

(2014) 11 AP CK 0084

In the Andhra Pradesh High Court

Case No : Civil Revision Petition No. 2919 of 2014

Bijiga Papa Rao

APPELLANT

Vs

Jonnalagadda Srinivasa Rao

RESPONDENT

Date of Decision : 07-11-2014

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 21 Rule 32, Order 39 Rule 1, Order 39 Rule 2, Order 39 Rule 2A, Order 39 Rule 2A
Constitution of India, 1950 — Article 226, 227
Penal Code, 1860 (IPC) — Section 34, 504, 506
Specific Relief Act, 1963 — Section 38

Citation : (2015) 2 ALD 171 : (2015) 2 ALT 63

Hon'ble Judges : Akula Venkata Sesha Sai, J

Bench : Single Bench

Advocate : P. Prabhakara Rao, Advocate for the Appellant; T. Sudhakar Reddy, Advocate for the Respondent

Judgement

Akula Venkata Sesha Sai, J.—The defendants in O.S. No. 103 of 2012 on the file of Court of Junior Civil Judge, Kodad, Nalgonda District are the petitioners in the present Revision filed under Article 227 of the Constitution of India.

2. This Civil Revision Petition assails the order dated 1.7.2014 passed by the said Court, allowing I.A. No.3 of 2014 filed by the plaintiff/respondent herein under Section 151 of Code of Civil Procedure (for short the Code) seeking police-aid for implementation of the injunction order dated 13.3.2013 granted in I.A. No.278 of 2012.

3. The facts and circumstances leading to the filing of the present Civil Revision Petition are as infra.

3.1 The respondent herein instituted suit O.S. No.103 of 2012 against the petitioners herein, seeking permanent injunction in respect of the plaint schedule agricultural land, admeasuring Ac.0.33 guntas situated in Sy.No.1073/A of Ananthagiri Revenue Village, Venkatrampuram Gram Panchayat limits of Kodad

Mandal, Nalgonda District. In the said suit, the respondent/plaintiff filed I.A. No.278 of 2012 under Order 39 Rules 1 and 2 read with Section 151 of the Code for interim injunction and the learned Judge allowed the said I.A. by way of order dated 13.3.2013, granting injunction. In the said injunction application, the plaintiff/respondent herein filed the present I.A. No.3 of 2014 under Section 151 of Code, seeking police-aid for implementation of the injunction order. The defendants/petitioners herein filed a counter, resisting the said application. The learned Junior Civil Judge, by way of order dated 1.7.2014, allowed the said I.A. No.3 of 2014, granting police-aid. The said order is under challenge in the present Revision.

4. Submissions/contentions of the learned counsel for the petitioners Sri P. Prabhakar Rao.

4.1 The order impugned is erroneous, contrary to law and opposed to the provisions of the Code.

4.2 The learned Judge Civil Judge grossly erred in giving police-aid as the facts and circumstances of the case do not warrant such an order.

4.3 Police-aid cannot be given for mere asking, unless the circumstances, warranting the same exist.

4.4 Since an alternative procedure is available under Order 39 Rule 2A of the Code, the present application is not maintainable under Section 151 of the Code.

4.5 In view of pendency of suit O.S. No.88 of 2013 on the file of the Court of the Senior Civil Judge, Suryapet for declaration and permanent injunction, the present application for police-aid for implementation of the injunction order cannot be entertained.

4.6 The learned Judge did not record any valid reasons for granting police-aid in favour of plaintiff/respondent herein.

4.7 There is no evidence on record adduced by the plaintiff to show the alleged interference by the petitioners herein, as such the learned Judge grossly erred in allowing the application.

In support of his submissions and contentions, the learned counsel for the petitioners places reliance on the judgments in Polavarapu Nagamani and others v. Parchuri Koteswara Rao and others and K.K. Velusamy v. N. Palanisamy.

