

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

**FRIDAY THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND FIFTEEN**

HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 236 OF 2014

Between:

Bada Chandraiah ... Petitioner

V/s.

Bada Bodaiah & Ors. ... Respondents

Counsel for the Petitioner : Sri V.Hanmanth Rao

Counsel for the Respondents : Sri TVS Kumar

The court made the following : [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

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ORDER:

Heard learned counsel for petitioner and the respondents.

2. The plaintiff in OS.No. 28 of 2010 in the court of Junior Civil Judge, Kollapur, is the Revision Petitioner. Through order in I.A.No. 46 of 2010 temporary injunction was granted to the Revision Petitioner and confirmed by Senior Civil Judge, Nagarkurnool in CMA.No. 8 of 2010. The Revision Petitioner filed I.A.No. 638 of 2013 praying for grant of Police protection to petitioner to continue to enjoy the benefit of injunction in I.A.No. 46 of 2010.

3. The respondents herein resisted the application in fact and law. As is evident from the order dated 28/11/2013, the trial court by placing strong reliance upon the decision of this Court in Polavarapu Nagamani's case reported in 2010 [6] ALT-92 [DB] and after noting the registration of FIR No.119 of 2013 by recorded a finding that the Revision Petitioner by approaching the court for grant of Police protection has resorted to abuse of process of law.

4. I have considered the submissions of learned counsel for petitioner and the respondents. Prima facie, the learned trial Judge without regard to the nature of jurisdiction he exercises while granting Police protection to a party has dismissed the application. Though the order impugned runs into several paragraphs, the solitary reason one can find out from these long paragraphs is that the prayer amounts to abuse of process of law. The finding is vitiated by erroneous exercise of jurisdiction. The impugned order is set aside and I.A.No.638 of 2013 in I.A.No. 46 of 2010 in OS.No. 28 of 2010 is remanded to trial court for consideration in accordance with law. The learned counsel appearing for the parties admit that the suit is one for injunction simplicitor and the pendency is resulting in multifarious applications. The trial court is also

directed to dispose of the suit on or before 15/07/2015. The trial court is given liberty to consider I.A.No. 638 of 2013 in the meantime and pass appropriate orders.

5. The Civil Revision Petition is accordingly ordered. No order as to costs.

6. As a sequel, Miscellaneous Petitions if any, pending in this Civil Revision Petition shall stand closed.

JUSTICE S.V. BHATT.

20/03/2015

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HONOURABLE SRI JUSTICE S.V. BHATT

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