

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

C.R.P.No.3635 of 2015

ORDER:

This Civil Revision Petition arises out of the dismissal of an application for police protection at the stage of execution of a decree for permanent injunction.

2. Heard Mr. V.V. Sateesh, learned counsel for the petitioner and Ms. S. Pranathi, learned counsel for the respondents.

3. The Executing Court already ordered civil imprisonment of the respondent for disobedience of the decree of injunction. But it appears that the respondent interfered with the property even after a conditional order of stay was granted. The Court below was in error in thinking that police protection cannot be ordered in an Execution Petition. A punishment under Order XXI Rule 32 can only be for a limited period. It cannot be the object behind Order XXI Rule 32 to make the decree holder come up again and again to keep the judgment debtor in detention. Therefore, the Civil Revision Petition is allowed. The impugned order is set aside, and as and when there is interference by the respondent, it is open to the petitioner to seek police protection and such protection shall be given so long as the decree of permanent injunction is in force.

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

JUSTICE V. RAMASUBRAMANIAN

13th February, 2017
Js.

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Date: 13-02-2017

Js.