



C.R.P.(PD).No.4540 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.4540 of 2024

E.Raji

... Petitioner

..Vs..

1.The Deputy Commissioner of Police,
55, Poonamallee – Avadi High Road,
TNHB Mig V Block, Avadi, Chennai-54.

2.The Inspector of Police – L&O,
T6, Avadi Police Station,
Nehru Bazar Rd, Nehru Bazaar, Avadi,
Chennai -54.

3.Shankar

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 17.11.2023 made in S.R.No.2501 of 2023 in O.S.No.18 of 2013 passed by the Principal District Munsif, Poonamallee, Tiruvallur District and allow the CRP.



C.R.P.(PD).No.4540 of 2024

For Petitioner : Mr.D.Sathyannarayanan
For M/s.SB and Partners

For R1 & R2 : Mr.T.Arun Kumar
Additional Government Pleader

ORDER

This Civil Revision Petitioner arises against the order passed by the learned Principal District Munsif, Poonamallee in S.R.2501 of 2023 in O.S.No.18 of 2013 dated 17.11.2023.

2. O.S.No.18 of 2013 is a suit for bare injunction. In the said suit, the civil revision petitioner obtained a decree on 18.06.2014. Thereafter, he filed E.P.No.52 of 2018 before the learned Principal District Munsif, Poonamallee alleging that the decree had been violated. The said Execution Petition came to be dismissed on 17.12.2021. Thereafter, the petitioner moved E.P.No.1 of 2022 seeking for the very same relief. That too, came to be dismissed.

3. The civil revision petitioner has not challenged the dismissal of the



C.R.P.(PD).No.4540 of 2024

Execution Petition by way of revision before this Court. Instead, he approached the very same Court, on the Original Side, this time, and filed an application seeking for police protection to implement the decree for permanent injunction in O.S.No.18 of 2013. The said petition was dismissed even in the SR stage. Hence, this Civil Revision Petition.

4. I heard Mr.D.Sathya Narayanan, for the civil revision petitioner and Mr.T.Arun Kumar for the respondents 1 and 2.

5. I should point out that once a suit is decreed, the remedy for the decree holder, in case, he feels that the decree has been violated, is to move an Execution Petition and seek for reliefs including police protection.

6. Pending a suit, if the Court grants an order of interim injunction and it has been violated in addition to the Order XXXIX Rule 3(a) of the Code of Civil Procedure, a party can always invoke Section 151 of the Code of Civil Procedure and seek for police protection see ***K.G.Gopal and Others vs. Lillybai by power of Attoreey Agent, A.C. Baktham (1991) 1 LW 559.***



C.R.P.(PD).No.4540 of 2024

However, the said remedy is not available, after the suit has been decreed.

The cause of action on the basis of which, the plaint was presented, merges with the decree and therefore, a Court cannot try the said proceedings all over again.

7. Being a decree for permanent injunction, there is no limitation for execution either. Every interference will give a new cause of action to file an Execution Petition. If during the course of Execution, the Court comes to a conclusion that there has been an obstruction, it is always open to the Executing Court, to grant police protection. However, it is not open to the petitioner, to seek for police protection on the Original Side, after the suit has been disposed of.

8. Mr.D.Sathya Narayana refers to a Judgment of this Court in ***P.Packianatham vs. The Superintendent of Police, Alagarkovil, Madurai and Others in Crl.O.P(MD).No.11665 of 2020 dated 03.08.2021***, to urge a point that the Court is always empowered to grant a relief of police protection, invoking Section 482 of the Code of Criminal Procedure. This



C.R.P.(PD).No.4540 of 2024

Judgment, I am afraid, does not assist the petitioner. I am dealing with a petition filed under Section 151 of CPC on the Original Side of the learned Principal District Munsif at Poonamallee, after the suit had been decreed. The learned Principal District Munsif does not have the power under Section 482 of Cr.P.C, and therefore, the question of applying the Judgment in the aforesaid verdict to the facts of the present case does not arise. If the petitioner feels that he has a remedy under Section 482 of Cr.P.C, it is for him to work out his remedy independently.

9. In the light of the above discussion, this Civil Revision Petition is dismissed. No costs.

25.11.2024

ssi

Index : Yes/No

Internet : Yes/No

Neutral Citation Case: Yes/No

V.LAKSHMINARAYANAN, J.



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C.R.P.(PD).No.4540 of 2024

ssi

C.R.P.(PD).No.4540 of 2024

25.11.2024