

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**THURSDAY, THE TWENTY THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE RENUKA YARA

CIVIL REVISION PETITION NO: 3321 OF 2024

Petition under Article 227 of the Constitution of India, aggrieved by the orders dated 4th September 2024, passed in IA No. 615 of 2024 in I.A. No. 607 of 2017 in OS No. 1814 of 2017, by the XX Junior Civil Judge, City Civil Court, at Hyderabad.

Between:

1. Kamal Prasad, died per LRs petitioners No. 2 to 6 herein.
2. Chandrakala, W/o Late Kamal Prasad, aged about 68 yrs, Occ. Housewife.
3. L. Sanjay Singh, S/o late Kamal Prasad, aged about 56 yrs, Occ. Business,
4. L. Sathis Kumar, S/o late Kamal Prasadi aged about 54 yrs, Occ. Business,
5. Sapna, D/o late Kamal Prasad, aged about 48 yrs, Occ. housewife,
6. Rachana, D/o late Kamal Prasad, aged about 46 yrs, Occ. Housewife,
(Petitioners No. 2 to 5 are R/o 14-10-294, Lower Dhoolpet, Hyderabad.)

...PETITIONERS

AND

Mahant Sanjay Das, S/o Late Kishan Das, aged about 45 yrs, Occ. Mahant,
R/o H.no. 14-9-615, Lower Dhoolpet, Jummeerat Bazar, Hyderabad.

...RESPONDENT

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings IN OS No. 1814 of 2017, pending on the file of the XX Junior Civil Judge, City Civil Court, at Hyderabad.

Counsel for the Petitioners: SRI. MOHAMMAD ADNAN

Counsel for the Respondent: SRI VEMPATI MALLIKARJUN SHASTRY

The Court made the following: ORDER

The Hon'ble Smt. Justice Renuka Yara

Civil Revision Petition No.3321 of 2024

Order:

The Civil Revision Petition is filed by the petitioners/LRs aggrieved by the order passed in I.A.No.615 of 2024 in I.A.No.607 of 2017 in O.S.No.1814 of 2017, dated 04.09.2024 by the XX Junior Civil Judge, City Civil Court, Hyderabad.

2. Heard Sri Mohd. Adnan, learned counsel for the revision petitioners/plaintiffs and Sri Vempati Mallikarjun Shastry, learned counsel for respondent/defendant.

3. Initially, the deceased petitioner No.1 filed suit in O.S.No.1814 of 2017 seeking perpetual injunction against the sole respondent with respect to the property consisting of open plot of land with small houses admeasuring 152 sq.yds., bearing MCH No.14-9-641 situated at Jumerat Bazar, Hyderabad. The case of the petitioners is that the deceased petitioner No.1 was the owner and possessor of the suit schedule property and out of said property, 25 sq.yds. was let out to third parties. When the tenants committed

default, suit for eviction has been filed and tenants failed to comply with the eviction orders. The petitioners filed writ petition and the same was allowed. When the respondent made an attempt to interfere with the possession of the deceased petitioner over the suit schedule property, a police complaint was sought to be given and when the same was refused, the suit for perpetual injunction was filed. In said suit, I.A.No.607 of 2017 was filed seeking temporary injunction. Said petition was allowed granting temporary injunction vide order dated 06.11.2023. Thereafter, I.A.No.615 of 2024 was filed seeking police aid for implementing the orders in I.A.No.607 of 2017. However, said I.A has been dismissed and therefore, the present revision is filed.

4. A perusal of impugned order shows that the petitioners herein are claiming to be in possession of the suit schedule property and the same is refuted by the respondent. The respondent claimed that there is no threat of dispossession by him. Having considered the rival contentions, the learned Trial Court held that there is no strong evidence to prove that the respondent is violating the order and that there is immediate risk of dispossession. Further observation is made

about giving police complaint and police not taking any action as the matter is civil in nature. The situation according to the learned Trial Court shows that there is no need of urgent police action, as such, dismissed the petition. Aggrieved by the same, the present revision is preferred on the ground that the learned Trial Court passed the impugned order overlooking the settled proposition of law that granting of police aid is not a favour to the petitioner but a bounden duty to implement the temporary injunction order in its true letter and spirit. As such, prayed that the impugned order be set aside.

5. The record shows that a suit in O.S.No.1814 of 2017 for perpetual injunction was filed along with I.A.No.607 of 2017 seeking temporary injunction. The learned Trial Court has allowed the petition seeking temporary injunction after hearing both parties and marking Exs.P1 to P4. Only when the Trial Court concluded that there is prima facie case, balance of convenience and irreparable loss, the temporary injunction was granted. Once temporary injunction was granted that too after considering merits of the case both the parties, it is bounden duty of the Court to implement the same in case of further

interference. The finding of the learned Trial Court that there was an occasion for the revision petitioners to approach the police for giving complaint against the attempts to dispossess them, that too during Court vacation, there is a need to grant police aid. The police when the revision petitioners approached directly have declined to take complaint on the ground that the dispute is civil in nature. If so, when the petitioners approached the Court for implementation of the temporary injunction order granted in I.A.No.607 of 2017, there is a need to grant the same.

6. The contentions of the learned counsel for respondent that temporary injunction was obtained in I.A.No.607 of 2017 by misleading the Court, that the petitioners are not in possession and that the respondents never tried to interfere with their possession and that there is no threat of dispossession are all contradicting the version presented by the revision petitioners herein. The very fact of the petitioners approaching the police shows that there is some event which warranted action on the part of the police to protect possession of the petitioners. When there is threat of violation of the temporary

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injunction granted by the Court, wherein, there is a situation of the parties approaching the police, the need for grant of police aid can be examined. As such, the impugned order is liable to be set aside.

7. Accordingly, the Civil Revision Petition is allowed setting aside the impugned order passed in I.A.No.615 of 2024 in I.A.No.607 of 2017 in O.S.No.1814 of 2017, dated 04.09.2024 by the XX Junior Civil Judge, City Civil Court, Hyderabad. Consequently, the said I.A.No.615 of 2024 is allowed. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

SD/- G.JYOTHI
ASSISTANT REGISTRAR

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//TRUE COPY//

SECTION OFFICER

To,

1. The XX Junior Civil Judge, City Civil Court, at Hyderabad.
2. One CC to SRI. MOHAMMAD ADNAN Advocate [OPUC]
3. One CC to SRI. VEMPATI MALLIKARJUN SHASTRY Advocate [OPUC]
4. Two CD Copies

TPK/PSL

hps

HIGH COURT

DATED:23/10/2025

ORDER

CRP.No.3321 of 2024



CIVIL REVISION PETITION IS ALLOWED

(6) *lpr*
19/11/25