5. Submissions/contentions of learned counsel for respondent Sri T. Sudhakar Reddy.

5.1 The order impugned is strictly in accordance with law and there is neither material irregularity nor illegality nor any infirmity in the impugned order, as such, the present revision is not maintainable under Article 227 of the Constitution of India.

5.2 The learned Junior Civil Judge is justified in granting police-aid for

implementation of the injunction order, against which no appeal has been filed by the petitioners herein.

5.3 Since the plaintiff laid sufficient foundation in support of his complaint, the petitioners herein cannot be permitted to contend that they are not interfering.

5.4 The contention of the learned counsel for the petitioners that the provisions of Section 151 of Code cannot be invoked is untenable in the facts and circumstances of the case.

In support of his case, the learned counsel for the respondent places reliance on the judgments in Sri-La-Sri Srvasubrainanyananda Swami v. Sri-La-Sri Arunachalasamy Chidambaram, Yarlagunta Bhaskara Rao and others v. Bommaji Danam and others, N.K. Leasing Constructions Ltd., Hyderabad v. Sugan Chand Sankla and another and Rayapati Audemma v. Pothineni Narasimham.

6. In the above background, now the issue which this Court is called upon to answer is whether the order under revision is in accordance with law and whether the same warrants any interference of this Court under Article 227 of the Constitution of India?

7. The material made available before this Court reveals that the learned Junior Civil Judge initially on 3.9.2012 granted ad-interim injunction in I.A. No.278 of 2012, restraining the respondents therein from interfering with the peaceful possession and enjoyment of the plaintiff/respondent herein over the schedule property. Subsequently, the learned Judge by way of order dated 13.3.2013, made the said order absolute and no appeal has been preferred against the said order and the said order is subsisting as on today. When that being the situation, the plaintiff filed the present I.A. No.3 of 2014 on 2.1.2014, under Section 151 of the Code, seeking police-aid for implementation of the said injunction order. As per the affidavit filed in support of the said I.A. No.3 of 2014, despite the existence of the order of injunction, the defendants/petitioners herein are obstructing his agricultural operations and also threatening the plaintiff and his family members with dire consequences and the plaintiff lodged a complaint with the police and the Police, Kodad registered the same as First Information report in Cr.No.297 of 2013 for the offences punishable under Sections 504, 506 read with Section 34 IPC and in spite of the same, the defendants are continuing their illegal activities.

8. The case of the defendants, on the other hand, is a total denial. A copy of the charge sheet filed by the police in C.C. No.658 of 2013 and the statements of L.Ws.2 and 3 S/Sri Kondapally John S/o Guravaiah and Kondapally Nagaiah S/o Muthaiah are placed on record by the learned counsel for the respondent-plaintiff. As per the same, on 17.10.2013 the defendants came to the land and threatened the plaintiff with dire consequences in the event of entering into the subject land. As per L.Ws.2 and 3, they are the farmers and witnessed the alleged incident. As per the petitioners, the above averments and allegations are not sufficient for granting police-aid. Therefore, these aspects are required to be

examined in the light of the principles laid down in the decisions cited by the learned Advocates.

9. In *Polavarapu Nagamani v. Parchuri Koteswara Rao* (1 *supra*), the Division Bench of this Court at paragraph 24 of the said judgment laid down the following guidelines for guidance of the Civil Courts.

24. Of late, this Court has noticed that the number of suits for injunctions (classified as title suits) in all the Courts is on increase. It is not without truth to say that more often than not frivolous suits of injunction are filed only to bring the Defendants around the Plaintiff's view and accept the some via-media arrangement to avoid long drawn, expensive and time consuming proceedings in the Courts, during which the Defendants would not be able to enjoy the property with peace. In all such cases, ordinarily, urgent motion is moved before the civil Court, an order of *ex parte* injunction is obtained and waiting for a period of fortnight or so, immediately application is moved under Section 151 of Code of Civil Procedure seeking police protection. Instances are not rare where Defendants are subjected to harassment after obtaining order of injunction. The Courts in India have repeatedly held that the police have no role in civil adjudication, and therefore, the Courts should be very very cautious and vigilant not to introduce police intervention in civil adjudication in indirect manner at the instance of a clever and resourceful Plaintiffs. In view of this, we direct all the civil Courts in the State of Andhra Pradesh to exercise abundant caution in dealing with interlocutory applications filed by the party obtaining an order of injunction seeking police protection. For the guidance of all the civil Courts, we hold and lay down as under.

