

**IN THE COURT OF THE ADDITIONAL JUNIOR CIVIL JUDGE ::
PENUKONDA**

**PRESENT: Smt K.M.ZAMRUTH BEGUM
ADDITIONAL JUNIOR CIVIL JUDGE,
PENUKONDA**

**MONDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY**

I.A.NO. 69 OF 2020

IN

O.S.NO. 264 OF 2018

BETWEEN:

Dudekula Fakriddin

...Petitioner/Plaintiff

AND

1. Mala Obulamma
2. Harijana Narasimhudu

...Respondents/Defendants

This petition is coming before me on 22.07.2020 for final hearing in the presence of **Sri B.Rahaman Basha**, Counsel for the Petitioner/Plaintiff and of **Sri D.Dayananda Reddy**, Counsel for the Respondents/Defendants, upon hearing both sides and upon considering the material available on record and having stood over for the matter for consideration, till this day, the Court deliver the following:

:: O R D E R ::

1. This is a petition filed by the Petitioner/Plaintiff against the Respondents/Defendants under Section 151 of Code of Civil Procedure, 1908 [hereinafter referred to as 'C.P.C., for the sake of brevity] to grant the necessary Police aid to the Petitioner/Plaintiff in respect of the Petition Schedule Property by directing the Station House Officer of Gorantla Police Station in the above matter in the interest of Justice.

2. CASE OF THE PETITIONER/PLAINTIFF, SUCCINCTLY:

The Petitioner/Plaintiff filed the main suit against the Respondents/Defendants for Perpetual Injunction in respect of the Petition Schedule Property. The Petitioner/Plaintiff also filed I.A.458 of 2018 for temporary injunction and on merits it was allowed and temporary injunction was granted on 17.06.2018 till disposal of the Suit and the same is in force. In spite of injunction order, the Respondents/Defendants have been causing troubles with the peaceful possession and enjoyment of the Petitioner. The Petitioner/Plaintiff have approached the Gorantla Police for implementation of Injunction Orders. The Petitioner/Plaintiff also made a complaint before the Station House Officer of Gorantla on number of occasions to give necessary Police-aid, but the Police bluntly refused his request and advised to get necessary orders from the Court since the case is civil nature. The Respondents/Defendants are rich and Powerful persons and they also have antisocial elements and causing interference with the Petition Schedule Property. Hence, this Petition.

3. CASE OF RESPONDENT No.1/DEFENDANT No.1, IN BRIEF:

The Respondent denied all the allegations mentioned in the Petition and submits the Petition Schedule Property was belongs to the father of Respondent No.1 by name Mala Obulesu @ Obanna and the Respondent No.1 alone is raising crops in the Petition Schedule Property. The Petitioner was hatched a plan to knock away the Petition Schedule Property and managed the Revenue Authorities and got assignment Patta for Petition Schedule Property by misguiding them and he has no physical Possession and enjoyment of the Petition Schedule Property. It is not safe to the Respondents to grant Police Protection on Temporary Injunction orders and it will cause injustice to the Respondent No.1. The Police Protection must consider only after Permanent Injunction and the Petitioner will mis-use Police Protections by managing them. The Petitioner/Plaintiff suppressed the real

facts and filed this Petition. Finally, the Respondents/Defendants prayed the Court to dismiss the Petition with costs.

4. No oral and documentary evidence is let in on either side.

5. Heard the learned Counsel appearing for Petitioner/Plaintiff and learned Counsel appearing for Respondents/Defendants through Video Conferencing.

6. Perused the material available on record.

7. Now the point germane for my determination is **“Whether the Petitioner/Plaintiff is entitled to the relief of Police-aid as prayed for” ?**

8. **P O I N T:**

8.1 It is an undisputed fact of record that the Petitioner/Plaintiff filed the main suit against the Respondents/Defendants for Perpetual Injunction and the suit is at the stage of framing of Issues. It is also an undisputed fact of record that the Petitioner/Plaintiff also filed I.A.No.458 of 2018 for temporary injunction, initially Status-quo was granted and on 17.06.2019 the temporary injunction was granted till disposal of the main Suit.

8.2 The learned Counsel for the Respondents/Defendants would contend that the Petitioner/Plaintiff has no physical Possession and enjoyment of the Petition Schedule Property and hatched a plan to knock away the Petition Schedule Property. The Petitioner/Plaintiff managed the Revenue Authorities and got assignment Patta for Petition Schedule Property and by suppressing the same, the Petitioner/Plaintiff filed this Petition only to knock away the Petition Schedule Property from the Respondents/Defendants under the guise of Police-aid.

8.3 The learned Counsel for Petitioner/Plaintiff would contend that the Respondents/Defendants have no right and have no record in respect of the Petition Schedule Property and they are trying to disturb Petitioner's Possession over the Petition Schedule Property. The Respondents/Defendants intentionally dis-obeying the Interim Injunction Orders and making hectic efforts to flout the Injunctions Orders.

8.4 There is no dispute as to legal proposition that the Police aid can be granted for implementation of injunction order of the Court. But mere self-serving statements or affidavit of a party is not sufficient to order for Police Protection. The violation or disobedience of order of Court should be proved applying the very high standard of proof. In this case, admittedly the Petition Schedule Property is the land. The affidavit of the Petitioners/Plaintiffs is silent as to whether they raised any crops and if raised whether they are at the stage of cutting. In the absence of any such contention, it cannot be said that the Petitioner/Plaintiff have raised crop and it is at the stage of yielding more particularly when the Respondents/Defendants are also claiming possession. Under these peculiar facts and circumstances of the case, this Court is of the considered opinion that it is not a fit case where Police-aid can be granted to implement the orders of the Court. Point is answered accordingly.

9. IN THE RESULT, this Petition is dismissed without costs.

Typed to my dictation by the Stenographer Grade III, corrected and pronounced by me in open Court on this the 27th day of July, 2020.

**ADDITIONAL JUNIOR CIVIL JUDGE
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APPENDIX OF EVIDENCE

:: NIL ::

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