



IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CMPMO No. 474/2026

Reserved on: 22.09.2026

Decided on: 30.09.2026

Prem LalPetitioner

Versus

Sapna & anr.Respondents

Coram:

The Hon’ble Mr. Justice Romesh Verma, Judge.

Whether approved for reporting?¹ Yes

For the Petitioner: Mr. Rajiv Jiwan, Sr. Advocate with Mr. Yug Singhal and Mr. Hitender Verma, Advocates.

For the Respondents: Ex-parte.

Romesh Verma, Judge

The present petition arises out of the order, dated 25.06.2026, as passed by the learned Civil Judge, Court No.3, Ghumarwin, District Bilaspur, H.P., whereby an application filed by the present petitioner under Section 151 of CPC for seeking police assistance for the implementation of the order dated 05.03.2026 has been rejected.

¹Whether reporters of the local papers may be allowed to see the judgment? Yes.

2 The facts, as emerge in the present case, are that the petitioner/plaintiff, namely Prem Lal, has filed a suit for permanent prohibitory injunction against his son, namely Ravinder Kumar, and his daughter-in-law, Sapna seeking decree for permanent prohibitory injunction, restraining the defendants from causing any type of interference in the house/ premises of the plaintiff, and raising any type of construction, digging the land, changing the nature, creating any type of hindrance and interference over the land measuring 8-12 bighas, comprised in Khasra Nos. 15, 29, 58, Kita 3, Khata Khatauni No. 30/32, situated in Village Bhagwani, Pargana Sariun, Tehsil Ghumarwin, District Bilaspur, H.P., either themselves or through their agents, servants, representatives, or family members.

3 As per the case, as set up by the plaintiff/petitioner, he is joint owner in possession of the suit land. The defendants are quarrelsome persons and strangers to the suit land, having no right, title, or interest over the same, as well as the house premises, as constructed by the plaintiff in any manner. The defendants are trying to occupy the house and suit land forcibly with the help of others and have started to interfere in his house. The plaintiff is a simpleton old man suffering from heart

disease and cannot resist the illegal designs of the defendants. The defendants, at the back of the plaintiff, tried to interfere in order to occupy the house situated over the suit land just to grab the same forcibly and in order to create prejudice to the rights of the plaintiff. Defendant No. 1 is residing in a rented accommodation, which is provided by defendant No.2, as many litigations are pending between defendant Nos. 1 and 2, and both of them are creating hardship to the old man. Therefore, it was prayed that a decree for permanent prohibitory injunction, restraining the defendants from interfering in the premises of the plaintiff and raising any type of construction, digging the suit land, changing the nature, creating any type of hindrance and interfering over the suit land, be passed in favour of the plaintiff and against the defendants and in the alternative, suit for possession in case the defendants dispossess the plaintiff from the house/premises as erected over the suit land.

4 The plaintiff along with the suit filed an application under Order 39 Rules 1 & 2 of CPC for restraining the defendants from interfering in the premises of the plaintiff and raising any type of construction, digging the suit land, changing the nature, creating any type of hindrance and interference over suit land.

5 The aforesaid application came up for consideration before the learned trial court on 12.12.2024, on which date, it passed the ad-interim injunction order in favour of the plaintiff/petitioner by restraining the respondents from interfering in the suit land, causing any type of interference in the house premises of the plaintiff and raising any type of construction, digging the suit land, changing the nature, creating any type of hindrance and interference over the suit land till further orders. Thereafter, the defendants were served in the matter and they contested the said application and prayed for dismissal of the same.

6 Defendants filed their separate written statements and all the allegations as made in the plaint were specifically denied. The learned trial court, vide its order dated 05.03.2026, allowed the application thereby restraining the respondents from interfering in the house premises of the plaintiff or raising any construction over the house and suit land in any manner whatsoever till the disposal of the suit.

7 The petitioner filed an application under Section 151 of CPC for the grant of police assistance for the implementation of the order dated 05.03.2026 against respondent No.1, wherein it was averred that on 05.03.2026, though the respondents were restrained from interfering in the suit land,

during the pendency of the suit, however despite the passing of the injunction order, the respondents are interfering, creating the hindrance and disturbance in the house premises of the plaintiff. As per the petitioner, he is an old-aged person and unable to resist against the illegal designs of the respondents. Respondent No.1 is residing at Sunder Nagar, and she has got no right, title, or interest in the house and land of the plaintiff and just to occupy the house and land of the plaintiff, she is threatening that she would kill the petitioner or anyone if any obstruction is created to her. The above-said order was very much in the knowledge of respondents. Thus, it was prayed that the order dated 05.03.2026 be got implemented through the the police of Police Station Bharari, District Bilaspur, HP.