(i) When the allegations are made by the party obtaining an order of injunction, that the said order has been violated, an application seeking police protection would not lie. The aggrieved party has to necessarily file execution petition under Order XXI Rule 32 or an application under Order XXXIX Rule 2A of Code of Civil Procedure seeking attachment and/or arrest of the violator for contempt of the Court.

(ii) When a petition is filed seeking police protection, whether or not to exercise of power under Section 94(e) or Section 151 of CPC, the facts alleged or pleaded. An order for police protection cannot be passed in a routine manner.

(iii) If an application is filed by the person obtaining ad interim injunction alleging that there is a threat of breach, disobedience or violation of the order of injunction, subject to proof, the Court has power to order police protection imposing necessary conditions not to interfere with the life and liberty rights of the opposite party.

(iv) The standard of proof required in the case of threat of disobedience of injunction or alleged breach, disobedience or violation of an order of injunction should be very high and it should be in between the standard of beyond reasonable doubt and a standard of balance on probabilities. Be it noted, as held

by Supreme Court in Chhotu Ram Vs. Urvashi Gulati and Another, and Anil Ratan Sarkar and Others Vs. Hirak Ghosh and Others, , in all cases of contempt the plea should be proved applying the very high standard of proof and not mere affidavits or self-serving statements of the party seeking the intervention of the Court.

10. In Gampala Anthaiah and others v. Kasarla Venkat Reddy, this Court by relying upon the decisions of the Apex Court in Meera Chauhan Vs. Harsh Bishnoi and Another, and P.R. Murlidharan and Others Vs. Swami Dharmananda Theertha Padar and Others, held the views expressed in Polavarapu Nagamani s case (1 supra) to the extent it held against maintainability of an application for police protection for violation of the injunction order as per incuriam. While holding so, this Court in the said judgment at paragraphs 22 to 25 held as under:

22. A Division Bench of this Court in Satyanarayana Tiwari Vs. S.H.O.P.S. Santhoshanagar, Hyderabad and Others, , had held that no authority in the State, Revenue or Police, can ignore the finding of the Civil Court or refuse to take steps to see that the order of the Civil Court is implemented and the party, in whose favour there is an order of the Civil Court should get all help to maintain the law and order and the other party cannot be allowed to contravene the injunction order and create law and order problem. No doubt, these observations were made in the context of the power of the High Court under Article 226 of the Constitution of India to issue a writ or direction to police to enforce the orders of the Civil Court to provide protection in furtherance of an order of injunction, but in my opinion, the said observations equally apply to a situation where a party approaches a Civil Court for police protection having obtained an interlocutory order for temporary injunction.

23. The High Courts of Bombay and Madras have also taken the view that police assistance may be granted for enforcing or for implementing orders of temporary injunction. In Smt. Nirabai J. Patil Vs. Narayan D. Patil, , the Bombay High Court held: If Civil Court which has passed the order of temporary injunction takes a view that there is no power vested in the Court to direct the police to grant assistance for enforcing or for implementation of the order of temporary injunction, the very purpose of granting order of temporary injunction may be trust rated in a given case. It is the duty of every police Officer to enforce the law of the land. The duties of police officers are reflected in Section 64 and Section 66 of the Bombay Police Act, 1951. In my opinion, the view taken by the learned Trial Judge that "There is no provision for police and for execution of interim order", is totally incorrect. The learned Judge failed to appreciate that he has a power under Section 151 of the said Code to pass the order directing that police help should be made available provided facts of the case warrant passing of such order.

