Plaintiffs preferred an application under Section 151 of the CPC seeking police protection. However, the same came to be rejected by the order under challenge.

4. Raising challenge to the same, learned counsel for the Petitioners/Plaintiffs submits that the order under challenge is unsustainable in law. Despite the undertaking, the Defendants have obstructed the Plaintiffs' from taking the road which goes through the suit property. Thus, the plaintiffs ought to have been granted police protection.

5. Learned counsel for the Respondent Nos.2, 4 to 8 and 14 have opposed the Petition and supported the order under challenge.

6. Having heard the submissions from both the sides and upon perusal of the record indicates that apart from the allegations of the

Defendants obstructing the Plaintiffs, there is nothing on record produced by the Plaintiffs to support the same. Moreover, the alleged road as observed by the trial Court does not form the part of the map produced on record *vis-a-vis* undertaking. Thus, the trial Court has rightly observed that it is not a fit case to invoke inherent powers of the Court under Section 151 of the CPC.

7. Resultantly, no error is noted in the order under challenge.
8. Accordingly, the Writ Petition stands **dismissed**.

[SACHIN S. DESHMUKH, J.]