

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2811 OF 2026

Dynanoba Dashrath Pingale (deceased)
through legal representatives Popat D.
Pingale and Ors.

...Petitioners

Versus

Pandurang Dashrath Pingle and Ors.

...Respondents

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Mr. Nachiket Khaladkar, for the Petitioners.
Ms. Akanksha Gond, i/by Mr. Abhijit Kadam, for Respondent
No.1.

CORAM: N. J. JAMADAR, J.
DATED: 24th MARCH, 2026

Oral Order:-

1. Heard the learned Counsel for the petitioners.
2. The challenge in this petition is to the orders passed by the learned Civil Judge on 5th December, 2025, whereby the learned Civil Judge has directed the Police Inspector, Police Station Shikrapur, Taluka Shirur, to give police protection to the plaintiff No.1, plaintiff No.2 and defendant Nos.1/1 to 1/6 for implementation of orders of temporary injunction, dated 25th August, 2023, 16th August, 2022 and 25th August, 2023, passed by the trial Court.

3. The learned Counsel for the petitioners submitted that the petitioners have preferred appeals against the said orders before the District Court. However, those appeals are not being heard as the appeals have been transferred to the District Court at Shirur. It was further submitted that the petitioners are the cultivators of the subject land and by taking police aid they are sought to be dispossessed.

4. Evidently, the orders passed by the trial Court granting temporary injunction to restrain the petitioners are in force. If the orders passed by the Court are not being allowed to be implemented or are being forcibly resisted, the Civil Court is empowered to issue directions to the police authorities to render aid for proper implementation of the orders of the Court in exercise of the inherent jurisdiction under Section 151 of the Code.

5. A useful reference can be made to the decision of the Supreme Court in the case of *Meera Chauhan vs. Harsh Bishnoi and another*¹, wherein the powers of the Court under Section 151 of the Code were expounded as under:

“15. Upon a bare perusal of Section 151 of the Code of Civil Procedure, it cannot be said to be in dispute that Section 151 confers wide powers on the court to make such orders as may

¹ (2007) 12 Supreme Court Cases 201.

be necessary for the ends of justice or to prevent abuse of the process of the Court.

16. The power of Section 151 to pass order of injunction in the form of restoration of possession of the code is not res integra now.

17. In *Manohar Lal Chopra vs. Rai Bahadur Rao Raja Seth Hiralal* [AIR 1962 SC 527] while dealing with the power of the Court to pass orders for the ends of justice or to prevent the abuse of the process of the Court, this Court held that the courts have inherent jurisdiction to issue temporary order of injunction in the circumstances which are not covered under the provisions of Order 39 of the Code of Civil Procedure. However, it was held by this Court in the aforesaid decision that the inherent power under Section 151 of the Code of Civil Procedure must be exercised only in exceptional circumstances for which the Code lays down no procedure.

18. At the same time, it is also well settled that when parties violate order of injunction or stay order or act in violation of the said order the Court can, by exercising its inherent power, put back the parties in the same position as they stood prior to issuance of the injunction order or give appropriate direction to the police authority to render aid to the aggrieved parties for the due and proper implementation of the orders passed in the suit and also order police protection for implementation of such order.”

6. Thus, no fault can be found with the impugned orders.

7. So far as the grievance of the petitioners that the appeals are not being taken up by the District Court at Shirur, the learned District Judge, Shirur, is requested to hear and decide the Misc. Civil Appeals preferred by the petitioners as expeditiously as possible on their own merits and in accordance with law.

8. The petition stands disposed.

[N. J. JAMADAR, J.]