8. As observed by this Court in the aforesaid judgment, the grant of police aid is an extreme step and therefore order for grant of police help or police assistance cannot be made unless the Court is fully convicted about the existence of grave

emergency such as apprehension of violence by the persons against whom the order has been passed. It is very difficult to give exhaustive list of circumstances in which the Court can exercise the said power. However, said power is to be exercised with caution and the said power can be exercised only after the Court is fully convinced of existence of grave situation warranting exercise of said power.

24. In *N. Karpagam, P. Ramayee, M. Natarajan and P. Murugaiyan Vs. P. Deivanaiammal @ Deivathal @ Deivathayee Ammal*, , Justice P. Sathasivam, (as His Lordship then was) also held that the Civil Court can give direction to the Police authorities to render aid to the aggrieved party with regard to implementation of the injunction order passed by the Court. His Lordship held:

"It is also relevant to refer the Division Bench decision of this Court reported in 1992 TLNJ 120 (cited supra), wherein after considering the relevant provisions relating to grant of injunction and Section 151 C.P.C. the Bench has concluded that, In view of the above position of law, it has to be held that in appropriate cases, directions under Section 151 of the Code can be issued by the Civil Courts to the police authorities to render aid to the aggrieved parties for the due and proper implementation of the order of temporary injunction or a decree for permanent injunction granted by the Civil Court. finally, Their Lordships have concluded that, In appropriate cases, the Civil Court has the power and is indeed under a duty, to issue suitable directions to police officials, as servants of law, to extend their aid and assistance in the execution of decrees and orders of the Civil Courts or implementing an order of injunction passed by it."

25. An order of temporary injunction has to be obeyed by the parties to it and when the plaintiff complains that the defendant is committing breach of the said order and seeks police protection, the Court is under an obligation to accord such protection. Unless this is done, the rule of law will not prevail and judicial orders would not be effectively implemented. Granting of such orders would uphold the dignity and effectiveness of the judiciary.

11. In *Sri-La-Sri Srvasubrainanyananda Swami v. Sri-La-Sri Arunachalasamy Chidambaram* (3 supra), the Madras High Court while referring to the judgments in *The Newabganj Sugar Mills Co. Ltd. and Others Vs. The Union of India (UOI) and Others*, , *Sujit Pal Vs. Prabir Kumar Sun and Others*, and the judgment of this Court in *Rayapati Audemma v. Pothineni Narasimham* (6 supra) held as follows:

"The position of law which emerges from the principles laid down by the decisions referred to above is this; Section 151 of the Civil Procedure Code confers power to make such orders as may be necessary for the ends of justice or to prevent abuse of process of court. Every court is constituted for the purpose of doing justice according to law and must be deemed to possess, as a necessary corollary, and as inherent in its very constitution, all such powers as may be necessary to do the right and to undo the wrong in the course of the

administration of justice. As pointed out by the Apex Court of the land in *The Newabganj Sugar Mills Co. Ltd. and Others Vs. The Union of India (UOI) and Others*, , the inherent power of the court has its roots, in necessity and its breath is coextensive with the necessity. Section 151 does not confer any powers, but only indicates that there is a power to make such orders as may be necessary for the ends of justice and to prevent the abuse of process of court. As observed by the Supreme Court in *Manohar Lal Chopra Vs. Rai Bahadur Rao Raja Seth Hiralal*, , the inherent power has not been conferred on the court; it is a power inherent in the court by virtue of its duty to do justice between the parties before it. As pointed out by the Supreme Court in *Padam Sen and Another Vs. The State of Uttar Pradesh*, , the inherent powers of the court are in addition to the powers specifically conferred on the court by the Code. They are complementary to those powers and therefore, it must be held that the court is free to exercise them for the purpose mentioned in Section 151 of the Code, when the exercise of those powers is not in any way in conflict with what has been expressly provided in the Code or against the intentions of the Legislature. The language of Section 151 of the Code is wide enough to clothe the civil courts with inherent powers to do the right and undo the wrong in the course of administration of justice."

