

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

FRIDAY THE TWENTY NINETH DAY OF JANUARY  
TWO THOUSAND AND FIFTEEN

PRESENT  
HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 4772 OF 2015

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Between:

Rapuru Penchamma ... Petitioner

Vs.

Rudraraju Venkata Subbaraju ... Respondent

Counsel for the Petitioner: Sri K.S. Murthy

Counsel for the Respondents: Sri P. Ganga Rami Reddy

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

CIVIL REVISION PETITION NO. 4772 OF 2015

ORDER:

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Heard Sri K.S. Murthy, learned counsel for the petitioner and

Sri P. Ganga Rami Reddy, learned counsel for the respondent.

2. The Revision is directed against the order dated 19/8/2015 in I.A.No. 702 of 2012. Through the order impugned in the Revision, the trial court has provided police aid to respondent/plaintiff in terms of the injunction granted in I.A.No. 520 of 2011. Having regard to the specific contentions urged by the learned counsel for the petitioner, I deem it appropriate to excerpt the relevant portion of the order under challenge.

*"In the present suit, my learned predecessor passed an order of temporary injunction vide I.A.No. 520 of 2011 and it became final. There are allegations against the respondent that by violating the said order, she completed the construction over plaint 'B' schedule property and she is also contemplating to meddle with bore point pipelines, etc., in order to occupy the plaint 'A' schedule property. IN such an event there will not be any respect to the orders passed by the Court. As such, in such circumstances, the Police are duty bound to give necessary protection to the petitioner for the purpose of implementing the order of temporary injunction passed by this Court. Hence, I am of the view that the petitioner is entitled for police aid in case of further violation of the order passed by the Court in I.A.No. 520 of 2011 for taking his complaint and to proceed further. The*

*point is answered accordingly.*

*In the result, the petition is allowed granting police aid for implementing the orders passed by this Court in I.A.No.520 of 2011 for taking his complaint and to proceed further according to law. No costs."*

2. Learned counsel for the petitioner contends that the order of injunction in respect of 'A' schedule and 'B' schedule is distinct and separate. He fairly states that by respecting the order of injunction in respect of 'A' schedule, the Revision Petitioner is not trying to interfere with the possession of the plaintiff and likewise in terms of the injunction granted in respect of 'B' schedule property, the Revision Petitioner is not making any construction in 'B' schedule property but the grievance canvassed in the Revision is the respondent/plaintiff under the guise of police protection granted for implementing the order in I.A.No. 520 of 2011 is either fencing or making construction in plaint 'B' schedule property.

3. Learned counsel for the respondent disputes that the respondent/plaintiff is doing anything contrary to the order of trial court in I.A.No.520 of 2011. The submissions made by the learned counsel for the petitioner in my considered view are not relevant for disposing of the present Civil Revision Petition. The circumstances now pointed out by the Revision Petitioner in fact do arise, the Revision Petitioner has to work out remedy by filing appropriate application before the trial

court. If an application is filed the trial court considers whether the police aid granted by it is misused by the plaintiff or not.

4. I do not see any irregularity or illegality in the order under Revision. Revision fails and is dismissed with the above observation.

No costs.

5. As a sequel, miscellaneous petitions if any, pending in this Civil Revision Petition shall stand closed.

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JUSTICE S.V. BHATT

29/01/2016  
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HONOURABLE SRI JUSTICE S.V. BHATT

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