



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.504 OF 2025

DR. VIREN SHRIKUMAR PAPALKAR

VERSUS

DURGABAI BABULAL SHENDE AND OTHERS

<i>Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders</i>	<i>Court's or Judge's orders</i>
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Mr. S.N. Bhattad, Advocate for Petitioner.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 26th FEBRUARY 2026

1. Heard learned Advocate for the petitioner.
2. The petitioner has challenged an order dated 30.07.2024, passed by 6th Joint Civil Judge Junior Division, Pusad, in R.C.S. No.26 of 2023, rejecting the application at Exhibit 36 filed by the petitioner-plaintiff for grant of police protection to use the 12 Mtr. service road, in view of temporary injunction order dated 06.11.2023, passed by the trial court in the said suit, on an application at Exhibit 05.
3. Learned Advocate for the petitioner-plaintiff submits that when the plaintiff attempted to use the road, he apprehended obstruction from the defendants and therefore, sought for police protection by filing application at Exhibit 36. The said application came to be rejected by the trial court by observing that there is a provision to take appropriate action in case there is disobedience of the temporary injunction order. It is stated by the learned Advocate for the petitioner that the temporary injunction order is still in force.

4. Having regard to the entire controversy, it appears that the temporary injunction order is in operation in favour of the plaintiff. By the temporary injunction order, the defendants are restrained from disrupting the plaintiff to use the 12 Mtr. service road on the east and north side of the suit property during pendency of the suit. While considering the application at Exhibit 36, the trial court has not found it necessary to grant police protection. Hence, no perversity is seen in the impugned order. In view of this, no interference is warranted with the impugned order.

5. However, it is clarified that in case while using the said road, the plaintiff is obstructed by the defendants and he files an application for grant of police protection before the trial court, same should be decided by considering the facts and circumstances of the case and the need to grant police protection, without being influenced by the impugned order.

6. In view of these directions, the writ petition is disposed of with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

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