We must bear in mind that when an order of temporary injunction is granted by the court under Order 39, Rule 1 of the Code or when a decree for permanent injunction is passed by the civil court, it involves the following three stages:

"The first stage is the issue of an order of temporary injunction or passing of a decree for permanent injunction. When a petition under Order 39, Rule 1 of the Code is filed by a party, the court being satisfied that the conditions prescribed under Order 39, Rule 1 of the Code are satisfied, may issue an order of temporary injunction in favour of the party, who has applied for the same. Similarly, the court after full trial of a suit and upon the merits of the case, may pass a decree for permanent injunction in favour of a party. There is specific provision in the Code namely Order 39, Rule 1 dealing with the grant of the order of temporary injunction. Section 38 of the Specific Relief Act deals with the circumstances under which a decree for perpetual injunction can be passed by the courts."

The second stage is the implementation of the order of temporary injunction or decree granting perpetual injunction. There is no specific provision under the Code dealing with the implementation of the order of temporary injunction or a decree for perpetual injunction.

The third stage is the punishment for disobedience of the order of injunction. Order 39, Rule 2-A of the Code deals with the consequences of disobedience or breach of injunction or other orders made under Order 39, Rule 1 of the Code. Order 21, Rule 32 of the Code says that where a party against whom a decree for injunction has been passed, has had an opportunity of obeying the decree but has wilfully failed to obey it, the decree for injunction may be enforced by his detention in civil prison or by the attachment of his property or by both. Thus,

the Code contains specific provision with regard to the grant of an order of temporary injunction and for punishing the party who disobeys the order of temporary injunction and the decree for perpetual injunction. However, there is no provision in the Code providing for the implementation of the order of temporary injunction or decree for perpetual injunction granted by the courts. When there is no specific provision of law which is sufficient to implement the order of temporary injunction or the decree for perpetual injunction granted by the court, we do not see why the provisions of Section 151 of the Code cannot be invoked for the said purpose to render justice or to redress the wrong, because, the courts should not only have the power to pass an order, but also should have the power to implement the said order. Therefore, when a party has obtained an order of temporary injunction from a court under Order 39, Rule 1 of the Code and the other party against whom the order of injunction is passed disobeys the same, the aggrieved party can certainly approach the court invoking the power of the court under Section 151 and pray for police aid for the enforcement of the order of temporary injunction. When it is brought to the notice of the court that the enforcement of the order of temporary injunction is sought to be prevented or obstructed, the court in exercise of the inherent powers under Section 151, can direct the police authorities to render all aid to the aggrieved party in the enforcement of the order of the injunction granted by the court in order to render complete justice. It must be remembered, by ordering police help to the party who has obtained an order of temporary injunction, the court merely takes the follow-up steps to implement its earlier order of injunction. In appropriate cases, where the court finds that a party who had secured an order of injunction from the court is not in a position to have its full benefit owing either to obstruction or non-co-operation of the other side, it is always open to the court to direct the police authorities to see that its order is obeyed. As observed by the Full Bench of this Court in *Century Flour Mills Ltd. Vs. S. Suppiah and Others*, , when there is a violation of an order of injunction granted by the civil court, or when something has been, done in disobedience of such an order of injunction, it is the duty of the court as a matter of judicial Policy to undo the wrong done in disobedience of the court's order and the power to enforce the order of injunction by ordering police aid is available under Section 151 of the Code.

In view of the above position of law, it has to be held that in appropriate cases, directions under Section 151 of the Civil Procedure Code can be issued by the civil courts to the police authorities to extend their aid and assistance in the execution of decrees and orders or to render aid to aggrieved parties for the due and proper implementation of the order of temporary injunction or a decree for permanent injunction granted by civil courts.

