

**IN THE COURT OF DISTRICT PRINCIPAL MUNSIF KANCHEEPURAM
KANCEEPURAM DISTRICT**

**PRESENT: TMT.R. Rajeswari,B.Com.,L.L.M.,
Principal District Munsif, Kanchipuram**

On Thursday, this the 2nd day of September 2021

IA.No.1 of 2020
In
O.S.No. 191 of 2016

Revaathy

...Petitioner/Plaintiff

/Versus/

Karunamoorthy

...Respondent/Defendant

This petition having coming up on 23.08.2021 for final hearing before me in the presence of Thiru.N.Raghavan, advocate for the petitioner and Thiru.C.Thanigaiarasu, advocate for the respondent and upon hearing the arguments of both sides and upon perusing the connected material records and having stood over till this day for consideration, this court delivers the following:

ORDER

1. This petition is filed under Section 151 of CPC to order directing the S.I. of Police, Magaral Police Station to give police protection to enforce the injunction order.
2. The case of the petitioner as stated in his affidavit is as follows:-

The petitioner submitted that the petitioner purchased the suit property on 08.06.2006 and from the date of purchase and the

petitioner is in possession and enjoyment of the suit property. The respondent is attempting to interfere with his peaceful possession and the petitioner have filed the suit and he filed interim application in IA 596/2016 and the IA was allowed on merits Interim injunction was granted till the disposal of the suit. The respondent had preferred appeal in CMA.No.11/2017 and the same was dismissed on 06.08..2019. After dismissal of CMA the respondent wantonly interfere with his peaceful possession and enjoyment of the suit property. The petitioner have given police complaint before the Magaral Police Station and Taluk Police station at Kanchipuram and the Inspector of police directed the petitioner to get police protection from the court. Hence this petition.

3. The respondent filed his counter and the gist of the same is as follows:-

The Respondent submitted that the respondent is in actual possession and enjoyment of the suit mentioned property continuously about 25 years and cultivating the rice crops and other crops in seasonal basis on it. The petitioner never is in actual possession and enjoyment of the suit property as stated in his affidavit even though she purchased the suit property on 08.06.2006 by manipulating the documents and neglected the legitimate share of this respondent in the suit schedule property. Further the patta of

the suit schedule property stands in the name of grandfather of this respondent namely Manickkam and she transferred the said patta in her favour in the year 2015. Hence respondent have gave petition to the District Collector, Kanchipuram to direct the VAO to charge the patta of the suit property in favour of this respondent and enquiry was done upon the petition and the Deputy Collector, Kanchipuram also gave a direction to the Tahsildar, Walajabad to cancel the patta stands in the name of this petitioner and issue to patta in favour of this respondent. During the pendency of the above case the Tahsildar, Walajabad also issued recommendation to RDO, Kanchipuram to cancel patta in the name of this petitioner and issue patta in favour of this respondent, because the suit schedule property is Adhi Thiravidar Welfare property. Hence this petitioner is no right to purchase and sell the suit schedule property. The respondent filed a suit in O.S.No.115/2009 on the file of Sub Court, Kanchipuram for partition and separate possession against his mother, brothers and sisters and the said suit was also decreed on 16.07.2018. In the above suit this respondent is entitled to 1/7 share in the suit schedule property. Hence this respondent having lawful right over the suit schedule property, the question of police protection not at all arises. There are no merits in this petition. Hence this petition may be dismissed.

4. The point for consideration in this petition is whether there are valid reasons to allow this petition or not?
5. No oral evidence and documents produced on both sides.

The Point:

6. After hearing the both sides arguments, this court has carefully perused the averments of affidavit of petitioner, counter filed by the respondent and entire case bundle, the petitioner/plaintiff filed the above suit for Permanent Injunction against the Respondent / defendant. During pendency of the above suit, the petitioner/plaintiff has filed this petition under Section 151 of CPC for seeking directing the S.I. of Police Magaral Police station to give Police protection to enforce the injunction order.
7. The petitioner filed application in IA.No.594/2016 and it was allowed on merits and interim injunction was granted till the disposal of the suit. The court is granting interim injunction only on the satisfaction of the prima facie case and the balance of convenience. When the Court is not apprised of the full situation, it would not be proper to pass an order granting police aid. If such orders are being passed, there is every possibility that the party to whom the interim

injunction was granted, armed with the order of police protection, might try to take advantage of the order and there is every possibility of dispossessing the person who is in actual possession. Hence this petition is liable to be dismissed at this stage.

8. In result, this petition is dismissed. No Costs.

Dictated to the steno-typist, who directly typed the same in my laptop, corrected and pronounced by me in open court, this the 2nd day of September 2021.

Sd/-R.Rajeswari
PRINCIPAL DISTRICT MUNSIF
KANCHEEPURAM