

**In the High Court of Judicature at Hyderabad
for the State of Telangana and the State of Andhra Pradesh**

CIVIL REVISION PETITION No. 3826 of 2018

Between:

Ramulugari Ahobulappa & others

... Petitioners

and

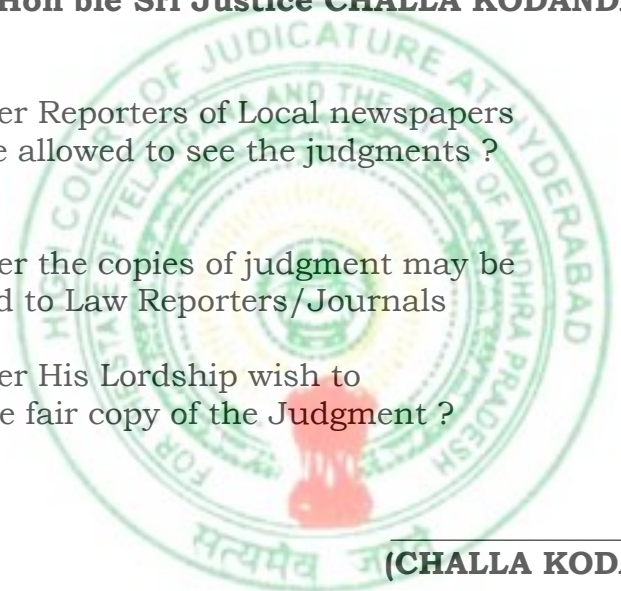
Talari Sridevi

...Respondent

Date of Judgment Pronounced: 10-08-2018

Submitted for Approval:

The Hon'ble Sri Justice CHALLA KODANDA RAM

- 
1. Whether Reporters of Local newspapers may be allowed to see the judgments ? Yes/No
 2. Whether the copies of judgment may be marked to Law Reporters/Journals Yes/No
 3. Whether His Lordship wish to see the fair copy of the Judgment ? Yes/No

(CHALLA KODANDA RAM, J)

*** The Hon'ble Sri Justice CHALLA KODANDA RAM**

CIVIL REVISION PETITION No. 3826 OF 2018

% Dated 10.08.2018

Between:

Ramulugari Ahobulappa & others

... Petitioners

and

Talari Sridevi

...Respondent

! Counsel for the petitioners : Sri N. Aswartha Narayana

^ Counsel for the respondent : Sri Harish Kumar Rasineni

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>HEAD NOTE:

? Cases cited:



THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 3826 OF 2018

ORDER :

This Revision is directed against the order dated 18.01.2018 in I.A.No. 790 of 2017 in I.A.No. 372 of 2015 in O.S. No. 447 of 2015 on the file of the Principal Senior Civil Judge's Court at Anantapuramu, granting police aid to implement the order of *ex parte* injunction passed on 25.11.2015.

The respondent herein is the plaintiff, who filed the suit for permanent injunction. The case of the petitioners – defendants is that the *ex parte* injunction was granted on 05.08.2015 in I.A.No. 372 of 2015 and thereafter, the said order was made absolute on 25.11.2015, after setting the petitioners *ex parte* in the I.A. Subsequently, the petitioners filed I.A. No. 496 of 2016 to set aside the order dated 25.11.2015. The said I.A. is yet to be taken up for hearing. Meanwhile, the respondent – plaintiff filed I.A. No. 790 of 2017 seeking police aid for implementing the injunction order dated 25.11.2015. The said I.A. is at the stage of filing counter. On 18.01.2018, while adjourning the matter for filing counter, the learned Judge had passed the order granting police aid in favour of the respondent – plaintiff.

Learned counsel for the petitioners submits that while adjourning the matter for filing counter, police aid could not have been granted. It is his further contention that in spite of the repeated requests being made by the petitioners, the learned Judge had not taken up the hearing of the Interlocutory Application filed to set aside the *ex parte* order. In those circumstances, the learned counsel prays for setting aside the order under Revision.

While opposing the Revision, learned counsel for the respondent brings to the notice of the Court that the Application filed on 05.01.2017 was adjourned several times, as can be seen from the docket, to enable the petitioners to file the counter, but however, the petitioners had not filed the counter and this conduct of the petitioners was observed by the Court below in its order dated 29.12.2017. Hence, he asserts that the order dated 18.01.2018 cannot be found fault with.

The docket order filed along with the Revision discloses that number of adjournments were granted to the petitioners. Though the petitioners were set *ex parte* on 25.11.2015, they took their own time to file a Petition to set aside the said order by filing I.A.No. 496 of 2016 in July, 2016. In other words, they had taken as many as eight months for filing the Petition to set aside the *ex parte* order. Thereafter, on 05.01.2017, when I.A. was filed seeking police aid, the petitioners did not chose to file the counter denying that they are abiding by the orders of the Court. From 05.01.2017 till the date of passing the orders, there were as many as eight adjournments granted to enable the petitioners to file the counter. Even after one year, on 18.01.2018, no counter is filed. Learned counsel for the respondent submits that even as on date, no counter-affidavit is filed by the petitioner in I.A.No.790 of 2017. Learned counsel for the petitioners fairly submits that he does not have any instructions on this aspect.

The conduct of the petitioners does not appear to be *bona fide* in the present set of facts. The petitioners having been set *ex parte* and having suffered the order on 25.11.2015, as long as that order stands, they are required to abide by the orders of the

Court and be obedient to the system by not disturbing the respondent in any manner. When a specific allegation is made and the respondent had come before the Court by filing I.A.No.790 of 2017, he had an opportunity to dispute the allegations and specifically assert and show his conduct that he is not disturbing the rights of the respondent and further not violating the orders made on 25.11.2015. Having not done so, the Court does not have any other option except to draw an adverse inference against the petitioners. In those circumstances, it becomes the duty of the Court to protect its own majesty by enforcing the orders granted by it in I.A.No.372 of 2015. Hence, I do not see any reason to interfere with the order granting police aid to the respondent for implementation of the order in I.A.No. 372 of 2015 as long as that order stands.

The Civil Revision Petition therefore, stands dismissed. No costs.

However, in the facts of the present case, inasmuch as the petitioner submits that I.A. No. 496 of 2016 has been kept pending without passing any orders, the learned Principal Senior Civil Judge, Anantapuramu shall pass appropriate orders on merits as expeditiously as possible, within eight weeks from the date of receipt of a copy of this order.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

10th August 2018

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