

THE HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

CIVIL REVISION PETITION No. 1438 of 2018

ORDER:

1) The present Civil Revision Petition is filed under Section 115 of C.P.C., challenging the docket order dated 09.02.2018, passed in E.A.No.9 of 2018 in E.P.No.56 of 2017 in O.S.No.380 of 2013 on the file of the I Additional Junior Civil Judge, Rajamahendravaram, wherein an application filed under Section 151 of C.P.C., requesting the Court to provide police protection, as the 1st judgment debtor and his henchmen are threatening the petitioners by violating the injunction order passed by the trial Court, was ordered to be heard along with main E.P.

2) By an order, dated 09.03.2018, this Court while issuing notice before admission, directed the Station House Officer, Bommuru Police Station, to attend the grievance of the petitioners, in case of any interference by the respondents, pending further orders.

3) It is said that the notices were sought to be served on the counsel for the respondents, but the counsel is said to have stated that he is no more appearing for the respondents in the suit. It is further stated that though notice was sent to the correct address of the respondents, the same could not

be served and the respondents are evading to receive the same on one pretext or the other.

4) The order under challenge relates to a request made by the petitioners herein for providing police protection since the 1st respondent and his henchmen are frequently visiting the schedule property, by violating the injunction order passed by the trial Court. The trial Court ordered listing of the said petition along with main E.P. The said E.P. was posted to 09.02.2018 for filing process but the notices were not served on the judgment debtors. At that juncture E.A.No.9 of 2018 came to be filed seeking police protection without serving notice on the judgment debtors under Order 21 Rule 22 of C.P.C. Hence, the trial Court directed the E.A. to be called along with main E.P.No.56 of 2017.

5) Learned counsel for the petitioners mainly submits that the respondents herein are adopting all tactics to take possession of the property, in collusion with the local police. It is stated that though a case in Crime No.402 of 2017 of Bommuru Police Station came to be registered against the respondents, the Station House Officer, is not attending to the grievance of the petitioners in spite of a direction by this Court on 09.03.2018. He submits that if the police aid is not granted, the petitioners would be put to irreparable loss as

the 1st respondent and his henchmen are making every effort to dispossess the petitioners. He further submits that listing of the case along with E.P. is in violation of Order XXI Rule 22 of C.P.C.

6) In view of the facts and circumstances stated above and in view of the plea taken that impugned order is in violation of Order XXI Rule 22 of C.P.C., it will be appropriate to direct the trial Court to dispose of the E.A.No.9 of 2018 independently, in accordance with law, as early as possible, preferably, within a period of four to eight weeks from the date of receipt of a copy of the order. Till the disposal of the said E.A., the interim order dated 09.03.2018 passed by this Court shall remain in force.

7) With the above direction, the Civil Revision Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, pending, if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

06.07.2018
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