12. In *Ganuboina Venkateswara Rao v. Pakalapati Basavaiah and others*, this Court while referring to the earlier judgments of this Court in *P. Shanker Rao Vs. B. Susheela*, , *Neetha Chintawar and Another Vs. Bodugam Gopi*, , *Satyanarayana Tiwari Vs. S.H.O.P.S. Santhoshanagar, Hyderabad and Others*, and *Sangu Brahman and Others Vs. Station House Officer and Others*, , refused

to interfere with the order impugned giving police-aid.

13. In *Yarlagunta Bhaskara Rao v. Bommaji Danam* (4 supra), this Court at paragraphs 15 to 22 held as under:

15. So a party, who obtained temporary injunction orders, and is complaining of violation of such orders, may file not only an execution petition under Order XXI Rule 32 CPC or an application under Order XXXIX Rule 2-A of CPC seeking attachment and/or arrest of the violator for Contempt of Court, but also an application seeking police protection under Section 151 CPC from the Civil Court. With great respect to the Division Bench, I do not agree with it's view that if a party were to be allowed to seek police protection under Section 151 CPC to implement an interim injunction order granted in his favour, it would render Order XXXIX Rule 2A and Order XXI Rule 32 otiose.

16. Of course, even the Division Bench accepted that the relief of police protection may be granted in a situation where an application is filed by the person obtaining ad interim injunction alleging that there is a threat of breach, disobedience or violation of order of injunction, subject to proof. I also agree with the view of the Division Bench that when a petition is filed seeking police protection, such order cannot be passed in a routine manner and a high degree of proof is necessary.

17. As held by a Division Bench of this Court in *Satyanarayana Tiwari Vs. S.H.O.P.S. Santhoshanagar, Hyderabad and Others*, , no authority in the State, Revenue or Police, can ignore the finding of the Civil Court or refuse to take steps to see that the order of the Civil Court is implemented and the party, in whose favour there is an order of the Civil Court should get all help to maintain the law and order and the other party cannot be allowed to contravene the injunction order and create law and order problem. No doubt, these observations were made in the context of the power of the High Court under Article 226 of the Constitution of India to issue a writ or direction to police to enforce the orders of the Civil Court to provide protection in furtherance of an order of injunction, but in my opinion, the said observations equally apply to a situation where a party approaches a Civil Court for police protection having obtained an interlocutory order for temporary injunction.

18. In *Smt. Nirabai J. Patil Vs. Narayan D. Patil*, , the Bombay High Court held:

"If Civil Court which has passed the order of temporary injunction takes a view that there is no power vested in the Court to direct the police to grant assistance for enforcing or for implementation of the order of temporary injunction, the very purpose of granting order of temporary injunction may be trust rated in a given case. It is the duty of every police Officer to enforce the law of the land. The duties of police officers are reflected in Section 64 and Section 66 of the Bombay Police Act, 1951. In my opinion, the view taken by the learned Trial Judge that "There is no provision for police and for execution of interim order", is totally incorrect. The learned Judge failed to appreciate that he has a power under

Section 151 of the said Code to pass the order directing that police help should be made available provided facts of the case warrant passing of such order.

8. As observed by this Court in the aforesaid judgment, the grant of police aid is an extreme step and therefore order for grant of police help or police assistance cannot be made unless the Court is fully convinced about the existence of grave emergency such as apprehension of violence by the persons against whom the order has been passed. It is very difficult to give exhaustive list of circumstances in which the Court can exercise the said power. However, said power is to be exercised with caution and the said power can be exercised only after the Court is fully convinced of existence of grave situation warranting exercise of said power."

