

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.3024 of 2017

ORDER:

This revision petition is filed under Article 227 of the Constitution of India, by the petitioners-defendant Nos.4 and 5 challenging the order dated 11.11.2016 in I.A. No.--- of 2016 in I.A. No.408 of 2016 in O.S.No.380 of 2016 on the file of the Court of Special Assistant Agent & Sub Divisional Magistrate (Mobile Court), Bhadrachalam, granting Police aid in favour of the first respondent-plaintiff.

2. Heard the learned counsel for the petitioner and learned counsel for the first respondent.

3. A perusal of the record reveals that the first respondent herein filed O.S.No.408 of 2016 on the file of the Court of Special Assistant Agent & Sub Divisional Magistrate (Mobile Court), Bhadrachalam, against the petitioners and respondent Nos.2 to 4 herein seeking perpetual injunction. Along with the suit, the first respondent filed I.A.No.408 of 2016 seeking *ex parte* injunction and the same was granted on 09.9.2016. The petitioners appeared before the trial Court and filed counter in I.A.No.408 of 2016. While the things stood thus, the first respondent filed I.A.No. ---- of 2016 seeking Police aid. The trial Court, without ordering notice on the petitioners and respondent Nos.2 to 4 herein, granted Police aid by order dated 11.11.2016. By doing so, the trial Court committed an error. Any order passed by a Court without giving notice to the affected parties is not sustainable in law. Viewed from any angle, the impugned order is liable to be set aside.

4. Taking into consideration the facts and circumstances of the case, the order dated 11.11.2016 in I.A. No.--- of 2016 (Police aidpetition) in I.A. No.408 of 2016 in O.S.No.380 of 2016 on the file of the Court of Special Assistant Agent & Sub Divisional Magistrate (Mobile Court), Bhadrachalam, is set aside. The trial Court is hereby directed to dispose of the Police aid petition afresh, after affording reasonable opportunity to the respondents in the said petition.

5. With the above direction, the civil revision petition is allowed. Miscellaneous petitions, pending if any, shall stand closed.

November 03, 2017.
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T.SUNIL CHOWDARY, J

