

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CIVIL REVISION PETITION No.685 OF 2017

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed aggrieved by the docket order, dated 02.12.20016, in I.A.No.715 of 2016 in I.A.No.116 of 2016 in O.S.No.16 of 2016 on the file of Senior Civil Judge, Puttur.

2. The facts in issue are as under:

The plaintiffs, who are the respondents herein, filed O.S.No.16 of 2016 on the file of Senior Civil Judge, Puttur, for grant of permanent injunction restraining the defendants, their men, agents, servants, relatives or anybody from interfering with the plaint scheduled properties. The plaintiffs also filed I.A.No.116 of 2016 seeking temporary injunction. Initially temporary injunction was granted by an order dated 02.12.2016 and the same was made absolute on 04.02.2016. Challenging the same, the petitioners herein, who are the respondents in the aforesaid I.A., filed C.M.A.No.1 of 2017 before the IV Additional District Judge, Tirupati and the same is pending.

3. It is to be noted that on the date of passing of temporary injunction i.e., on 02.12.2016 itself the Court below also granted police protection to the respondents, which is the subject matter of the challenge in this Civil Revision Petition.

4. Learned counsel for the petitioners would submit that the order, which has been passed by the trial Court, is bereft of any reasons; that without recording any contentions raised, the Court

below granted police protection stating that in view of the averments of the petition and counter, the petitioners are entitled for police aid.

5. Learned counsel for the respondents strongly opposed the same stating that though the police aid was granted on the date of granting temporary injunction, there are circumstances in which made the Court to pass orders, as the respondents prevented the petitioners from entering into their land.

6. Since the main grievance of the petitioners is that the impugned order came to be passed without assigning any reason, which appears to be correct, the order under challenge is liable to be set aside remanding the matter to the trial Court for fresh disposal.

7. Accordingly, the Civil Revision Petition is allowed setting aside the order, dated 02.12.2016 in I.A.No.715 of 2016 in I.A.No.116 of 2016 in O.S.No.16 of 2016 on the file of Senior Civil Judge, Puttur and remanding the matter to the Court below to deal with the same afresh. The learned Senior Civil Judge, Puttur is directed to pass a reasoned order, after hearing the petitioners and the respondents, within a period of two (02) weeks from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

FEBRUARY 17, 2017
YVL

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR



CIVIL REVISION PETITION No.685 OF 2017

Date: 17.02.2017

YVL