



HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 14175/2026

CNR: RJHC010650542026

URN: CW / 25870U / 2026

Shri Mahadev Ji Kaluram Ji Ki Bawdi, Through Soorsagar Mali
(Sainik Shatriya) Sansthan, A Registered Society Having Its
Office At Soor Sagar, Jodhpur, Through Its President, Shri
Ranveer Singh Parihar S/o Shri Jaynarayan Ji, Aged About 78
Years, Resident Of Sidhiyon Ki Gali, Soor Sagar, Jodhpur.

-----Petitioner

Versus

1. Shri Milap Singh S/o Shri Khemraj Ji, R/o Aambon Ka
Bagh, Soor Sagar, Jodhpur.
2. Shri Chetan Prakash S/o Shri Khemraj Ji, R/o Aambon Ka
Bagh, Soor Sagar, Jodhpur.
3. Shri Abhishek S/o Shri Liladhar, R/o Uparli Gali, Subhash
Chowk, Soor Sagar, Jodhpur.
4. Shri Ramsingh S/o Shri Hansraj, R/o Bakton Ki Ka Bera,
Soor Sagar, Jodhpur.
5. Shri Navin S/o Shri Hukamsingh, R/o Aambon Ka Bagh,
Soor Sagar, Jodhpur.
6. Shri Pankaj S/o Shri Hukamsingh, R/o Aambon Ka Bagh,
Soor Sagar, Jodhpur.
7. Shri Ritik S/o Shri Hukamsingh, R/o Aambon Ka Bagh,
Soor Sagar, Jodhpur.
8. Shri Sunil S/o Shri Liladhar, R/o Uparli Gali, Subhash
Chowk, Soor Sagar, Jodhpur.
9. Shri Raju S/o Shri Chetan Prakash, R/o Aambon Ka Bagh,
Soor Sagar, Jodhpur.
10. State Of Rajasthan, Through District Collector, Jodhpur.



11. S.h.o., Police Station Soor Sagar, Jodhpur.

-----Respondents

For Petitioner(s) : Mr. Anand Purohit, Sr. Advocate
assisted by Mr. Kshitij Vyas
Mr. Sukhdev Patel
For Respondent(s) : -



HON'BLE MR. JUSTICE FARJAND ALI
Order

Reportable

10/07/2026

1. By way of filing the instant writ petition, the petitioner has laid challenge to the legality, validity and propriety of the order dated 13.06.2026 passed by the learned Additional Civil Judge No.1, Jodhpur Metropolitan, Jodhpur in Civil Misc. Case No.27/2026, whereby the application preferred by the petitioner under Section 151 of the Code of Civil Procedure, 1908 seeking police assistance for ensuring smooth, effective and unimpeded implementation of the subsisting ad interim injunction order dated 03.07.2025 has been rejected.

2. A bare perusal of the impugned order reveals that the petitioner is the plaintiff in a civil suit for permanent injunction along with an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (hereinafter to be referred as "the CPC"), being Civil Misc. Case No.70/2025. The petitioner specifically pleaded in the suit as well as in the application for temporary injunction that renovation work of the Temple of Lord



Mahadeva situated at the suit property was required to be undertaken. Taking note of the prima facie case, the learned trial Court, vide order dated 03.07.2025, granted an ad interim injunction restraining the defendants from causing any interference in the peaceful use and occupation of the suit property by the petitioner.

2.1 It is the specific case of the petitioner that when, pursuant to the aforesaid ad interim order, the petitioner attempted to undertake the necessary renovation work in the temple premises, the respondents obstructed the execution of the work, interfered with the peaceful possession of the petitioner and created such an atmosphere that the petitioner was compelled to discontinue the renovation activities. In these circumstances, the petitioner preferred an application under Section 151 CPC praying for police assistance so that the ad interim order already passed by the learned trial Court could be implemented in its true letter and spirit and the renovation work could proceed without obstruction. The said application, however, came to be rejected by the learned trial Court vide order dated 13.06.2026, which is under challenge before this Court.

3. Learned counsel for the petitioner submits that the learned trial Court has committed a manifest error in observing that the petitioner should invoke the provisions of Order XXXIX Rule 2-A CPC for alleged disobedience of the injunction order and that police assistance can be directed only in cases of *grave emergency*. It is contended that the object of the application under Section 151 CPC was not to seek punishment of the



respondents but to ensure effective implementation of the subsisting judicial order so that the authority and sanctity of the Court's order are maintained.

4. Heard learned counsel for the petitioner and perused the material available on record, including the impugned order.

5. This Court is of the view that while deciding an application seeking police assistance for implementation of an already existing judicial order, no vested right of the opposite party is affected so as to necessitate issuance of notice. Prior to passing an injunction order, observance of principles of natural justice assumes significance because civil rights are yet to be adjudicated and the proposed order may adversely affect the opposite party. However, once the injunction has already been granted after due judicial consideration, the Court is not required to again seek permission or opinion of the opposite party as to whether the Court's own order should be allowed to be implemented. Such a course would virtually amount to permitting the alleged violator to determine whether the judicial order deserves compliance, which is wholly impermissible. The implementation of a judicial order is the exclusive prerogative of the Court and cannot be made dependent upon the willingness or consent of the party against whom the order operates. The Court alone is competent to determine the manner in which its orders are to be effectuated so as to ensure their meaningful compliance.

