

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.6973 of 2018

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/plaintiff, challenging the order, dated 02.11.2018, passed in I.A.No.285 of 2018 in O.S.No.148 of 2017, by the II Additional District Judge (FTC), Medak at Sangareddy, whereby, the petition filed by the respondent No.1 herein/defendant No.2 under Section 151 of CPC seeking police protection to implement the order passed in I.A.No.201 of 2017 in O.S.No.148 of 2017, was allowed.

2. Heard the learned counsel for both the sides and perused the record.

3. The learned counsel for the revision petitioner/plaintiff would contend that though I.A.No.201 of 2017 filed by the revision petitioner/plaintiff in the subject suit in O.S.No.148 of 2017 seeking temporary injunction was dismissed, the Court below was pleased to grant police protection in favour of the respondent No.1/defendant No.2, basing on the order, dated 21.03.2018, passed in I.A.No.201 of 2017 in O.S.No.148 of 2017. It is also contended that there is no substantial order to protect the interest of the respondent No.1/defendant No.2. The Court below is not justified in passing the impugned order and ultimately prayed to set aside the order under challenge and dismiss the subject I.A.No.285 of 2018.

4. On the other hand, the learned counsel for the respondent No.1/defendant No.2 supported the impugned order and submitted that there is nothing to interfere with the same.

5. Admittedly, there is no substantial order in favour of the respondent No.1/defendant No.2. The order, dated 21.03.2018, passed in I.A.No.201 of 2017 in O.S.No.148 of 2017 dismissing the petition filed by the revision petitioner/plaintiff seeking interim injunction would not entitle the respondent No.1/defendant No.2 for grant of police protection as sought for in the subject interlocutory application. Without there being any substantial order in favour of the respondent No.1/defendant No.2, the Court below is unjustified in passing the impugned order, dated 02.11.2018, granting police protection. The impugned order suffers from legal infirmities. Therefore, it is liable to be set aside.

6. Accordingly, the impugned order, dated 02.11.2018, passed in I.A.No.285 of 2018 in O.S.No.148 of 2017, by the II Additional District Judge (FTC), Medak at Sangareddy, is set aside. Consequently, I.A.No.285 of 2018 stands dismissed.

7. The Civil Revision Petition is allowed accordingly. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this CRP, shall stand closed.

Dr. SHAMEEM AKTHER, J

30th December, 2019
Bvv