8 The said application, as filed by the present petitioner, came to be resisted by respondent No.1 and it was averred in the reply that the present application has been filed without any cause of action and the petitioner has got no locus standi to do the same. It was stated that respondent No.1 is daughter-in-law of the plaintiff and the share in the land and property as well as house has already been allotted to her by order of the concerned Panchayat. It was denied that she had locked the house and thrown the household articles and broken the CCTV cameras as alleged in the application.

9 The learned trial court vide its impugned order dated 25.06.2026 dismissed the application as filed by the present petitioner.

10 Feeling dissatisfied, the plaintiff/petitioner has approached this court by invoking the provisions of Article 227 of the Constitution of India.

11 It is contended by the learned senior counsel for the petitioner that the impugned order as passed by the learned trial court is erroneous and liable to be quashed and set aside. It is urged that the learned trial court has not appreciated the point in controversy and has decided the application against the well-settled principles of law. He has submitted that since the learned trial court had injuncted the present respondents from creating any interference over the suit land, therefore, the application which has been filed for the enforcement of the said order could not have been disallowed by the learned trial court. He has further submitted that after accepting the present petition, the application as filed by the petitioner for the enforcement of the order dated 05.03.2026 with the aid of the police deserves to be allowed.

12 This court had issued notice for the service of respondents on 27.08.2026. Though, the respondents were

duly served, however they chose not to appear before the Court and accordingly, they were proceeded ex-parte on 17.09.2026.

13 In the present case, the plaintiff has approached the learned court below seeking permanent prohibitory injunction restraining the defendants from causing any type of interference in the house premises of the plaintiff or raising any type of construction over the suit land either themselves or through their agents, servants, representatives, or family members. The learned trial court allowed the application as filed by the present petitioner under Order 39 Rules 1 and 2 of CPC after taking into consideration the material placed on record and the replies as filed by the respondents. In the said application, final order came to be passed on 05.03.2026, whereby the respondents were restrained from interfering in house premises of the plaintiff or raising any construction over the house and suit land in any manner.

14 As per the case set up by the plaintiff/petitioner, admittedly injunction order has attained finality, and the respondent/defendants have not assailed the said order in the competent court of law, therefore, the respondents cannot be permitted to take the law in their hands and to violate the injunction order which stands passed against them by the learned Court.

15 It is the case of the petitioner that despite passing of the injunction order, the respondents are creating hindrance and disturbance in the house of the plaintiff. Being an old-aged person, he is unable to resist the illegal designs of the respondents. The respondents have intentionally and willfully disobeyed the order of the court on 06.03.2026 and locked the entire house and household articles were broken, and even the CCTV cameras were destroyed. He is a senior citizen and a law-abiding person. He is also suffering from chronic diseases and is unable to resist the forceful designs of the respondents who are bent upon to grab his property.

16 The case in hand is an unfortunate story as the litigation is between the father on the one side and and son and the daughter-in-law on the other side. The learned trial court has dismissed the application for seeking police assistance primarily on the ground that one room, kitchen and one toilet was given to the respondent No.1 as per the direction of the Gram Panchayat, and that the said room is in possession of the respondent No.1.

17 It is contended by the learned senior counsel that though the petitioner does not admit the veracity of the said order, but he has submitted that the respondents cannot be permitted to take the law in their own hands. As per learned

senior counsel for the petitioner, the respondents barged into the premises of the plaintiff/petitioner without any occasion, just to harass and oust him from the suit land in an illegal and forcible manner.

18 This court is in agreement with the contention as raised by learned senior counsel for the petitioner that once the competent court of law, after appreciating the material on record and after visualizing the stand as taken by the respective parties, has allowed the application under Order 39 Rules 1 & 2 CPC, then nobody can be permitted to take the law in his/her own hand. The petitioner is a senior citizen and is more than 74 years old and unfortunately, he has been compelled to knock at the doors of the court at the fag end of his life, alleged to have been maltreated and ill-treated by his son and daughter-in-law.

