

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.07.2018

Coram:

THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**

C.R.P.(PD)No.2527 of 2017

1. L.Jinendra Kumar
2. Priti Jain ... Petitioners

Vs.

1. Raffik
2. Abdul Wahab
3. Gafoor
4. Assain
5. Hussain
6. Wahid
7. Noorjahan @ Noori
8. Abdul Kader @ Chottu ... Respondents

Civil Revision Petition has been filed under Article 227 of the Constitution of India against fair and final order dated 14.06.2017 made in I.A.No.185 of 2017 in O.S.No.68 of 2016 on the file of the District Munsif Court, Coonoor.

For Petitioners : Mr.K.Venkatasubban

For Respondents : Mr.A.Sasikumar for

M/s.Lenin Bhagya

ORDER

This civil revision petition has been filed against the order dated 14.06.2017 made in I.A.No.185 of 2017 in O.S.No.68 of 2016 on the file of the District Munsif Court, Coonoor.

2 The petitioners herein filed a suit in O.S.No.2527 of 2017 against the respondents for permanent injunction. They have also filed an interlocutory application in I.A.No.295 of 2016 for temporary injunction, which was allowed by order dated 10.03.2017. Thereafter the petitioners/plaintiffs have filed interlocutory application in I.A.No.185 of 2017 seeking police protection. The trial Court after hearing both sides, dismissed the application by order dated 14.06.2017.

3 Aggrieved against the same the plaintiffs are before this Court with the present revision petition.

4 The learned counsel for the petitioners would submit that the petitioners filed a suit against the respondents for permanent injunction and they have also obtained temporary injunction against the respondents herein by order dated 10.03.2017. Since the respondents creating hindrance and threat the petitioners , they have filed I.A.No.185 of 2017 seeking police protection. The petitioners/plaintiffs produced photographs and CD before the trial Court, which were marked as EX.R1 to prove the above contention. But the trial Court without considering the above fact has erroneously

dismissed the application. The learned counsel for the revision petitioners placed his reliance on the various decisions of this Court, wherein it was held that the Court can exercise its inherent power by granting police protection, when the temporary injunction granted by the Court is obstructed or prevented.

5 Heard the learned counsel for the petitioner and perused the materials available on record.

6 On a perusal of the records, it is seen that the petitioners herein filed application seeking police protection under the guise of threat by the respondents herein. The petitioners except photographs have not filed any documents to prove that there is threat. The peititoners who filed application seeking police protection are bound to prove the same in the manner known to law and in the present case, the petitioners have failed to do so. The trial Court refused to grant police protection, since the contention of the petitioners was not proved by producing any documents. The trial Court exercised its discreionary power, in which this Court is not inclined to interfere with.

7 The decisions referred to by the learned counsel appearing for the revision petitioners can be taken into consideration if the Court found that there is threat. But in the present case, the petitioners did not produce any piece of document to prove that they are threaten by the respondents/defendants. Hence this Court does not find any illegality or irregularity in the order passed by the trial Court and accordingly the civil revision petition is dismissed. No costs.

03.07.2018

Index: Yes/No
Internet: Yes/No
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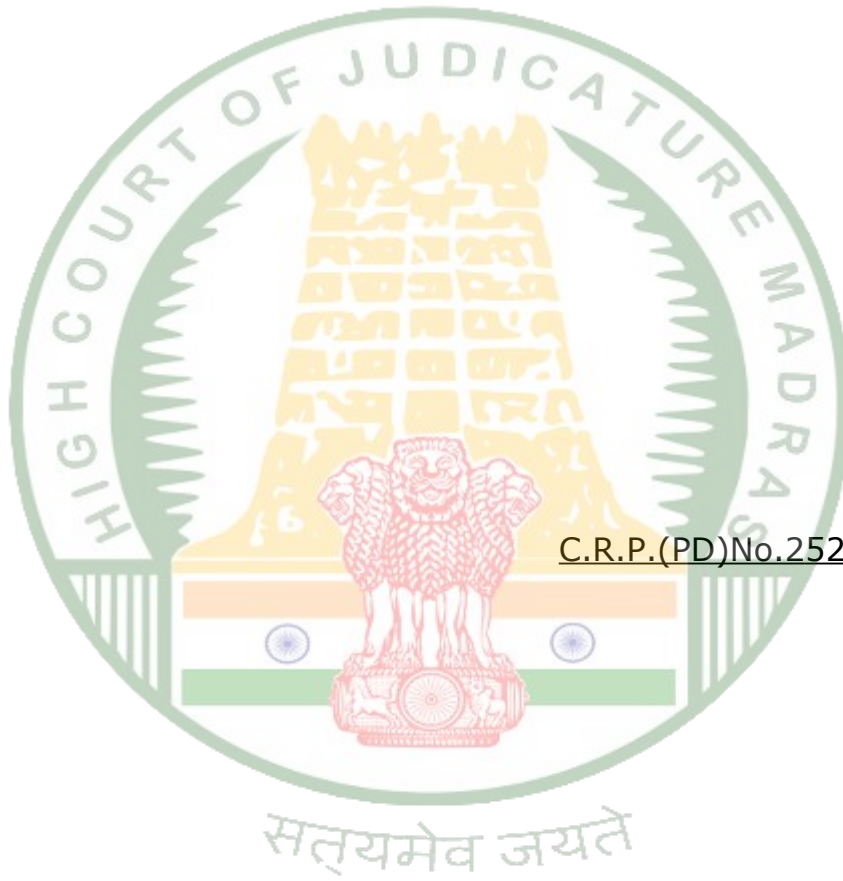
To

The District Munsif Court,
Coonoor.

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P.VELMURUGAN, J.,

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