

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Civil Revision Petition No.4851 of 2017

Order:

The petitioners herein are plaintiffs in O.S.No.44 of 2011 on the file of the learned Junior Civil Judge, Kota, SPSR Nellore District. The said suit was filed for permanent injunction. In the said suit, the trial Court granted temporary injunction in I.A.No.134 of 2011 for a limited period. Even after expiry of the said limited period, the present application in I.A.No.166 of 2011 was filed seeking police protection in enforcing the temporary injunction. The lower Court dismissed the said application by order dated 23.08.2017 with the following observations:

“12.....Apart from the legal aspect, except filing self-serving affidavit, the petitioner failed to prove that there is necessity in seeking intervention of the Court. And this court thinks it is not a fit case to order police protection. Further more the case in hand is in the year of 2011 i.e., pre-2012 case and upon perusal of the docket order ad-interim injunction passed on 09.05.2011 and this police aid petition is coming for inquiry since 01.07.2011 and both parties made not ready for disposal and on perusal of the entire docket proceedings of the petition since 2015 the petitioner/plaintiff did not file any injunction extension petition, the court granted the injunction till specified period only, unless on the interim it is expressly extended, it can't be said that the injunction is in force so apparently there is no injunction order as on date. It is deemed to be vacated. Under the guise of ad-interim injunction order the petitioner pressing the police aid petition on one hand and on the other hand he did not get ready with the main suit it shows his attitude. So he is trying to take advantage of the interim injunction and trying to get the police protection, it is nothing but abuse of process of law. The police protection cannot be granted in a civil matter in a routine manner. In view of the facts and circumstances the petition is liable to be dismissed. Further, directing the petitioner/plaintiff to proceed for trial in the present suit on condition otherwise next step will be follows.

13. In the result, the petition is dismissed.”

Thus, it is clear that the period for which the temporary injunction was granted expired and the petitioner cannot seek police aid for implementing the expired injunction order. I am in complete agreement

with the order passed by the trial Court and the same does not warrant any interference.

The Civil Revision Petition is, accordingly, dismissed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 19.03.2018
Nsr