19 The only grievance, which the petitioner has raised in the present proceedings, is that the injunction order which stands passed by the learned trial court should be implemented with the aid of the police of Police Station Bharari, District Bilaspur. Merely for the reason that the petitioner has an alternative remedy under Order 39 Rule 2A of CPC, will not preclude the petitioner to invoke the provisions of Section 151 CPC for the enforcement of the injunction order through the police assistance.

20 The Hon'ble Apex Court has repeatedly held that an interim protection order passed by the court of law has to be implemented in its letter and spirit, and no one can be permitted to violate the same. The majesty of the court order has to be upheld. On account of the defiance as made by the present respondents, the petitioner has been compelled to approach the court for the grant of interim protection and police assistance. Once the injunction order stands passed by the court, then the same cannot remain on papers and cannot be permitted to be violated to the detriment of the rights of the petitioner, and it has to be implemented in its letter and spirit for the protection of senior citizen, as in the case in hand.

21 A Co-ordinate Bench of this Court in ***CMPMO No. 166 of 2021, titled Sanjay Kumar vs. Vijay Kumar & others, decided on 13.07.2023***, has held as under:-

"7. This Court in Jaishi Ram and others Vs. Salig Ram, 1981 Sim. L.C. 156 has held that if the circumstances of a case are such that assistance of police for the enforcement of an order is necessary, an order to this effect can be passed. The learned Single Judge has held as under:

"3. I have perused the order passed by the Sub-Judge. He has based his judgment on a decision in Ravapati Audemma V. Pothineni Narasimham, AIR 1971 A.P. 53. This is a Division Bench judgment of that High Court. In the said judgment the point involved was the same as in the

presence case. The learned Judges have discussed the case-law on the point. They have not agreed with certain prior decisions. The relevant observations may be reproduced:

“The observations in the aforesaid decision no doubt support the contention of the learned counsel for the petitioner. The learned Judge Bhima Sankaram, J., referred to Section 151, C.P.C. but took the view that because an order of injunction is capable of enforcement by punishing its disobedience in the manner provided by Order 39 Rule 2(3), C.P.C., it is not open to the Civil Courts to enforce the same with the aid of the police. With great respect we are unable to agree with this reasoning. It has to be noticed that Order 30, Rule 2(3), CPC., provides only for punishment by attachment of the property or by detention in civil prison of the person who committed breach. But it does not further provide for implementation of the order of injunction itself. Order 39, Rule 2(3) cannot be said to be an express provision with respect to implementation of the order of injunction, but is only a provision which provides penalty for disobedience of the order. In such a case there being no other express provisions in the Code for enforcement of the order, it is not only proper but also necessary that the courts should render all aid to the aggrieved party to derive full benefits of the order. Though the order of injunction under Order 39, C.P.C. is only interim in nature, still it clothes the person who obtained the order with certain rights and he is entitled to enforce the aforesaid right against the party who is bound by the order. No doubt in such a case, the aggrieved party himself could approach the police authorities to prevent obstruction to the enforcement of the order or to the exercise of the right which he derives under the order or to the exercise of such right which he derives under the order of Court. But we do not see why when the same person brings to the notice of the Court that enforcement of the order is sought to be prevented or obstructed, the Court should not exercise its inherent power under Section 151, C.P.C. and direct

the police authorities to render all aid to the aggrieved party in the implementation of the Court's order. In our opinion the exercise of such power is necessary for the ends of justice or to prevent abuse of the process and the civil court has ample jurisdiction to pass such order under Section 151, C.P.C. The learned Judge's observation "that the police are not bound to obey and directions of the court in the absence of any statutory obligation to do so and a civil court would be stultifying itself by giving directions which may not be complied with", with great respect, cannot be said to be correct. Inasmuch as we are of the opinion that such a direction to be police authorities could be given under the inherent powers of the Court under Section 151, C.P.C. the police are bound to obey such directions."

