

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.5527 of 2016

ORDER:

This Revision is filed challenging the order dt.01-11-2016 in I.A.No.621 of 2016 in I.A.No.765 of 2015 in O.S.No.220 of 2015 of the Principal Senior Civil Judge, Eluru.

2. Petitioners herein are defendants in the suit. The respondents filed the suit against petitioners for perpetual injunction restraining the petitioners from interfering with their possession and enjoyment of the plaint schedule properties.

3. The respondents also filed I.A.No.765 of 2015 under Order 39 Rules 1 and 2 of C.P.C. against petitioners for grant of temporary injunction pending suit.

4. Counter-affidavit was filed by petitioners opposing the said application.

5. On 28-12-2015, the trial Court allowed I.A.No.765 of 2015 and granted temporary injunction in favour of respondents and against petitioners. It also gave a clear finding about possession of respondents.

6. This was questioned in C.M.A.No.2 of 2016 by petitioners before the Principal District Judge, West Godavari District at Eluru. On 07-04-2016, the said appeal was also dismissed confirming the findings of the trial Court.

7. Though petitioners filed C.R.P.No.3100 of 2016, this Court did not interfere with the order of the trial Court as well as the lower appellate Court granting injunction in favour of respondents and against petitioners.

8. Thereafter respondents filed I.A.No.621 of 2016 under Section 151 C.P.C. seeking police aid for implementing the temporary injunction order granted by the Court in respect of the suit schedule properties.

9. This application was opposed by petitioners.

10. By order dt.01-11-2016, the trial Court allowed I.A.No.621 of 2016. It held that in view of the findings of the trial Court as well as the lower appellate Court about the possession of respondents, and contentions of respondents that the petitioners were trying to trespass into the suit schedule properties and were threatening to dispossess the respondents from the plaint schedule properties and they had also given a criminal complaint alleging trespass to the police, the respondents were entitled to police aid for implementing the temporary injunction order passed by the Court.

11. Though learned counsel for petitioners sought to assail this order on the ground that the issue of adoption raised by the parties is to be decided in the suit, having regard to the fact that temporary injunction orders granted by the trial Court have been confirmed upto Revision and since there is a serious threat of violation of the

temporary injunction order granted by the trial Court by petitioners, I am of the opinion that the Court below has not committed any error of jurisdiction in granting police aid to respondents.

12. Therefore I do not find any merit in the Revision and the Revision is accordingly dismissed at the stage of admission. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 11-11-2016
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