19. In *N. Karpagam, P. Ramayee, M. Natarajan and P. Murugaiyan Vs. P. Deivanaiammal @ Deivathal @ Deivathayee Ammal*, , Justice P. Sathasivam, (as His Lordship then was) also held that the Civil Court can give direction to the Police authorities to render aid to the aggrieved party with regard to implementation of the injunction order passed by the Court. His Lordship held:

"It is also relevant to refer the Division Bench decision of this Court reported in 1992 TLNJ 120 (cited supra), wherein after considering the relevant provisions relating to grant of injunction and Section 151 C.P.C. the Bench has concluded that, In view of the above position of law, it has to be held that in appropriate cases, directions under Section 151 of the Code can be issued by the Civil Courts to the police authorities to render aid to the aggrieved parties for the due and proper implementation of the order of temporary injunction or a decree for permanent injunction granted by the Civil Court. finally, Their Lordships have concluded that, In appropriate cases, the Civil Court has the power and is indeed under a duty, to issue suitable directions to police officials, as servants of law, to extend their aid and assistance in the execution of decrees and orders of the Civil Courts or implementing an order of injunction passed by it."

20. Applying the above principles, it has to be seen whether the Court below was correct in granting police aid to the respondents in I.A. No. 150/2011.

21. Admittedly, ad interim injunction orders were granted in favour of respondents on 09.04.2010 in I.A. No. 119 of 2010. Although a counter affidavit in that IA had been filed by petitioners herein in July, 2010, the said order had not been vacated.

22. I.A. No. 150 of 2011 was filed by respondents in August, 2011 alleging violation of the ad interim injunction orders. Admittedly, no counter-affidavit was filed by petitioners herein in I.A. No. 150 of 2011 in spite of several opportunities being given to them. So, the allegations made by the respondents against petitioners in I.A. No. 150 of 2011 stood uncontroverted. The respondents had even given police complaints which evoked no response from the police. Even though the order of injunction was passed in I.A. No. 119 of 2010 at an interlocutory stage, it was unambiguous and was in force for almost a year and

had not been vacated. Therefore, the Court below, after waiting till 03.09.2012 (almost one year after filing of the I.A. No. 150 of 2011), was right in treating that there is no counter on behalf of the petitioners in I.A. No. 150 of 2011, that the allegations made therein were not denied. It rightly allowed it, taking notice of the urgency expressed by the respondents and their submission of interference by the petitioners in violation of the injunction order granted by the Court. Therefore, no exception can be taken to the action of the Court below in allowing I.A. No. 150 of 2011.

14. In *N.K. Leasing Constructions Ltd., Hyderabad v. Sujan Chand Sankla* (5 *supra*), this Court at paragraphs 21 and 22 held as follows:

"21. For the purpose of the present case, it is sufficient to rely upon guideline Nos. 2 and 3, which enable a party to seek police aid, even in support of an order of ad interim injunction. According to them, the Civil Court can pass an order, granting police aid, if the circumstances warrant. The occasion to require the respondents to discharge the burden of proof in this regard is obviated, on account of the fact that though the petitioner was very much aware of the order of ad interim injunction, which in turn, was made absolute, it has not chosen to enter appearance or to seek vacation thereof.

22. The requirement to discharge the burden must be read in the context of the resistance offered by a respondent in an application filed for police protection. It is axiomatic that if the respondent in an application under Order XXXIX Rules 1 and 2 C.P.C. has not chosen to enter appearance and contest it, the doors of the Court cannot be shut to the petitioner to seek enforcement of the order of injunction; and permit the respondent therein to violate the same. The occasion to record evidence may arise after the respondent in such application enters appearance, and it would depend upon the nature of plea, he may take. The petitioner herein can enter appearance in the trial Court and pursue the remedies."

15. In *Rayapati Audemma v. Pothineni Narasimham* (6 *supra*), this Court, by relying upon the judgments of the Hon'ble Apex Court in *Padam Sen and Another Vs. The State of Uttar Pradesh*, and *Manohar Lal Chopra Vs. Rai Bahadur Rao Raja Seth Hiralal*, , held as under:

"In view of these clear observations of their Lordships with regard to the scope and ambit of the inherent powers of the court under Section 151, Civil P. C. we are clearly of the opinion that in order to do justice between the parties or to prevent the abuse of process of the court, the civil courts have ample jurisdiction to give directions to the police authorities to render aid to the aggrieved parties with regard to the implementation of the orders of Court or the exercise of the rights created under orders of court. That the police authorities owe a legal duty to the public to enforce the law is clear from a decision of the Court of Appeal, reported in *R. v. Metropolitan Police Commr.* (1968) 1 All ER 763, where Lord Denning, M. R. observed at page 769 as follows:

hold it to be the duty of the Commissioner of police, as it is of every chief constable to enforce the law of the land..... but in all these things he is not the servant of anyone, save of the law itself. The responsibility for law enforcement lies on him. He is answerable to the law and to the law alone."