The learned Judges have also referred to some decisions on the point, including the observations in Padam Sen Vs. State of U.P. (AIR 1961 SC 218). It is desirable to reproduce the same:

"The following observations in AIR 1961 are also apposite in this context:

The inherent powers of the Court are in addition to the powers specifically conferred on the Court by the Code. They are complementary to those powers and therefore it must be held that the Court is free to exercise them for the purpose mentioned in Sec. 151 of the Code when the exercise of those powers is not in any way in conflict with what has been expressly provided in the Code or against the intentions of the Legislature.' In view of these clear observations of their Lordships with regard to the scope and ambit of the inherent powers of the Court under Section 151, C.P.C., we are clearly of the opinion that in order to do justice between the parties or to prevent the abuse of process of the Court, the Civil courts have ample jurisdiction to give directions to the police authorities to render aid to the aggrieved parties with regard to the implementation of the orders of Court or the exercise of the rights created under orders of Court. That the police authorities owe a legal duty to the public to

enforce the law is clear from a decision of the Court of Appeal, reported in *R.V. Metropolitan Police Commr.*, (1968) 1 All DR 763, where Lord Denning, M.R. observed at page 769 as follows: "I hold it to be the duty of the Commissioner of Police, as it is of every chief constable to enforce the law of the land.....but in all these things he is not the servant of anyone, save of the law itself. The responsibility for law enforcement lies on him. He is answerable to the law and to the law alone."

The same view was expressed by the other learned Judges. We may also refer to the judgment of the Madras High Court, in *Varadachariar V. Commr. Of Police* (1969) 2 Mad. LJ 1, where the learned Judge, Kailasam, J., after referring to the English case cited above held that the Commissioner of Police should proceed and act in accordance with the directions indicated in the aforesaid judgment."

8. In *P. Shanker Rao v. Smt. B. Susheela*, AIR 2000 Andhra Pradesh 214, learned Single Judge of Andhra Pradesh has held that the court in its inherent powers under section 151 of the Code of Civil Procedure can grant police aid to ensure effective implementation of temporary injunction pending suit for perpetual injunction and procedure under order 39 rule 2-A of the Code of Civil Procedure need not be followed. Learned Single Judge has held as under:

"[3] The observations, in my considered view should be confined to the facts of that particular case. In that case, the defendant sought police protection on the ground that the plaintiff was interfering with his possession despite the fact that the temporary injunction granted earlier in favour of the plaintiff was vacated. Thus, it is not a case where the order to extend police aid was granted in order to ensure compliance with an order of injunction in force pending the suit. The mere fact that the action could be taken against either party for flouting the injunction under Order XXXIX Rule 2-A or under the Contempt of

Courts Act does not come in the way of the Court taking all necessary steps for ensuring obedience of the injunction order. The Court need not wait till the injunction is breached. In a fit case, the Court can undoubtedly direct police aid as a preventive measure. This power though not expressly conferred, is a power incidental or ancillary to the exercise of the power to grant injunction pending the suit. With great respect, I am not in a position to record my concurrence with the broad observations made by the learned Judge that the civil Court cannot direct police aid for execution of its order - interlocutory or final and that the party should only have recourse to the procedure laid down under Order XXI, Rule 32 or the Contempt of Courts Act. The observations are in the nature of obiter and therefore not binding on me. It is therefore unnecessary to refer the matter to the Division Bench, more so in view of the decision of this Court relied upon by the trial Court. I would however like to point out that the police aid should not be granted for mere asking. The Court has to be satisfied, prima facie, that there is an imminent threat of violation of interim order, if police does not intervene and that there is no other way of ensuring effective compliance. If however an alternative could be found such as, deploying an Officer of the Court to oversee the implementation of the order, the Court can avoid granting order for police aid."

22 Similar reiteration of law can be found in the order dated 07.05.2026, as passed by this Court in **CMPMO No. 146 of 2026, titled as Kiran vs. Rajesh Kumar @ Manga.**

23 This court cannot shut its eyes to the grievances of the senior citizen who is being harassed at the hands of his son and daughter-in-law and is alleging that the respondents intend to oust him from the suit property. During the pendency of the suit, as injunction order has already been passed, the

police authorities can be directed to enforce the injunction order to protect the rights of an old man. In order to uphold the majesty of the law and to implement the injunction order as passed by the trial court, the application filed by the petitioner under Section 151 CPC for providing police assistance to enforce the order dated 05.03.2026 deserves to be allowed. Ordered accordingly.

24 In view of the observations made hereinabove, the instant petition is allowed and the impugned order, dated 25.06.2026 as passed by learned trial court is quashed and set aside. Consequently, the SHO, Police Station Bharari, District Bilaspur, is directed to enforce and implement the injunction order, dated 05.03.2026 in its letter and spirit. Pending application(s), if any, also stands disposed of.

30.09.2026
(pankaj)

(Romesh Verma)
Judge