

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No.5550 OF 2012

ORDER:

The civil revision petition is filed questioning the order dated 19.10.2012, passed by the I Additional Junior Civil Judge, Nellore in E.A.No.398 of 2012 in E.P.No.469 of 2012 in O.S.No.1402 of 2008, wherein and whereby the application filed by the respondent-DHr seeking to provide police aid to enforce the decree and judgment passed in her favour, was allowed.

It is the case of the petitioner-JDr that the Court below erred in granting the interim protection without passing final orders and such orders could be passed only after full pledged trial of the E.P and not at the interim stage.

The facts on record disclose that the respondent-DHr filed a suit in O.S.No.1402 of 2008 on the file of the Court below seeking permanent injunction restraining the defendant, his men and agents from interfering with the suit schedule property and after its full trial, the said suit came to be decreed by a judgment and decree dated 26.09.2012. Thereafter, when the JDr failed to comply the judgment and decree, the respondent-DHr filed the E.P.No.469 of 2012 for execution of the decree and judgment. Along with the E.P, the respondent-DHr had also filed E.A.No.1042 of 2008 seeking police aid to enforce the judgment and decree specifically alleging that after passing of judgment and decree, the defendant who is having influence and having muscle power in the village frequently visiting the suit schedule property and making galata and attempted to vacate the respondent-DHr forcibly from the suit schedule property and on being resisted, the petitioner

went away. In those circumstances, the respondent being woman is not able to resist the high handed acts of the petitioner-defendant sought the police aid for implementation of the decree and judgment of the Court below. The Court below after considering the material on record ordered the impugned I.A directing the police aid to be granted. In the circumstances, it cannot be said that granting of police aid especially to prevent violation of the injunction orders cannot be found fault. As a matter of fact, the petitioner ought not have been disobeying the orders of the Court below and if at all the petitioner has any grievance with respect to the judgment and decree, the only course left open for him to seek the variation of the judgment and decree granted in the suit by approaching the appellate forum. Having not done so, one cannot find fault with the impugned order of the Court below. There are no merits in the civil revision petition.

Accordingly, the civil revision petition is dismissed. No order as to costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

07th September, 2017

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Date:07.09.2017

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