The same view was expressed by the other learned Judges. We may also refer to the judgment of the Madras High Court, in A.S.V. Varadachariar Vs. The Commissioner of Police and Others where the learned Judge, Kailasam, J., after referring to the English case cited above held that the Commissioner of Police should proceed and act in accordance with the directions indicated in the aforesaid judgment.

9. If the police authorities are under a legal duty to enforce the law and the Public or the citizens are entitled to seek directions under Article 226 of the Constitution for discharge of such duties by the Police Authorities we feel that the civil courts can also give appropriate directions under Section 151 Civil P. C. to render aid to the aggrieved parties for the due and proper implementation of the orders of Court. It cannot be said that in such a case the exercise of the inherent power under Section 151, Civil P. C. is devoid of jurisdiction. There is no express provision in the Code prohibiting the exercise of such a power and the Court can give appropriate directions at the instance of the aggrieved parties to the police authorities to render its aid for enforcement of the Court's order in a lawful manner.

16. A perusal of the impugned order manifestly discloses that the learned Junior Civil Judge has considered all the aspects, including the pendency of criminal prosecution against the petitioners and the statements of L.Ws. recorded during the course of investigation and the aspect of absence of any appeal against the order of injunction dated 13.3.2013 granted in I.A. No.278 of 2012 and granted police-aid in favour of the respondent for implementation of the injunction order granted earlier which attained finality. The filing of suit O.S. No.88 of 2013 before the Court of learned Senior Civil Judge, Suryapet, for declaration and injunction in the absence of any order therein cannot be a ground for denying any relief in favour of the respondent.

17. It is required to be noted that the ultimate endeavour of the Courts should be in the direction of the upholding the majesty of the Courts and safeguarding the sanctity of the orders and decrees of the Courts from being invaded and flouted in the name of lame, feeble and unreasonable excuses and explanations and in the name of unsustainable technicalities. In the instant case, the petitioners herein, having suffered an order of injunction and having failed to assail the same, are attempting to take shelter in the guise of pendency of suit, O.S. No.88 of 2013, and in the considered view of this Court, the same is not tenable in the absence of any order in their favour. The efforts of the Courts should necessarily be in the direction of creating confidence in the people in the system and the same cannot be achieved without respect to the rule of finality. It is a settled law that unless the order under challenge suffers from jurisdictional

error and patent perversity, the jurisdiction of this Court under Article 227 of the Constitution of India is not available. Since the order under challenge, in the considered opinion of this Court, does not suffer either from any jurisdictional error or any perversity, this Court does not find any justification to meddle with the order impugned.

18. In the facts and circumstances of the case, the judgment in K.K. Velusamy v. N. Palanisamy (2 supra) would not render any assistance to the petitioners. In fact, in the said decision also, the Hon"ble Apex Court at paragraph 12 disapproved the contention that Section 151 of the Code cannot be used for reopening the evidence or recalling the witness. It would be very much evident from the above referred judgments that the police-aid can be granted in deserving and appropriate cases under Section 151 of the Code. This Court, on thorough analysis of the material available, is of the opinion that the Court below is justified in giving police-aid for implementation of the injunction order, which attained finality as long back as on 13.3.2013. In these circumstances, this Court has absolutely no sentilla of hesitation to hold that there are no merits in the present Civil Revision Petition.

19. For the aforesaid reasons, this Civil Revision Petition is dismissed, confirming the order under revision. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.