

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.2347 OF 2017

ORDER:

The present Civil Revision Petition, under Section 115 CPC, came to be filed by the petitioner/plaintiff challenging the order dated 07.04.2017 passed in Interlocutory Application No.168 of 2017 in Interlocutory Application No.1925 of 2015 in Original Suit No.246 of 2015 by the Principal Junior Civil Judge, Srikalahasti, wherein the petition filed under Section 151 CPC to direct the Station House Officer, Srikalahasti Rural Police Station, to provide police aid to the petitioner in implementing the orders of the trial Court in I.A.No.1925 of 2015, dated 10.08.2016, was dismissed.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. As seen from the record, though injunction was granted by the trial Court in I.A.No.1925 of 2015, the reason to refuse grant of police aid to the petitioner appears to be that the injunction was granted for limited purpose and in case if the result in the suit is adverse, granting police aid would cause prejudice to the party who wins the case.

4. Learned counsel for the petitioner relied upon the decision of this Court rendered in A.Bharathi and others v. State of Telangana and others¹, wherein at paragraph No.23 it is held as under:

¹ 2017(1) ALD 503

“23. It is settled law that police aid to enforce the orders of injunction can be granted not only by the civil Court in exercise of its power under Section 151 C.P.C. but also under Article 226 of the Constitution of India by this Court.”

4. It is to be noted here that the suit is still pending before the trial Court. In view of the judgment of this Court referred to above, the Court can grant police aid to provide adequate protection so as to secure compliance of the interim injunction order.

5. Having regard to the above, the Civil Revision Petition is allowed setting aside the order dated 07.04.2017 passed in Interlocutory Application No.168 of 2017 in Interlocutory Application No.1925 of 2015 in Original Suit No.246 of 2015 by the Principal Junior Civil Judge, Srikalahasti and consequently, police protection is granted to the petitioner/plaintiff subject to any orders to be obtained by the respondents in the appeal filed or to be filed against the order, dated 10.08.2016, passed in I.A.No.1925 of 2017. It is needless to say that the said order has to be used for the purpose for which it was granted.

Consequently, Miscellaneous Petitions, if any, pending in this revision shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:08.08.2017

Note: Furnish CC within a week
(B/O)
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