

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION NO. 996 OF 2013

ORDER:

This Revision is filed under Section 115 C.P.C challenging the order dated 10.3.2011 in E.P.No. 140 of 2008 in O.S.No. 226 of 2003 of the Principal Junior Civil Judge, Narasaraopet.

Petitioner had filed the above suit for permanent injunction against the respondents and the same was decreed on 25.9.2007 directing the respondents from interfering with the possession and enjoyment of the petitioner's subject property.

E.P. No. 140 of 2008 was filed under Order 21 Rule 32(1) CPC alleging that the respondents/judgment debtors had violated the decree passed by the Court and tried to encroach into the subject property and to send them for civil detention for three months. Apart from that, police aid was also sought. In the affidavit filed accompanying the E.P (under Order 18 Rule 4 CPC), the petitioner apart from mentioning the above facts and contending that respondents disobeyed and violated the decree passed by the Court, did not mention the details of such disobedience and violation. He also did not mention the time, date, month and year of the violation of decree by the respondents. In the affidavit, it is further stated that the police aid be granted to the petitioner and that he is not insisting the civil detention of the respondents since they are relatives.

By order dated 10.3.2011, the Court below dismissed the said application on the ground that the petitioner did not mention time, date, month and year of the alleged violation of decree by the judgment debtors and also the details of disobedience and violation of the decree passed by the Court. It held that without such details and proof, the petitioner is not entitled to get the respondents detained in civil prison curtailing their personal liberty.

Counsel for the petitioner contended that the Court below ought

to have granted police aid even if it did not direct the detention of respondents in civil prison.

I am unable to agree with the said submission because no details of any alleged violation of the decree in the suit including time, date, month and year of such violation have been mentioned. On such vague pleadings, the relief sought by the petitioner cannot be granted by the trial Court. Therefore, I do not find any merit in the Civil Revision Petition.

Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 01.06.2015

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