

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

C.R.P.No.481 of 2017

ORDER:

Aggrieved by the refusal of the Court below to suspend the order granting police protection to enforce an interim order of injunction, a third party, who was impleaded as the 3rd defendant in the suit, has come up with the present revision petition.

2. Heard Mr. Sai Gangadhar Chamarti, learned counsel for the petitioner and Mr. S. Sriram, learned counsel appearing for the 1st respondent/plaintiff.

3. The 1st respondent/plaintiff filed a suit for bare injunction as against respondents 2 and 3 herein. Pending the suit, the 1st respondent sought an interim injunction, but the trial Court dismissed the application. However, the first appellate Court granted an interim injunction in favour of the 1st respondent.

4. The petitioner herein filed an application for impleading himself as a party to the suit. The application was rejected by the trial Court, but the revision filed by the petitioner in C.R.P.No.4742 of 2015 was allowed by this Court, by an order dated 04.07.2016.

5. In the meantime, the 1st respondent/plaintiff filed an application in I.A.No.805 of 2005 for police protection to enforce the order of injunction. It was ordered on 24.03.2016 even before the petitioner got impleaded by the order dated 04.07.2016. Therefore, the petitioner filed an application in I.A.No.544 of 2015 for keeping the police protection order in abeyance. It was dismissed by the trial Court, forcing the petitioner to come up with the present revision petition.

6. Admittedly, the petitioner has not so far filed an application for vacating the interim order of injunction. There is also no substantial application for vacating the order granting police protection. An application to keep the order in abeyance can only be incidental to any substantial application to set aside the order. In the absence of any application for a substantive relief, no application for an incidental relief can be maintained. Hence, this civil revision petition is dismissed.

7. As sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

24th March, 2017
Js.



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

C.R.P.No.481 of 2017



Date: 24-03-2017

Js.