

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.1891 of 2018

ORDER : (Oral)

Vide the present petition, petitioner has challenged the order dated 6th February 2018, passed in I.A.No.1017 of 2017 in I.A.No.879 of 2017 in O.S.No.271 of 2017.

2. The petitioner/plaintiff filed the aforesaid suit to declare that the transfer order of 1st defendant dated 10th June 2017, passed by the plaintiff-Society-Church and the subsequent dismissal order dated 1st October 2017 passed by it, are true, valid and are binding upon the 1st defendant, and for consequential permanent injunction restraining the 1st defendant and his followers/agents i.e. defendants 2 to 6 from attending and interfering with the day-to-day activities of the plaintiff-Society-Church pertaining to the **plaint** schedule property.

3. On filing the aforesaid suit, vide order dated 24th November 2017, interim order was passed in I.A.No.879 of 2017, restraining the respondents/defendants and their men from attending and interfering with the day-to-day activities of the petitioner/plaintiff-Society-Church, pertaining to **plaint** schedule property till disposal of the suit. The aforesaid order was made absolute vide order dated 20th December 2017. Thereafter, since the respondents/defendants were alleged interfering with the day-to-day affairs of the plaintiff-Society-Church, the petitioner filed I.A.No.1017 of 2017 to grant necessary Police aid to the petitioner to implement the order of the trial Court

granted in I.A.No.879 of 2017, dated 20th December 2017. On filing the aforesaid I.A., the respondents/defendants filed counter affidavit whereby, stated that in fact, the respondents locked the premises i.e. plaint schedule property after completion of prayer at nights. Even a day earlier to order in I.A.No.879 of 2017 in O.S.No.271 of 2017, as usual course, the respondents locked the said plaint schedule property inside and outside. While so, after obtaining the interim injunction in I.A.No.879 of 2017 in O.S.No.271 of 2017 on 24.11.2017, the petitioner and his henchmen broken the locks outside of the Church and also to the inside room of the said Church on 29.11.2017 and entered into it. Therefore, the respondents lodged complaint to the Police and a case was registered as Crime No.235 of 2017 under Sections 448, 427 r/w.34 of IPC against the petitioner/plaintiff and the said case is still pending.

4. It is not in dispute that vide interim order dated 24th November 2017, the respondents were directed not to interfere with the day-to-day affairs of the plaintiff-Society-Church. The said order has been made absolute on 20th December 2017. If, for implementation of said order, the petitioner sought for Police protection, particularly when it is admitted by the respondents that in fact, they locked the premises of plaint schedule property, then there should not be any objection for grant of Police protection to comply the order dated 24th November 2017. However, keeping in view that a case is registered

against the petitioner/plaintiff being Crime No.235 of 2017, the application filed by the plaintiff has been dismissed.

5. Keeping in view the facts and circumstances of the case, without commenting on the issues going on, as it is the duty of the trial Court to get the order dated 24th November 2017 implemented, if required, Police protection may be granted to the petitioner as it is an admission of the respondents/defendants that they locked the Church from inside and outside.

6. Accordingly, I hereby set aside the order dated 6th February 2018 passed in I.A.No.1017 of 2017 by giving liberty to the trial Court to assess the situation, and if required, grant Police assistance to comply the order dated 24th November 2017.

7. Revision petition is accordingly disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

23rd March 2018

ajr