
(2014) 03 AP CK 0142

In the Andhra Pradesh High Court

Case No : Civil Revision Petition No. 696 of 2014

Boddu Penchalaiah

APPELLANT

Vs

Boddu Penchala Narsaiah

RESPONDENT

Date of Decision : 11-03-2014

Acts Referred:

Citation : (2014) 3 ALD 616 : (2015) 1 ALT 170

Hon'ble Judges : B. Chandra Kumar, J

Bench : Single Bench

Advocate : T.C. Krishnan, Advocate for the Appellant

Judgement

B. Chandra Kumar, J.—This revision is filed seeking to direct the lower Court to dispose of the petition in I.A. No. 550 of 2013 in I.A. No. 533 of 2013 in O.S. No. 220 of 2013 on the file of the Principal Junior Civil Judge, Gudur, which is filed for grant of police aid in implementing the ad-interim injunction granted in I.A. No. 533 of 2013, dated 18.11.2013. The revision petitioner herein is the plaintiff. He filed the suit for permanent injunction against the respondents. He also filed I.A. No. 533 of 2013 for grant of interim injunction. The lower Court granted interim injunction on 18.11.2013. According to the petitioner, the said orders were served on the respondents. It is alleged that on 22.11.2013 the respondents trespassed into the suit land disobeying the orders of injunction and carried away some portion of jawar crop. Then he presented report to the police. He also filed I.A. No. 550 of 2013 seeking police aid to implement the orders of the Court dated 18.11.2013. The main grievance of the petitioner is that the lower Court is not disposing of the said application for some reason or the other.

2. As seen from the docket orders passed by the lower Court in I.A. No. 550 of 2013, the said I.A. was filed on 22.11.2013. Urgent notice was ordered and case was posted to 09.12.2013. On 09.12.2013 as the Presiding Officer was on leave the matter was adjourned to 21.01.2014. On 21.01.2014 the case was posted to 11.02.2014 for counter. From 11.02.2014 the case was again posted to 17.02.2014 in spite of representing that there is urgency in the matter. From

17.02.2014 the matter was adjourned to 19.02.2014 and from 19.02.2014 it was adjourned to 25.02.2014. On 25.02.2014 the Presiding Officer was on leave, therefore again the matter was adjourned.

3. It is clear that the lower Court granted injunction order on 18.11.2013. When there is a complaint that the injunction order has been violated by the respondents by trespassing into the suit land, the Courts have to visualize the urgency in the matter. Every effort has to be made to see that such applications are dealt with expeditiously and willful disobedience should not be tolerated. Such kind of applications should not be dealt with casually and should not be adjourned to longer dates. If the injunction orders are violated without any due regard to the orders of the Court, there will be no respect to the Court orders, therefore necessary police aid should be given as and when the circumstances warrant. However, if any application for vacate injunction is pending then both such applications i.e., vacate petition, application alleging violation of injunction order and police aid petition should be disposed of simultaneously. As and when such grievances are expressed by the parties, the Courts have to dispose of the same urgently, preferably at least within 30 days from the date of filing of such application.

4. Accordingly, the C.R.P. is disposed of directing the Principal Junior Civil Judge, Gudur, to dispose of I.A. No. 550 of 2013 in I.A. No. 533 of 2013 in O.S. No. 220 of 2013 in accordance with law within a period of three weeks from the date of receipt of a copy of this order. However, in the circumstances, no costs. As a sequel, the miscellaneous petitions, if any, pending in this revision shall stand closed.