6. The sole premise on which the learned trial Court has declined the relief is that the petitioner may avail the remedy under Order XXXIX Rule 2-A CPC and that police protection is to





be granted only *In cases of grave emergency*. In view of this Court, the reasoning assigned by the learned trial Court is legally unsustainable and proceeds on a complete misconception of the scope of the relief sought by the petitioner.

6.1 There exists a marked distinction between proceedings under Order XXXIX Rule 2-A CPC and a prayer seeking police assistance for implementation of an existing injunction order. Proceedings under Order XXXIX Rule 2-A are punitive in nature. Their object is to deal with deliberate and wilful disobedience of an injunction order by punishing the contemnor and compelling him to purge the contempt. Such proceedings are neither intended nor designed to secure immediate enforcement of the injunction order or to facilitate its smooth implementation.

6.2 On the other hand, where a Court has already exercised its judicial discretion and passed an ad interim injunction, it equally carries an obligation to ensure that its order is not reduced to a mere paper decree. If credible material is placed before the Court indicating obstruction in implementation of its order, the Court would be failing in its duty if it remains a silent spectator and relegates the successful litigant merely to punitive proceedings under Order XXXIX Rule 2-A CPC. The majesty of law does not lie merely in passing judicial orders; it equally lies in ensuring that such orders are respected, honoured and effectively implemented. A Court cannot permit its orders to become illusory or incapable of enforcement merely because a recalcitrant party chooses to obstruct their execution.



6.3 Once an injunction order has already been passed, the question is no longer whether such injunction deserves to be granted. That issue already stands judicially determined. The subsequent exercise of issuing ancillary directions for effective implementation of the existing order falls entirely within the supervisory and inherent powers of the Court.

7. Equally unacceptable is the observation that police assistance can be granted only in cases of grave emergency. The expression "*grave emergency*" cannot receive such a narrow interpretation as would exclude situations where implementation of a judicial order itself is being obstructed. Any deliberate obstruction in enforcement of a subsisting judicial order strikes at the very root of the rule of law and itself constitutes an emergent circumstance warranting immediate intervention by the Court.

7.1 The present case pertains to renovation of the *Temple of Lord Mahadeva*. Matters concerning places of worship demand a greater degree of sensitivity, promptitude and vigilance on the part of all concerned authorities. Religious faith and public sentiments attached to such institutions deserve due respect and protection in accordance with law. If unnecessary obstruction is permitted to continue despite a subsisting judicial order, it has the potential of generating public dissatisfaction, disturbing communal harmony and creating avoidable law and order situations. Injury to the religious sentiments of devotees, when coupled with wilful obstruction of a judicial order, certainly constitutes an emergent circumstance justifying issuance of police assistance. The Court is not expected to wait for an unfortunate incident to actually occur



before extending necessary protection. Preventive justice is always preferable to remedial justice. Every sincere endeavour should be made to avert any imminent disturbance and to ensure that the judicial order is implemented peacefully, smoothly and in an unimpeded manner.

8. Once this Court finds that a subsisting injunction order is allegedly being obstructed and police assistance is sought only for facilitating its implementation, the Civil Court ought to extend necessary police protection so that the dignity, authority and majesty of judicial orders remain preserved and public confidence in the administration of justice remains unshaken.

9. Accordingly, this Court has no hesitation in holding that the impugned order suffers from patent illegality, material irregularity and manifest perversity. The learned trial Court has failed to exercise the jurisdiction vested in it and has adopted an approach which defeats rather than advances the cause of justice.

10. In view of the above discussion, the instant writ petition deserves to be and is hereby allowed. The impugned order dated 13.06.2026 passed by the learned Additional Civil Judge No.1, Jodhpur Metropolitan, Jodhpur in Civil Misc. Case No.27/2026 is hereby quashed and set aside. The application preferred by the petitioner under Section 151 of the Code of Civil Procedure stands allowed.

11. The learned Additional Civil Judge No.1, Jodhpur Metropolitan, Jodhpur shall forthwith issue appropriate directions to the Superintendent of Police/concerned Station House Officer for extending adequate police protection and assistance to the



petitioner so as to facilitate peaceful, smooth and unobstructed execution of the renovation work of the *Temple of Lord Mahadeva* in accordance with the subsisting ad interim injunction order dated 03.07.2025, and to ensure its faithful implementation in letter as well as spirit.

12. It is, however, made clear that the police authorities shall merely facilitate implementation of the judicial order and shall not permit either party to travel beyond the scope of the injunction granted by the competent Civil Court.

13. Stay petition also stands disposed of.

(FARJAND ALI),J

333/Divya Daiya/634