

THE HON'BLE SRI JUSTICE S.V.BHATT
CIVIL REVISION PETITION No.6084 of 2016

ORDER:

Heard Sri K.Sita Ram for petitioner and Sri K.V.Raghuveer for respondent.

Counsel for petitioner as well as respondent submit that C.M.A.No.51 of 2015 on the file of II Additional District Judge, Adoni, was dismissed. The said C.M.A. was filed questioning the temporary injunction granted in I.A.No.36 of 2014.

The revision petitioner sought police protection to enjoy temporary injunction granted by the trial court. The trial court through the order impugned in the revision declined to grant police protection. The learned trial Judge has written a lengthy order and *prima facie* it appears that the trial court was persuaded by two circumstances viz., that granting police protection to enjoy the decree granted after full fledged trial is slightly different from considering the prayer for police protection vis-à-vis temporary injunction granted. Secondly, assuming that there is a violation of injunction order, the party has remedy under Order XXI Rule 32 CPC. The observations of the trial court are merely referred to show that the approach is contrary to the decisions reported in *BIJIGA PAPA RAO AND OTHERS Vs.*

*JONNALAGADDA SRINIVASA RAO*¹, *E.VENKATARAMA NAIDU AND ANOTHER* Vs. *ERAMACHANDRA NAIDU AND ANOTHER*² and *A.BHARATHI AND OTHERS* Vs. *STATE OF TELANGANA AND OTHERS*³.

The counsel for respondent submits that in view of dismissal of C.M.A., let the matter be afresh considered by the trial court in accordance with law.

Taking note of the above submissions, the order impugned in the revision is set aside. I.A.No.316 of 2016 is remitted to trial court for passing orders within two weeks from the date of receipt of a copy of this order.

The Civil Revision Petition is allowed and I.A. remitted to trial court. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 26-04-2017

Note:

Issue C.C. forthwith
(B/o)
Prv

S. V. BHATT, J

¹ 2015 (2) ALT63

² 2015 (5) ALT238

³ 2017 (1) ALD 503

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WRIT PETITION No.6084 of 2016

26-04-2017

Prv

